

WISCONSIN ELECTIONS COMMISSION

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Sent by email to ElectionIntegrityStaff@ovp.eop.gov

July 28, 2017

Mr. Kris W. Kobach
Vice Chair
Presidential Advisory Commission on Election Integrity
Washington, DC

Dear Mr. Kobach:

As Chair of the bipartisan Wisconsin Elections Commission (WEC), which oversees the work of our agency staff, I am responding to your correspondence dated July 26, 2017 requesting that the State of Wisconsin provide publicly available data from its voter registration database to the Presidential Advisory Commission on Election Integrity (PACEI). The WEC's next meeting is scheduled for September 26, 2017, and the full Commission will publicly discuss all your requests for information at that time. I anticipate that the WEC will work with you and your fellow commissioners to the extent allowed by Wisconsin law. However, I wanted to provide you with a prompt preliminary response.

I am honored to report that Wisconsin state and local election officials along with many fellow citizens conducted a thorough statewide recount of the November 2016 Presidential Election in December 2016. We are confident that the results are accurate and do not contain any statistically significant number of votes cast by persons who were not eligible to vote.¹ We are proud of our open, honest and clean elections here in the Badger State.

The WEC maintains Wisconsin's voter registration database. Under Wisconsin law, certain limited data about Wisconsin voters is available for purchase from the WEC. The publicly available data includes the names, addresses and voter participation histories of individuals who are registered voters or have been registered voters at some point since 2005, as well as indicators that an individual is a military or permanent overseas voter.

Under Wisconsin law, the WEC must maintain the confidentiality of other voter data including birthdates, driver license numbers, and the last four digits of a Social Security number if it is included in the voter's record. The partial Social Security number data is limited to the relatively small number of voters who registered without providing a driver license or State ID number. A voter's request for an accommodation due to a disability and the name and address of confidential voters (who are victims of domestic or sexual abuse or assault) are also confidential data.

¹ For the November 8, 2016 Presidential Election, 79 potential incidents of voting by ineligible felons have been referred to local prosecutors for investigation and potential charges, which represents 0.00263 percent of the 3,004,051 votes cast. We do not have accurate statistics regarding how many, if any, of those referrals resulted in further investigation or prosecution.

Confidential data may be shared only with law enforcement agencies for law enforcement purposes and with agencies of other states for official purposes.

Because Wisconsin and many other states are unable to disclose non-public data necessary to accurately match voters within or across states, I can only point out that the data being collected by the PACEI cannot be used to effectively assess the accuracy of Wisconsin's or our great country's voter rolls. Through our experience in various data matching processes conducted by the WEC (and its predecessor entities), we know that even matching the first and last names as well as the birthdates of individuals in separate databases will likely result in numerous false positives. Because of the certainty of false positive matches when using limited databases, I hope and trust that you will not draw any conclusions about the extent of voter fraud in Wisconsin or nationwide from any analysis of the data being collected.

Twenty states, including Wisconsin, are members of the Electronic Registration Information Center (ERIC), which has an excellent track record of applying advanced data-matching techniques to its members' voter lists and other official data sources to help them maintain current and accurate voter rolls. I encourage the PACEI to consult with the experts at ERIC regarding the powers and limitations of list matching as well as the necessary steps to be taken to ensure that voter data is anonymized and securely maintained.

Your letter asked that a member of our staff contact PACEI staff regarding transfer of available voter data. However, before that can occur, Wisconsin Statutes and administrative rules establish a fee schedule for the publicly available data in the voter registration database based upon the number of voter records requested. The fee schedule is capped at \$12,500 for the entire statewide list. Accordingly, the PACEI may purchase voter data and obtain it electronically from the WEC through our BADGER Voters website at <https://gabapps.wi.gov/BADGERVoters/default.aspx>. Payment must be received before a data request is fulfilled.

Please feel free to request Wisconsin's publicly available voter data directly from the BADGER Voters website, or have your staff contact WEC Public Information Officer Reid Magney, who can facilitate the fulfillment of your data request, at 608-267-7887 or reid.magney@wi.gov. If you have other questions regarding this correspondence, please feel free to contact or call me by contacting Mr. Magney, who will provide you with a direct line to me.

The WEC will review and discuss all your additional questions at our September 26, 2017 meeting. Members of the PACEI and your staff are welcome to attend our meeting in Madison, Wisconsin, and we hope to see you in the Badger State. Forward, always Forward.

Sincerely,



Mark Thomsen
Chair
Wisconsin Elections Commission

Enclosures