

State of Wisconsin\Government Accountability Board

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JUDGE TIMOTHY L. VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: January 11, 2013

TO: Clerk Workload Concerns Committee

FROM: David Buerger
Elections Specialist
Government Accountability Board

SUBJECT: SVRS Provider-Relier Relationship

Background

In October 2002, the federal government passed the Help America Vote Act of 2002 (HAVA). This legislation created new election administration requirements for all states and called for an upgrade of voting systems. Specifically, HAVA called for the creation of a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state.

Wisconsin's State Elections Board (now the Government Accountability Board) procured a commercial product from Accenture as Wisconsin's HAVA-compliant statewide voter registration system (SVRS). Accenture began development of the system in 2003. The first version of the SVRS was released for use in 2005. Due to technological and budgetary constraints for several Wisconsin municipalities, a system of SVRS providers and reliers was instituted. Municipalities that could not or would not be able to provide their own SVRS service signed Memorandums of Understanding (MOU) with their county or other municipalities to provide SVRS service on their behalf. The fee arrangements varied in cost and structure including per transaction, hour, or year with some providers providing services at no charge at all.

Since implementation, the SVRS has expanded to provide a range of technological solutions to both new federal and state statutory requirements. While these SVRS-based solutions may be more efficient than a manual solution, the total amount of effort required to administer an election has increased due to these additional requirements. However, providers have generally not renegotiated their MOUs to reflect the additional work they have had placed upon them. This has caused a strain in the provider-reliel relationship as staff costs are not being sufficiently recouped.

Analysis

The original conditions (lack of technology and financial resources) that made the existing provider-reliel system the only realistic option remain relatively true today. There remain several municipalities without access to the high-speed internet service necessary to be a self-provider and budgets continue to be strained due to decreasing state and local aid. However, according to data from the Wisconsin County Clerks Association survey, 88 municipalities have moved from being reliers to self-providers since the SVRS was first implemented versus only 8 which have moved from self-provider to reliel.

The G.A.B. also gets regular requests from relier clerks for SVRS training sessions so that they can become self-providers. While this trend is encouraging, there is no doubt that many municipalities will continue to be SVRS reliers for the foreseeable future.

Due to the part-time nature of the municipal clerk's office in many areas throughout the state and the rate of turnover in those offices, providers also offer additional stability by serving as a more reliable contact for the G.A.B. with the training and experience to handle SVRS tasks more efficiently.

While most of the additional requirements placed on providers are statutory in nature, there are some burdens placed on providers that can be addressed at the administrative level (e.g., WEDC survey questions). However, this memo is limited in scope to examining the provider-reliar relationship as it currently exists. This leaves two primary issues:

1. Renegotiation/Termination of SVRS Memorandums of Understanding (MOUs)

If costs continue to exceed revenues for Providers, one potential solution is to renegotiate these MOUs to increase the charges billed back to municipalities, limit the scope of service, or terminate the agreement. Each Provider will need to review their existing MOU with their corporation counsel to determine the terms and conditions of the existing MOU and what rights and responsibilities the parties to the agreement have.

While the G.A.B. cannot replace Corporation Counsel in advising Providers and Reliers on their existing agreements, G.A.B. can provide sample MOUs for municipalities and counties to adapt to their specific circumstances. These sample MOUs may help educate reliers on the range of tasks that SVRS service includes and assist providers in establishing clear expectations/deadlines for their reliers. These sample MOUs can also serve to educate providers and reliers on the various cost-structures that have been used along with their benefits/drawbacks. For example, it is the experience of some clerks that population-based cost structures are ineffective because the quality of a relier's materials can make a significant difference in the total time required.

Division of SVRS responsibilities in the MOU may also be an alternative solution. Relier municipalities who may not have the capacity to be full Self-Providers may have the capacity to handle some of the tasks required such as GAB-190 reporting or Ineligible Voter List production. The G.A.B. could also issue "view-only" credentials to Relier clerks so they could more easily assist their Provider with troubleshooting data-quality issues.

Finally, the G.A.B. can provide additional transition assistance for municipalities seeking to move from Relier to Self-Provider status.

2. Recruitment of Additional Providers

With a growing number of municipalities in Self-Provider status across the state, it may be possible for overburdened Providers to seek out Self-Providers in their counties who may have the ability to serve as a Provider for at least some of the Reliers in the county. This may reduce the burden on Providers, while possibly providing some Self-Provider municipalities the revenue they need to keep an SVRS-related position funded.

Conclusion

As SVRS is a complex software application that requires a high-speed internet connection, there will likely always be some municipalities that will be unable to provide their own SVRS service. The Provider-Relier structure was intended to address this problem by allowing for a mutually beneficial relationship. If this relationship is not in the best interests of both parties, it should be renegotiated so it is mutually beneficial or the relationship should be terminated so the Relier can seek a better result either as a Self-Provider or with another Provider. In either case, the G.A.B. can support clerks through the transition and continue to provide training and technical assistance as needed.

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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: January 11, 2013

TO: Clerk Workload Concerns Committee

FROM: Brian Bell
Election Data Manger
Government Accountability Board

SUBJECT: Wisconsin Election Data Collection System (WEDCS)

Background

WEDCS was developed using a grant from the United States Election Assistance Commission (USEAC), and launched in 2008. The primary purpose of WEDCS was to improve the election data collection process for clerks to meet Wisconsin and Federal statutory reporting requirements. WEDCS also provides an opportunity to compare data to SVRS, allowing clerks to reconcile voter data after elections. WEDCS provides an electronic alternative to the paper version of the GAB-190 form.

The G.A.B. uses the WEDCS data to validate information in SVRS and to collect data not available in SVRS, in order to complete the State and Federal reporting requirements on behalf of all 1,851 municipalities and 72 counties. For example, the GAB-190 for the 2012 Presidential and General Election contains 15 questions on three pages. Every question on the GAB-190 form helps complete a reporting requirement. G.A.B. staff will use that information and SVRS data to complete the USEAC Election Administration and Voting Survey (EAVS) for every municipality in Wisconsin. The EAVS contains 49 questions and is 30 pages long.

Beginning with the April 3, 2012 Presidential Preference and Spring Election, the G.A.B. began collecting election cost data from each municipality and county. The G.A.B. amended the GAB-190 form to include cost data. This was viewed at the time as the best available means of collecting the information. Cost data is reported as a section of the GAB-190 through WEDCS for statewide elections only.

Clerks' Concerns Shared with G.A.B. Staff

G.A.B. staff received some feedback from clerks over the past year regarding concerns about WEDCS. While this list is not all-inclusive, the intent is to highlight the most common issues shared with G.A.B. staff.

The first major concern is the timeframe for reporting GAB-190 data. Wis. Stats. §§ 6.275 and 6.276 require that election statistics are reported within 30 days of every statewide election. However, Wis. Stat. § 6.33(5)(a) allows for 45 days with a possible extension to 60 days after a general election to enter EDRs and record participation in SVRS, and 30 days for all other elections with no possible extension. These timelines are determined by statute and not G.A.B. policy.

Currently, municipalities report cost data at the same time as the election statistics. Some clerks have stated that they do not have complete cost data within 30 days of an election, and want to be able to

provide complete and accurate costs. Some have also suggested that some cost items should be reported for each election (e.g. pollworker wages), while other costs should be reported on a regular basis such as annually or semiannually (e.g. clerk and staff salary costs). Some have also raised concern about how to report costs for their salary and benefits and those of their staff, particularly whether or how to determine the percentage of their time spent on elections.

Another identified concern is the depth of the questions on the GAB-190 form. Some examples include the ages of pollworkers and the types of electronic voting equipment. Clerks have also shared concern about reporting information on the GAB-190 form that is also entered in SVRS, and the additional time required to complete the WEDCS reporting requirements.

Possible Solutions

Similar to the concerns listed above, this list of possible solutions is only intended to be a starting point for discussion, and is not a finite list of options for improving WEDCS. One possible way to improve the process is to seek a statutory change to the reporting timeline for general elections so that the deadlines for entering EDRs and participation in SVRS match the reporting timeline for WEDCS.

Another possible suggestion is to change the deadline for reporting cost information from 30 days to 60 days. The cost section of the report could also be separated into one report for each election, and another report to be completed annually.

The cost report for each election could contain costs for the following categories: **BALLOTS, PROGRAMMING VOTING EQUIPMENT, BALLOT BAGS/SECURITY SEALS, LOCAL ELECTION OFFICIAL WAGES** (pollworkers, chief inspectors, board of canvass members), **POLLING PLACE RENTAL, NOTICES, POLLING PLACE DOCUMENTS** (poll lists and other required documents), and **MISCELLANEOUS**.

The annual cost report could contain the following cost categories: **CLERK AND POLLWORKER TRAINING, PURCHASING MEMORY DEVICES, PURCHASING VOTING EQUIPMENT,** and **CLERK AND STAFF SALARY/BENEFITS**.

There have also been two major suggestions for improving the time required to enter data into WEDCS. The first suggestion is to provide an option for clerks to download a pre-formatted spreadsheet to enter the data for the entire municipality and then upload the data back into WEDCS, similar to an available option in the Canvass Reporting System (CRS), rather than entering each reporting unit individually and then entering the cost data.

The second suggestion for reducing the time required to enter WEDCS data is to allow municipalities that consistently enter data accurately into SVRS to automatically populate available information into SVRS. For example, if a clerk consistently had less than a once percent difference between information in SVRS and WEDCS for five consecutive elections, the G.A.B. could pre-fill their WEDCS data using the information entered in SVRS.

Conclusion

WEDCS provides several benefits to clerks: it reduces the reporting requirements; it helps to reconcile information in SVRS, it potentially reduces the cost of having to print, mail, and enter GAB-190 data and retain paper copies. Through continued discussion between clerks and G.A.B. staff we can improve WEDCS to create a better experience for clerks, more robust data quality, and continue to reduce financial and workload impacts.

ELECTION VOTING AND REGISTRATION STATISTICS REPORT

Date of Primary or Election: _____

Town Village City Municipality: _____ Reporting Unit: _____

Name of person completing form: _____ Phone number: _____



1. **Total Ballots.** How many ballots were cast?..... _____

2. **Total Electors.** How many electors voted in the election? _____

3. Were there more ballots cast than there were electors? **Yes** **No**
If "Yes," how many more? _____

4. **Absentee Electors.** How many ballots, excluding military, were:

a) Issued (total, including in-person)? _____

b) Issued in-person?..... _____

c) Sent but not returned?..... _____

d) Returned undeliverable?..... _____

e) Returned to be counted?

i. Received by Election Day? _____

ii. Received after Election Day, but by the Friday after the election? _____

f) Counted?..... _____

g) Rejected?..... _____

h) Late (Received after the Friday after the election)? _____

5. **Military Electors (official ballot).** How many ballots, excluding FWAB, were:

a) Total ballots issued? _____

b) Sent but not returned? _____

c) Returned undeliverable?..... _____

d) Returned to be counted?

i. Received by Election Day?..... _____

ii. Received after Election Day, but by the Friday after the election? _____

e) Counted?..... _____

f) Rejected? _____

g) Late (Received after the Friday after the election)? _____

6. **Overseas Electors (federal only official ballot).** How many ballots, excluding FWAB, were:

a) Total ballots issued? _____

b) Sent but not returned? _____

c) Returned undeliverable?..... _____

d) Returned to be counted?

i. Received by Election Day? _____

- ii. Received after Election Day, but by the Friday after the election?
- e) Counted?.....
- f) Rejected?.....
- g) Late (Received after the Friday after the election)?
- 7. **FWAB.** How many Federal Write-In Absentee Ballots were:
 - a) Received to be counted?.....
 - b) Counted?
 - c) Rejected?
 - d) Late (Received after the Friday after the election)?
- 8. **Registrants.** Total number of active voters as of October 17, 2012
- 9. **Late Registrants.** Number of voters registered October 18 – November 2, 2012
- 10. **Election-Day Registrants.** Number of voters registered on November 6, 2012
- 11. **Provisional Ballots.** How many ballots were:
 - a) Cast because:
 - i) Could not provide Wisconsin Driver’s License, State ID number.....
 - ii) First time voter, registered by mail and could not provide proof of residence.
 - b) Counted?
 - c) Rejected?

12. **Total number of votes cast on:**

Paper Ballots: _____ Optical Scan Ballots: _____
 DRE (Touchscreen): _____ AutoMARK: _____

13. **Ballots counted at:**

Polling place Polling place with Central Count Absentee Central Count

14. **Voting Equipment** (how many of each type of machine is used in this reporting unit):

Note: Required only if information has changed since previous report.

Optical Scan: _____
 Model: _____ Version: _____ Vendor: _____
 DRE (Touchscreen)/AutoMARK: _____
 Model: _____ Version: _____ Vendor: _____

15. **Election Inspectors**

- a) Total number of election inspectors?.....
- b) Does this polling place use split shifts? **Yes** **No**
- c) Difficulty of obtaining inspectors (circle one; 1=very difficult, 5=very easy): 1 2 3 4 5
- d) Number of election inspectors by age:
 - 16 to 17: _____ 18 to 25: _____ 26 to 40: _____ 41 to 60: _____ 61 to 70: _____ 71+: _____
- e) Name of polling place: _____
- f) Is this polling place shared by multiple reporting units? **Yes** **No**

COST OF ELECTIONS

Cost of Elections only need to be provided once **for each municipality** – not for each reporting unit.

INSTRUCTIONS: Please only include costs that occurred since your last GAB-190 form submission and up to 30 days following an election if the costs are related to the most recent election. If you are awaiting a bill or invoice for the final costs of election-related expenses, we suggest using the best information available prior to the 30-day deadline to submit the GAB-190 form. For example, you could use the cost provided on a bid or quote. You could also contact your vendor(s) to determine if the bid or quote is likely to change significantly. If a County Clerk pays for something up front but later bills or pro-rates that cost to municipalities, the County Clerk could provide municipalities with their best available information, or the Municipal Clerk could contact the County Clerk for these data. To enter cost data, click on the election from the menu on the left in WEDCS. The cost report will be at the top of the list of reports for counties. The cost report for municipalities will be after all reporting units for most municipalities. If your municipality is in multiple counties, the cost report will be after the last reporting unit in your “MAIN” jurisdiction.

Self-Providers & County Clerks: All Self-Providers and all County Clerks are asked to enter the Cost of Elections information directly into the WEDC System for their respective individual municipality or individual county.

Provider Clerks: All Provider Municipal and Provider County Clerks are asked to collect the information election costs from their relier municipalities via the GAB-190 form. Provider clerks are asked to enter this information into WEDCS on behalf of their respective Reliers.

Relier Clerks: In order to reduce additional burden on Municipal and County clerks who are Providers, the G.A.B. asks all municipal clerks who are reliers to fill out the information below and return the GAB-190 to their Provider so that these data can be entered into WEDCS.

- 1. **Clerk & Poll Worker Training** (training materials, wages, reimbursed mileage)... _____
- 2. **Ballots** (printing and delivering ballots, absentee ballot preparation/process/mail)... _____
- 3. **Memory Devices for Electronic Voting Equipment**..... _____
- 4. **Programming of Electronic Voting Equipment**..... _____
- 5. **Ballot Bags** (cost of purchasing ballot bags and security seals) _____
- 6. **Wages for Local Election Officials** _____
- 7. **Staff** (See GAB-190 Help Guide for instructions on how to calculate) _____
- 8. **Polling Place Rental** (costs billed for renting the facility)..... _____
- 9. **Notices** (Type A, B, C, D, and E Notices, other posters required by law) _____
- 10. **Polling Place Documents** (poll lists, ineligible voter lists, other required) _____
- 11. **MISC** (Please specify in the box below, attach additional pages as needed) _____

Statutory Authority to Request Information: Wis. Stat. § 5.05(14). “Information from County and Municipal Clerks.” The board may request information from county and municipal clerks relating to election administration, performance of electronic voting systems and voting machines, and use of paper ballots in elections. Local election officials are required to provide information requested under § 5.05 (14) to the Board upon request. Wis. Stats. § 7.10 (10), 7.15 (13)

COMPLETE BOTH SIDES AND ALL PAGES OF FORM – ENTER ONLINE IN WEDCS OR SEND TO PROVIDER FOR ENTRY PLEASE DO NOT SEND A PAPER COPY TO THE GOVERNMENT ACCOUNTABILITY BOARD

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JUDGE DAVID G. DEININGER
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: November 19, 2012

TO: Ross Hein Sharrie Hauge
Ann Oberle David Buerger
David Meyer Colleen Adams
Shane Falk Christopher Doffing

FROM: Nathaniel E. Robinson
Elections Division Administrator
Government Accountability Board

SUBJECT: Post 2012 General Election Voter Registration Four-Year Record Maintenance
Government Accountability Board Staff will Coordinate/Manage the Post 2012 Process

Director Kennedy has decided that once again, the Government Accountability Board staff will coordinate and manage the post 2012 Voter Registration Four-Year Record Maintenance Process similar to the procedure that was followed for the post 2010 General Election. Staff is authorized to proceed with implementing this initiative.

Background: Wisconsin statutes §§6.50 (1) and (2) mandate the inactivation of voters who have not voted within the past four years. These statutes further mandate that municipal clerks must periodically conduct an assessment of electors who have not voted within the past 4 years. Director Kennedy determined that the Board and its staff are in the best position to coordinate and manage this process to ensure consistency, uniformity, and that this data quality improvement effort gets done.

Use of Established Best Practices: This will be the third time that staff have coordinated the managed the Post 2012 General Election Voter Registration Four-Year Record Maintenance Process. Staff is expected to use and improve upon the established best practices that have emerged since the post 2008 audit. Staff is asked to do the following:

1. Determine the time (start year and date/end year and date) involved for the four-year period.
2. Determine a schedule/timeline for starting and completing this task, including the major tasks/milestones of what has to be done and when.
3. Determine the number of electors who have been qualified to vote for the past four years but have not.
4. Draft the mailing letter/notice intended to go to registered voters who have been qualified to vote for the past four years. The letter/notice should include information that notifies these voters that if they do not respond within 30 days, their registration will be inactivated -- not deleted -- from SVRS.
5. Explore updates to the My Vote WI website to facilitate the Four-Year Voter Record Maintenance process. Including but not limited to, providing information to voters of their voter registration status and how to update or continue their current registration.

6. Examine bulk postcard mailings that are returned as undeliverable, including voter verification postcards, and determine the impact on the Four-Year Voter Record Maintenance initiative.
7. Coordinate efforts with the agency's public information officer and elections voter service specialist to ensure our education and outreach efforts are reaching voters.
8. In accordance with statutory requirements, ensure that the required mailing will be sent to registered voters who have been qualified to vote for the past four years but who have not. Once the number of electors is identified, consult with the agency's Administrative Service's Chief Administrative Officer to determine the best available information on costs. The Government Accountability Board will pay for printing and postage for all postcards.

For Your Information: For the post 2010 Voter Registration Four-Year Record Maintenance Process, approximately 240, 226 voters were Notice of Suspension of Registration postcards. The costs were \$10,779.00 for printing and \$50,809.56 for postage; a total of \$61,589 dollars.

9. As necessary, update guidance the Post-Election Activities chapter for the Municipal Clerks' role and participation in this process to ensure that this chapter includes clear instructions for handling the Four-Year Voter Record Maintenance in SVRS. This chapter may be found at: http://gab.wi.gov/sites/default/files/publication/69/013_post_election_activities_2011_pdf_16801.pdf
10. Develop and schedule a Post-Election Activities education/training webinar series for clerks.

Delineate Role and Expectations of the Municipal Clerk: The Government Accountability Board will continue to coordinate, manage and support clerks for the four-year voter record maintenance. Clerks however, will be responsible for receiving the Notices of Suspension of Registration and making updates made to voter records in their municipality. Please address at least the following points in the information and guidance to clerks:

1. Municipal clerks will receive postcards returned by the post office and by voters wishing to remain on the registration list.
2. Municipal clerks that rely on their county or another municipality to provide SVRS services must collect the returned postcards and forward them to their SVRS provider periodically.
3. Clerks who work with SVRS will record the mailings as returned and update voter records as appropriate. SVRS Providers must return the original postcards to each municipal clerk after recording the postcards as returned in SVRS.
4. If a voter receives a Notice of Suspension and wishes to remain active, the municipal clerk, or the jurisdiction providing SVRS services for the municipality, must update the voter's status in SVRS. If 30 days pass without a response, the municipal clerk will be directed to inactivate these voter records.
5. For voters eligible for the Four-Year Voter Record Maintenance, G.A.B. staff will mark their status as "Active – Suspended (4 Years Notice)" in SVRS. These voters will remain on the poll lists through the scheduled 2013 February Spring Primary and the April General Election, and in all respects, function like any other active voter.

Leadership of this Voter Registration Four-Year Record Maintenance Task: Ann Oberle is the designated Team Lead. You are asked to initiate this process as soon as possible. You may call upon other G.A.B. staff members as necessary to complete this assignment. Please address any other tasks that are germane to conducting the Voter Registration Four-Year Record Maintenance.

Moving Forward: As you are aware, the agency is leading and providing staff support to a Taskforce on Clerk Concerns, which is examining the increased election administration workload. One of the concerns involves who (G.A.B. or the clerks) will conduct subsequent post-General Election Voter Registration Four-Year Voter Record Maintenance as we move forward. I ask you to work with David Buerger who leads the Clerks Concerns Taskforce, and the designated clerks, to develop a long-range proposal for consideration by the Taskforce.

As always, just let me know if you need additional information or assistance. Thank you.

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

2012 General Election Four-Year Voter Record Maintenance Timeline

1. **November 6, 2012:** General Election.
2. **December 4, 2012:** G.A.B. publishes to Clerk Communications:
 - a. The “Update on the 2010-2011 Four-Year Voter Record Maintenance” to the G.A.B. website. Clerks advised that the G.A.B will again be mailing the Four-Year Maintenance postcards but clerks will be processing the returned postcards.
 - b. The 2010 Four-Year Voter Record Maintenance schedule.
 - c. Instructions for Processing the Four-Year Voter Record Maintenance postcards.
3. **December 21, 2012:** Statutory deadline for municipalities to have completed entering voter registration and voting history from the General Election.
4. **January 7, 2013:** Statutory deadline for municipalities to have completed entering voter registration and voting history from the General Election, if extended by GAB Director & General Counsel.
5. **January 11, 2013:** Deadline for G.A.B. staff to approve updates to the Notice of Suspension Mailing and for G.A.B. staff to have the mail piece design approved by USPS.
6. **January 29, 2013:** Recall Primary City of La Crosse Aldermanic District 11
7. **February 1, 2013:** Generate an updated list of voters to whose records are to be updated to use for bid process.
8. **February 1, 2013:** Begin the bid process for printing
9. **February 4, 2013:** Statutory deadline for Notice of Suspension of Registration postcards to be mailed. (in this scenario G.A.B. ignores this deadline intentionally to avoid postcards going out during spring election cycle)
10. **February 19, 2013:** Spring Primary
11. **April 2, 2013:** 2012 Spring Election.
12. **May 2, 2013:** Statutory deadline for municipalities to have completed entering voter registration and voting history from the April 2nd election.
13. **March 25, 2013:** G.A.B. runs the Four-Year Voter Record Maintenance script in SVRS and generates Notice of Suspension of Registration mailings for voters

whose records were updated to the status reason of Active – Suspended (4 Years Notice).

14. **March 25, 2012:** Complete the bid process and purchase order and postcard printing begins.
15. **March 25, 2013 – April 15, 2013:** G.A.B. staff develops training materials and communication on the Four-Year Maintenance dashboard and updates to the My Vote Wisconsin website.
16. **April 15, 2013:** Notice of Suspension of Registration postcards to be mailed.
17. **May 15, 2013:** Deadline for voters to respond to the Notice of Suspension of Registration mailing.
18. **May 15, 2013 :** G.A.B. runs the batch process in SVRS to inactivate voters who did not respond to the Notice of Suspension of Registration postcard. Voters with a status of “Active – Suspended (4 Years Notice)” will be updated to a status of “Inactive – 4 Year Maintenance.”
19. **(ASAP after batch is run):** G.A.B. sends a notice to all municipal and county clerks that the Four-Year Maintenance is complete. The notice will also include instructions on the Four-Year Maintenance dashboard, My Vote updates.