

# NOTICE OF OPEN AND CLOSED MEETING

## Wisconsin Elections Commission

Regular Meeting  
Tuesday, January 11, 2022  
9:00 A.M.

*Due to the COVID-19 pandemic, this meeting is being held via video teleconference only. Members of the public and media may attend online or by telephone. Please visit <https://elections.wi.gov/index.php/node/7371> for login/call-in information. All public participants' phones/microphones will be muted during the meeting. Members of the public wishing to communicate to the Commissioners should email [electioncomments@wi.gov](mailto:electioncomments@wi.gov) with "Message to Commissioners" in the subject line.*

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### AGENDA

- A. Call to Order**
- B. Administrator's Report of Appropriate Meeting Notice**
- C. Ballot Access Challenges and Issues (*if necessary*)**
  - 1. Staff Presentation on Challenge or Ballot Access Issue**
  - 2. Challenger Presentation**
  - 3. Candidate Response**
  - 4. Commission Action**
- D. Ballot Access Report and Certification of Candidates for the 2022 Spring Election**
- E. Approval of December 1, 2021 Meeting Minutes** 3
- F. Approval of 2022 Polling Place Accessibility Program** 20
- G. ERIC Movers for 2022** 23
- H. .gov Email Address Grant Program** 29
- I. Staff Update** 37
- J. Public Records Requests**
  - a. Discussion and Approval of Policy Update**
  - b. Discussion of Legislative Data Request**

# NOTICE OF OPEN AND CLOSED MEETING

## **K. Administrative Rules Update**

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### **a. Review and Approval of Draft Scope Statements**

## **L. Closed Session**

### **1. Approval of December 1, 2021 Meeting Minutes**

### **2. Litigation Updates**

### **3. ERIC Cross-State Referrals**

*§19.85(1)(g) – The Commission may confer in closed session with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.*

*§19.851 – The Commission’s deliberations concerning an investigation of any violation of the law under the jurisdiction of the Commission shall be in closed session.*

## **M. Adjourn**



# Wisconsin Elections Commission

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## Wisconsin Elections Commission

### Regular Quarterly Meeting

212 E. Washington Avenue, Third Floor  
Madison, Wisconsin  
8:00 a.m. December 1, 2021

### Open Session Minutes

**Present:** Commissioner Ann Jacobs, Commissioner Marge Bostelmann, Commissioner Julie Glancey, Commissioner Dean Knudson, and Commissioner Robert Spindell Jr., all by teleconference.

**Staff present:** Meagan Wolfe, Richard Rydecki, Sharrie Hauge, Robert Kehoe, Nathan Judnic, Jim Witecha, Riley Vetterkind, John Smalley, Brandon Hunzicker, Riley Willman, and Jacob Walters, all by teleconference

#### **A. Call to Order**

Commission Chair Ann Jacobs called the meeting to order at 8:01 a.m. and called the roll. All Commissioners were present, save for Commissioner Thomsen.

#### **B. Administrator's Report of Appropriate Meeting Notice**

Administrator Meagan Wolfe informed the Commission that proper notice was given for the meeting.

#### **C. Public Comment**

**Barbara Beckert** with the Wisconsin Disability Vote Coalition appeared and shared recommendations for removing barriers to vote for people with disabilities.

**Jenney Neugart** appeared on behalf of the Wisconsin Board for people with Developmental Disabilities and advocated for mandatory poll worker competence training, drop boxes, absentee voting, and made other recommendations.

**Denise Jess**, Executive Director of the Wisconsin Counsel for the Blind and Visually Impaired, appeared and noted that the LAB report showed the 2020 election was safe, secure, and accurate. She also provided recommendations for how to improve the elections in Wisconsin with respect to the blind and visually impaired.

**Matt Rothschild**, Executive Director of the Wisconsin Democracy Campaign, appeared and stated that the LAB report on election administration showed that the 2020 election was secure and accurate. He

*Wisconsin Elections Commissioners*

Ann Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

Administrator  
Meagan Wolfe

also added that he feels the LAB did a disservice to the WEC by not providing them an opportunity to view the report in advance and provide input.

**Eileen Newcomer**, Voter Education Manager for the League of Women Voters of Wisconsin, appeared and highlighted that the LAB report showed the elections of 2020 were conducted well. She also communicated several areas where she feels improvement can be made, such as ensuring consistency in poll worker training.

**Michael Haas** appeared and provided “big picture” observations with respect to the LAB audit. He claimed it did not live up to the LAB’s reputation of unbiased and accurate analysis, that election officials don’t deserve the harassment they’ve been subject to, and that the hyper partisan politics needs to stop.

**Anjali Bhasin**, Civic Engagement Director for Wisconsin Conservation Voters, appeared and stated that the LAB report showed that the 2020 election was safe, secure, and accurate. She also advocated for automatic voter registration and for education around what IDs are appropriate for voting.

**Jay Heck**, Executive Director of Common Cause, appeared and stated that the LAB report showed that the 2020 election was safe, secure, and accurate, and that unfortunately it’s been wielded to do harm to our democracy. He also encouraged that Wisconsin do what’s known as risk limiting audits.

**Rabbi Bonnie Margolis**, Executive Director of Wisconsin Faith Voices for Justice, appeared and stated that the LAB report showed that the 2020 election was safe, secure, and accurate. She also advocated for drop boxes and commented that it’s abhorrent that election officials are facing harassment and death threats.

**Anita Johnson**, Outreach and Training Specialist for Souls to the Polls, appeared and shared concerns around the 60-day validity period for those who receive a temporary ID through the Identification Card Petition Process. She pointed out that the validity period used to be 120 days, and that this length of time was better for those who might use that ID to vote.

**Andy Thain**, of Clark County, appeared and spoke to the barriers and challenges that people with disabilities face when trying to cast a ballot, and stated that the laws around indefinitely confined voters need to be clarified.

**George Zaske** appeared and voiced his sentiments that voting should be made easier, not harder. He also encouraged working with the disabled and ensuring that accommodations are available for those individuals, in addition to expanding the Special Voting Deputy program.

Commissioner Spindell followed with questions.

**Sydney Badeau** appeared and stated that she’s a person with a disability that benefits substantially from calendar year absentee ballot requests. She also advocated for absentee ballot drop boxes and accessibility accommodations at polls.

Chairwoman Jacobs reviewed the schedule of events for the day and what she envisions as far as breaks and timeframes for things are concerned.

**POINT OF ORDER:** The WEC has not been following Wis. Stat. § 15.06(5) as the Chair has been preventing a majority of its members from calling a meeting.

Raised by Commissioner Knudson.

At 8:54 a.m. Commissioner Glancey lost connection.

Commissioner Glancey returned at 9:01 a.m.

## **D. Minutes of Previous Meetings**

Riley Willman was no longer in attendance.

Chairwoman Jacobs stated that before the Commission is the approval of the October 20<sup>th</sup>, October 28<sup>th</sup>, and the November 3<sup>rd</sup> open session meeting minutes from 2021.

**MOTION:** To approve the October 20, 2021; the October 28, 2021; and the November 3, 2021 open session meeting minutes.

Moved by Commissioner Bostelmann. Seconded by Commissioner Knudson.

During the first attempt at a roll call vote, it was discovered that Commissioner Glancey lost connection once more. WEC staff commented that they were working to get her back in the meeting.

Commissioner Glancey was present once again at 9:10 a.m.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

## **E. Review/Approval of Spring 2022 Ballot Templates**

Election Administration Specialist Cody Davies appeared and presented to the Commission the ballot templates for the 2022 Spring Primary and Spring Election. He pointed out that these are the templates that counties, equipment vendors, and ballot printers use and when they are constructing ballots for upcoming elections.

Commissioner Spindell followed with questions.

**MOTION:** The Commission approves the ballot design presented by staff and directs staff to utilize the ballot design for the 2022 Spring Primary and Spring Election.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

Discussion.

Roll call vote: Bostelmann: Aye    Glancey:    Aye  
                  Jacobs:        Aye    Spindell:    Aye  
                  Knudson:    Aye    Thomsen:    Aye

Motion carried 6-0.

## **F. Website Redesign Updates and Commission Approval of Changes**

IT Project Manager Sara Linski appeared and provided an overview of where matters stand with respect to the WEC website redesign. She explained that the website redesign is currently at the end of its discovery phase and that permission is needed from the Commission in order to move to the building phase.

Discussion.

**MOTION:** The Wisconsin Elections Commission approves the purchase of design and development services for WEC’s elections.wi.gov website at a total cost not to exceed \$190,000.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann: Aye    Glancey:    Aye  
                  Jacobs:        Aye    Spindell:    Aye  
                  Knudson:    No    Thomsen:    Aye

Motion carried 5-1.

## **G. Consideration and Scheduling of 2022 Commission Meetings**

Chairwoman Jacobs stated that the Commission will need to schedule its quarterly meetings for 2022. She also mentioned that the June 10, 2022 ballot access meeting is a fixed date and cannot be moved, and that Commissioners should plan for that to be an all-day meeting.

Discussion.

**MOTION:** The WEC adopts the following meeting schedule for 2022:

March 9, 2022  
June 10, 2022  
June 22, 2022  
September 21, 2022  
November 30, 2022

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Roll call vote: Bostelmann: Aye    Glancey:    Aye  
                  Jacobs:        Aye    Spindell:    Aye  
                  Knudson:    Aye    Thomsen:    Aye

Motion carried 6-0.

## H. Discussion/Action on the Legislative Audit Bureau's October 2021 Report on Elections Administration (Report 21-19)

The Commission reconvened at 9:54 a.m.

Chairwoman Jacobs began by noting that the recommendations from the LAB's report on elections administration are not being considered in numerical order and explained the rationale behind that arrangement. Administrator Wolfe expanded on that rationale and went over the materials that the Commissioners had been sent. She also noted that the LAB has not gotten back to WEC staff as to whether they would accept factual corrections to the report and whether the Commission's response letter would be included in the final report as well.

Administrator Wolfe began by presenting LAB recommendation #1 concerning updates to administrative rule EL 12 in light of statutory changes made to municipal clerk training terms. LAB recommendation #1 also suggests having the name of the statewide voter registration system, WisVote, reflected in the administrative rule as well.

Discussion.

**MOTION:** To promulgate a rule to correct the municipal clerk training term in administrative rule EL 12 to make it coordinate with the statute, and to add one sentence to EL 12 that says, "The statewide voter registration system is called 'WisVote.'"

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

Commissioner Knudson opted to split his motion. Commissioner Spindell agreed.

**MOTION #1:** To create a scope statement to amend EL 12 to comport with the applicable statute on clerk training dates.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

**MOTION #2:** To add a line to administrative rule EL 12 that states that the statewide voter registration system is called "WisVote."

Discussion.

**AMENDED MOTION:** Direct staff to draft a scope statement to add a line to EL 12 that the statewide voter registration system is named "WisVote," and that the name of the system may change in the future.

Motion amended collectively by Commissioners. Accepted by Commissioner Knudson and Commissioner Spindell.

Discussion.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendations #2 and #3 related to communication protocols for when clerks do not report sufficient training.

Discussion.

**MOTION:** Staff is directed to create a scope statement that all municipalities must provide the WEC with their official mailing address for purposes of receiving notice that the clerk has not completed training.

Moved by Commissioner Knudson. Seconded by Commissioner Thomsen.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

**MOTION:** Staff is directed to send by First Class mail within, 30 days of the end of the clerk training period, notice to the official address, as may be determined by Commission staff, notifying the top elected official of a particular municipality that their clerk has not completed training.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendation #4 regarding specification of training content for special voting deputies and election inspectors.

Discussion.

**MOTION:** To update the scope statement as originally drafted and bring it back to the Commission for review.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendations #5 & #6 pertaining to the renewal of a data sharing agreement with the Department of Transportation and in the inclusion of a mechanism to keep said agreement up to date. She noted that this agreement, as required by Wis. Stat. § 85.61, was in effect at the time of the November 2020 General Election, that this agreement expired in January of 2021, and that the WEC is currently working to finalize an updated agreement.

Discussion.

**MOTION:** Staff is directed to continue working with DOT to update this agreement; that all provisions of the former agreement remain in place while it is being updated; and that the final agreement should include a mechanism for keeping the agreement renewed by July of every four years following the presidential election.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

Discussion.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendation #26 related to the promulgation of administrative rules concerning electronic voting equipment and software security.

**MOTION:** Staff is directed to redraft and update the original scope statement from 2017.

Moved by Commissioner Thomsen. Seconded by Commissioner Spindell.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendation #28 regarding error calculations for each type of voting equipment used in each General Election.

Discussion.

**MOTION:** Staff is directed to draft a scope statement as to Wis. Stat. § 7.08(6) and an accompanying memorandum.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

The Commission recessed at 12:12 p.m.

The Commission reconvened at 12:48 p.m.

Administrator Wolfe presented LAB recommendation #7, which asks that the WEC work with the Department of Transportation to, “obtain the electronic signatures of individuals who register online to vote, or to request that the Legislature modify the statutory requirement that the Wisconsin Elections Commission obtain [signatures].”

Discussion.

**MOTION:** The WEC finds that it has fully complied with Wis. Stat. § 6.30(5) through its data sharing agreement with the Department of Transportation, which allows WEC’s immediate access to those signatures.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

Discussion.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendation #13 related to the establishment of a schedule for regularly obtaining each type of data available from the Electronic Registration Information Center (ERIC). She noted that the LAB’s report depicts WEC as having missed many opportunities to obtain data and that this representation is false.

Discussion.

**MOTION:** Staff is directed to create a calendar for public access of that annual schedule and cycle of receipt of ERIC data. The WEC has been receiving all available ERIC data and has been using it in accordance with state statute. The WEC is fully compliant with its ERIC agreement.

Discussion.

Commissioner Thomsen called the question.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendation #14 concerning absentee ballot certificate envelopes and the field where the absentee ballot witness prints their name.

Discussion.

**MOTION:** To add ballot envelope redesign as an item to a future meeting's agenda.

Moved by Commissioner Knudson. Seconded by Commissioner Jacobs.

**FRIENDLY AMENDMENT:** That a space for the witness to provide their printed name be included in the ballot envelope redesign.

Proposed by Commissioner Spindell. Not accepted by Commissioner Jacobs.

Discussion.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

**MOTION:** That space be made available for the printing of the witness' name on the proposed absentee ballot envelope redesign

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

**FRIENDLY AMENDMENT:** That consideration will be given to where space will be provided for the printing of the absentee ballot witness' name.

Proposed by Commissioner Thomsen. Not accepted by Commissioner Spindell.

Discussion.

Roll call vote:	Bostelmann:	Aye	Glancey:	No
	Jacobs:	No	Spindell:	Aye
	Knudson:	Aye	Thomsen:	No

Motion failed 3-3.

Administrator Wolfe presented LAB recommendations #19 and #20 regarding the permissibility of clerks and board of canvass members to adjourn prior to completion of the canvass, and that a rule should be promulgated to that effect.

Discussion.

**MOTION:** To remove the sentence, “Under unforeseen circumstances, if one of the previous deadlines is missed then all efforts need to be made to both count all eligible ballots accurately and to meet the ultimate deadline of state certification on December 1<sup>st</sup>,” from the October 22, 2020 memorandum concerning premature adjournment.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

Discussion.

Roll call vote: Bostelmann:	Aye	Glancey:	No
Jacobs:	No	Spindell:	Aye
Knudson:	Aye	Thomsen:	No

Motion failed 3-3.

Discussion.

**MOTION:** The WEC finds that the law does not permit us to promulgate a rule to adjourn ballot counting.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

Discussion.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendations #21 and #22 pertaining to the relocation of polling places in natural disasters and public emergencies, and the issuance of a memorandum by the WEC on the subject in March of 2020 that was specific to the April 2020 election.

**MOTION:** The WEC finds that this recommendation is moot as the guidance was only applicable to the April 2020 election.

Moved by Commissioner Spindell. Seconded by Commissioner Glancey.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

**MOTION:** To add a note on the guidance in some fashion that says this was only applicable to the April 2020 election, as confirmed by the vote of the Commission on December 1, 2021.

Moved by Commissioner Knudson. Seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

**MOTION:** Staff is directed to begin drafting a scope statement on accounting for future pandemics, natural disasters, and similar catastrophic events that impact polling place locations or necessitate last-minute changes.

Moved by Commissioner Knudson. Seconded by Commissioner Jacobs.

Discussion.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendation #8, which asks that the WEC compare driver's license and identification card numbers nightly to identify duplicate numbers.

Discussion.

**MOTION:** The WEC has added the LAB's recommendation of a crosscheck with driver's license and ID numbers, in addition to the data fields already checked nightly, to identify duplicate voter registration records.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

Discussion.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

The Commission recessed at 3:11 p.m.

The Commission reconvened at 3:30 p.m.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendations #9 & #10 pertaining to the renewal of a data sharing agreement with the Wisconsin Department of Health Services and in the inclusion of a mechanism to keep said agreement up to date.

Discussion.

**MOTION:** Although not statutorily required, the WEC is already working to execute a data sharing agreement with DHS and updating the current data sharing agreement with DOC and will ensure that they are reviewed and renewed as needed.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

Discussion.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Discussion.

Chairwoman Jacobs excused herself to let her dog out. The Commission recessed briefly until she returned shortly thereafter.

Discussion.

Administrator Wolfe presented LAB recommendation #15 related to augmenting existing training or providing new training regarding the requirement that clerks initial absentee certificate envelopes when issuing ballots during in-person absentee voting.

Discussion.

**MOTION:** The WEC will provide additional training on the requirement to initial absentee ballot certificate envelopes, ballot processing, pre-election tests of electronic voting equipment, and reviewing of election day forms.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

Roll call vote: Bostelmann: Aye    Glancey:    Aye  
                  Jacobs:        Aye    Spindell:    Aye  
                  Knudson:    Aye    Thomsen:    Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendation #27 which states that the WEC should ensure equipment vendors provide additional training to municipal clerks on ensuring that ballots are counted accurately when paper jams occur in electronic voting equipment.

Discussion.

**MOTION:** The WEC will bring the LAB's concern to the attention of the vendors emphasizing the importance of training on resolving paper jams.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

Discussion.

Roll call vote: Bostelmann: Aye    Glancey:    Aye  
                  Jacobs:        Aye    Spindell:    Aye  
                  Knudson:    Aye    Thomsen:    Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendation #16 related to the promulgation of an administrative rule regarding guidance issued by the Commission in 2016 concerning municipal clerks' ability to correct or add missing witness information on returned absentee ballot certificate envelopes.

**MOTION:** To promulgate a rule.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

Discussion.

**FRIENDLY AMENDMENT:** This rule will be identical to the WEC's current guidance to clerks that it is permissible for them to add a missing piece of a witness address to absentee envelope certificates, should they be able to reasonably ascertain this information elsewhere.

Proposed by Commissioner Thomsen. Not accepted by Commissioner Spindell.

Discussion.

Roll call vote: Bostelmann: Aye    Glancey:    No  
                  Jacobs:        No    Spindell:    Aye  
                  Knudson:    Aye    Thomsen:    No

Motion failed 3-3.

**MOTION:** Staff is directed to prepare draft scope statements that have two versions:

- 1) As close to identical to the current guidance, listing the requisite alternatives
- 2) Listing the best alternative as identified in #1, with the alternative being the current guidance

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

**FRIENDLY AMENDMENT:** These scope statements are to be presented at the Commission's March 9, 2022 meeting.

Proposed by Commissioner Spindell. Accepted by Commissioner Knudson.

**AMENDED MOTION:** Staff is directed to prepare draft scope statements that have two versions:

- 3) As close to identical to the current guidance, listing the requisite alternatives
- 4) Listing the best alternative as identified in #1, with the alternative being the current guidance

And that those should be prepared so that they may be addressed by the Commission at the March 9, 2022 meeting.

Discussion.

Roll call vote: Bostelmann: Aye      Glancey: Aye  
                  Jacobs: Aye         Spindell: Aye  
                  Knudson: Aye         Thomsen: Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendation #17 which suggests the WEC promulgate an administrative rule that clarifies the use of drop boxes by municipalities and summarized the status of current litigation on the matter.

Discussion.

**MOTION:** To promulgate a rule.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

Discussion.

**FRIENDLY AMENDMENT:** Staff is directed to draft a scope statement regarding drop boxes that should address that they need to be secure and tamper proof, accessible, have a limited number, and be easily monitored.

Proposed by Commissioner Knudson. Accepted by Commissioner Spindell.

Discussion.

**AMENDED MOTION:** Staff is directed to draft a scope statement regarding drop boxes that should address that they need to be secure and tamper proof, accessible, have a limited number, and be easily monitored.

Commissioner Knudson called the question.

Roll call vote:	Bostelmann:	Aye	Glancey:	No
	Jacobs:	No	Spindell:	Aye
	Knudson:	Aye	Thomsen:	No

Motion failed 3-3.

**MOTION:** Staff is directed to draft a scope statement to promulgate a rule regulating the use of drop boxes based on our current guidance.

Moved by Commissioner Knudson. Seconded by Commissioner Bostelmann.

Discussion.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendation #18 regarding promulgation of a rule for when Special Voting Deputies are not allowed into residential care facilities and qualified retirement homes.

Discussion.

**MOTION:** The Special Voting Deputy guidance previously issued by the WEC was for *X* election only, and therefore this guidance is now moot and clerks should be so informed.

Moved by Commissioner Spindell.

Motion failed for lack of a second.

Chairwoman Jacobs informed the Commission and those in attendance that the Commission will not have time for Item I, Staff Updates to the Commission, today.

The Commission recessed at 5:58 p.m.

The Commission reconvened at 6:10 p.m.

Administrator Wolfe presented LAB recommendation #29 which suggests that WEC promulgate administrative rules for considering complaints alleging violations of election laws.

Discussion.

**MOTION:** Given Wis. Stat. § 5.05, the WEC declines to undertake an administrative rule making process given that the law is clear, has worked well, and we have complied with the statute.

Moved by Commissioner Thomsen. Seconded by Commissioner Knudson.

Discussion.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Administrator Wolfe presented LAB recommendation #30, which suggests using newly purchased customer service software to track and report customer contacts.

Discussion.

**MOTION:** The WEC has recently purchased customer service software to track and report customer contacts and which is currently being implemented.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

Discussion.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

Discussion.

**MOTION:** The WEC will send a letter remarking on the collaboration that took place to address the LAB's recommendations, including a matrix of what's being done to address each recommendation. Staff is also directed to draft a full letter for the Commission's review its January 11, 2022 meeting, to be sent by the March 31, 2022 deadline, detailing the concerns the Commission has with the audit regarding its process and its errors.

Moved by Commissioner Jacobs. Seconded by Commissioner Spindell.

Chairwoman Jacobs called the question.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

**I. Staff Updates to the Commission**

(This item was pushed to the Commission’s January 11, 2022 meeting agenda.)

**J. Closed Session**

**MOTION:** To move to closed session.

Moved by Commissioner Bostelmann. Seconded by Commissioner Glancey.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

The Commission moved to closed session at 6:54 p.m.

The Commission adjourned in closed session at 7:17 p.m.

#####

December 1, 2021 Wisconsin Election Commission meeting minutes prepared by:

\_\_\_\_\_  
Jacob Walters, Operations Program Associate

December 3, 2021

December 1, 2021 Wisconsin Election Commission meeting minutes certified by:

\_\_\_\_\_  
Marge Bostelmann, Commission Secretary

January 11, 2022





officials were provided with the opportunity to order specific accessibility-related supplies to assist their efforts in remedying problems. Those supplies were purchased using federal and state funds and were sent to requesting municipalities at no cost to them. These supplies included signature guides, page magnifiers and various signs for parking areas, pathways and accessible entrances.

The audit program was initially funded under a series of federal grant awards (HAVA Section 261) provided specifically to improve access to the polls for voters with disabilities. The State of Wisconsin received grant awards for nine consecutive years totaling over \$1.6 million and began expending these funds in 2008. Terms of the grant required these funds to be expended within five years of each award year, with the final funds awarded to Wisconsin being used during the 2017 fiscal year. Since the expiration of these federal funds, a biennial allotment of \$48,300.00 of state funds has been made available in the agency budget. The reduction of funding and shifting agency priorities has led to a decrease in the average number of audits conducted over the last few years. Staff has outlined a plan for the audit program for the 2022 election cycle as part of this document.

## The Proposed 2022 Audit Plan

### Summary

The 2022 elections are an opportune time to refresh the audit program and increase the number of audits completed every biennium. From 2016-2019, only 366 audits were conducted, down from 2014-15 with 808 audits, and 2011-2012 with 1614 audits. Due to the COVID-19 pandemic we were unable to safely perform polling place site reviews after the state primary in February of 2020. The pandemic continued to be a barrier through the remainder of 2020 and the entirety of 2021. We are hopeful that the pandemic will not prevent us from executing our site review plan in 2022. However, some circumstances may be out of our control, and we will continue to follow public health guidance from the CDC and DHS and abide by any travel restrictions issued by the Department of Administration.

The goal is to increase audits to 330 in 2022 using a hybrid model of both temporary staff and volunteers from organizations that advocate for the disability community. Currently, WEC, Disability Rights Wisconsin (DRW) and the Wisconsin Coalition of Independent Living Centers are discussing the February, April, August, and November elections as possibilities to enlist volunteer auditors. Auditors from these organizations have previous knowledge and experience evaluating accessibility. The remaining budget for FY21 is \$40,979.90 which will refresh in July 2022 with an additional \$48,300. Increasing the number of audits is crucial to collecting quality data that will be more representative of what a voter may be experiencing at their polling place. Clerks who receive their audit results submit Plans of Action, which allow them to know specifically how their polling place may be creating barriers.

<b>Election</b>	<b>Auditors</b>	<b>Audit Count Goal</b>
February 15	3 temporary staff	30
April 5	10 temporary staff*	100
August 9	10 temporary staff*	100
November 8	10 temporary staff*	100
Total audits for 2022		330

*\*subject to availability from staffing agencies on the state contract.*

Staff have conducted preliminary outreach to staffing agencies on the state contract to discuss our staffing needs and potential recruitment timelines, and these agencies have indicated that applicant pools are expected to be limited. A limited number of temporary staffers may impact our ability to meet our goals outlined above. It may be possible to supplement with volunteers from our partner organizations if staffing agencies are not able to meet our requested number of participants. Our partner organizations have indicated they will continue to follow CDC and DHS guidance, so we understand that any changes in public health considerations may also impact their ability to participate in this project.

### **February 15 Spring Primary**

For the February Spring Primary, staff are looking to hire 3 temporary staff to conduct audits. These staff will use new tablets and updated training materials and will provide feedback on the effectiveness of these updated resources. Each temporary staff member is expected to complete 10 audits, for a total of 30 audits. The updated training program for temporary staffers that was successfully implemented in 2016 will be used for this election cycle which includes 2.5 days of training prior to the election and a mock audit training exercise. Due to weather concerns historically associated with February in Wisconsin, the auditors will stay close to the Madison area, and will visit Dane, Rock, and Green counties. Commission staff chose polling places that were either new, had a high number of problems at their last audit or have never been audited.

### **April 5 Spring Election**

In April, the audit program will incorporate volunteers from organizations while also hiring temps. This hybrid model allows WEC to travel across the state and to include individuals that have extensive knowledge in accessibility laws. Any returning volunteer auditors will be required to participate in a 3-hour training that reviews the audit survey, audit tools, and the new tablets. New volunteers will be required to attend a mock polling place audit in-person. Temporary staff will continue to complete a 2.5-day training. This cycle will target polling places that have never been visited across the state and polling places that had a high number of problems at their last audit.

### **August 9 Partisan Primary and November 8 General Election**

Staff plan to use the same protocol for the Partisan Primary and General Election as outlined above for the Spring Election. The program will continue to emphasize new and unaudited polling locations and previously visited locations with significant accessibility concerns.

### **Recommended Motion:**

The Commission approves the staff plan for the polling place accessibility audit program for the 2022 election cycle.





# Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984  
(608) 266-8005 | elections@wi.gov | elections.wi.gov

**DATE:** For the January 11, 2022 Commission Meeting

**TO:** Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Administrator

Prepared by Commission Staff

**SUBJECT:** Electronic Registration Information Center (ERIC) Processes

## **Introduction**

This memo provides a comprehensive update of current and future ERIC Movers processes including the 2021 Movers Review processes for June quarter two (Q2), September quarter three (Q3), December quarter four (Q4), future planned and recommended mailings, and 2020 General Election voter participation reports. A calendar identifying the annual schedule and cycle of the receipt of ERIC data is also included for Commission review.

## **A. 2021 Movers Review Process**

As part of Wisconsin's membership in ERIC, the WEC is required to contact voters who ERIC has flagged as having potentially moved. ERIC obtains data from a variety of sources, such as Wisconsin motor vehicle records, voter registration and motor vehicle records from participating states, and the National Change of Address (NCOA) database from the U.S. Postal Service. The postcard notifies voters that a transaction with WisDOT Division of Motor Vehicles or NCOA indicates their address may be different than their voter registration address. Voters who receive the postcard and have moved may choose to register online, by mail, at their clerk's office, or at their polling place on the next Election Day.

In June 2021, WEC staff began a quarterly Movers Review process with the first mailing (Q2) going to 97,704 voters who were identified as potentially moving. On September 30, 2021 (Q3) postcards were mailed to an additional 32,691 registered voters. The final 2021 Movers mailing was sent out on December 30, 2021 (Q4). Postcards were mailed to 100,272 voters who were identified as potentially having moved (the increase in quantity for Q4 is from a larger NCOA file).

Voter records identified for these mailings remain active in status and have an updated status reason of "Movers"; they will appear as "Active/Movers" in WisVote. Records identified as "Active/Movers" in WisVote will also have the "Have you Moved?" watermark on poll books. Clerks have discretion to

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Administrator  
Meagan Wolfe

assess each case individually and may elect to deactivate records or restore the record to “Active/Registered” status. If the postcard is returned to the clerk’s office as undeliverable, clerks must still send an Undeliverable 30-Day Notice letter to the voter prior to deactivating the record. If the 30-day notice comes back as undeliverable it would be handled normally and clerks can inactivate the voter record.

Table 1: Current Status of June 2021 (Q1 & Q2) Movers

<b>Movers Status as of December 20, 2021 (Q1 &amp; Q2)</b>	<b>Voter Count</b>	<b>Percentage of Mailing</b>
Active - Movers Designations	75,709	78%
Active - Registered (includes merged records)	4,984	5%
Inactive Records	7,065	7%
Inactive - Undeliverable Movers Mailing	9,946	10%
<b>Total Records</b>	<b>97,704</b>	<b>100 %</b>

Table 2: Current Status of September 2021 (Q3) Movers

<b>Movers Status as of December 20, 2021 (Q3)</b>	<b>Voter Count</b>	<b>Percentage of Mailing</b>
Active - Movers Designations	26,270	80%
Active - Registered (includes merged records)	2,491	8%
Inactive Records	1,908	6%
Inactive - Undeliverable Movers Mailing	2,022	6%
<b>Total Records</b>	<b>32,691</b>	<b>100%</b>

Table 3: Summary of Mailings

<b>2021 Movers Q2 &amp; Q3 Summary</b>	<b>Voter Count</b>	<b>Percentage of Mailing</b>
Active - Movers Designations	101,979	78%
Active - Registered (includes merged records)	7,475	6%
Inactivated Records (includes Undeliverable)	20,941	16%
<b>Total Records</b>	<b>130,395</b>	<b>100%</b>

Table 4: Requested Continuation

<b>Quarter</b>	<b>Total Postcards</b>	<b>Requested Continuation – Active Status</b>	<b>Percentage of Mailing</b>
Q1 & Q2	97,704	848	.87%
Q3	32,691	397	1.21%

Table 5: Movers Costs

<b>Project (Fiscal Year)</b>	<b>Mail Pieces</b>	<b>Cost per Piece</b>	<b>Expense</b>
2017 Mailing (FY18)	341,855	.41	\$141,258
2019 Mailing (FY20)	232,579	.61	\$142,956
2021 June Mailing Q2 (FY21)	97,704	.34	\$33,208
2021 September Mailing Q3 (FY22)	32,691	.41	\$13,350
2021 December Mailing Q4 (FY22)	100,272	.34	\$34,100 (estimated)
FY22 Mailing Estimate <sup>1</sup>	266,000	.36	\$96,600

<sup>1</sup>Assumes mailings of approximately 265,900 pieces in FY22.

WEC staff feels the increased frequency of quarterly Movers mailings has been beneficial to both clerks and voters. Clerks have clarified instructions, and some are instituting processes that can be applied consistently across each mailing. Voters are generally more aware of the transaction that identified them as having moved as it originated within the prior 3 months. Staff recommends continuing the quarterly Movers Review process going forward into 2022 and thereafter.

## **B. 2020 General Election Voter Participation Process**

After every General Election, and when all ERIC member states have their elections reconciled and participation entered, ERIC provides data on potential in-state and cross-state duplicate participation (potentially an individual who has voted in more than one state).

### *In-State Research and Referrals*

The in-state files provided potential matches and was received on July 27, 2021. Staff initially contacted clerks by July 30, 2021 and some have been contacted additional times to research the participation records and identify any possible data entry errors. Of the potential in-state matches, the status as of December 23, 2021:

- 12 were referred to the appropriate DA’s office by the clerks
- 2 are awaiting additional clerk information

### *Cross-State Research and Referrals*

In relation to the cross-state file, clerk outreach was completed by August 10, 2021, and additional contact has been made in cases where documentation has yet to be provided.

In-state clerk outreach is the first step of the cross-state research and referral process. Other ERIC states participating in this process also did their own in-state triage and outreach with the initial file. WEC staff completed the triage work in early September and returned their results to ERIC. Participating states then received a second cross-state file at the end of September. As of November 11, 2021, WEC staff conducted outreach to all states that had potential matches and

are awaiting documentation and replies. Of the potential cross-state matches, the status as of December 23, 2021:

- 15 new potential referrals are being made to commission
- 15 are awaiting additional clerk information
- Remainder are pending other state's replies

The fifteen potential new referrals are included in the packet of closed session materials for the commissioners to review.

### **C. Calendar of ERIC Data**

At the December 1, 2021 Commission meeting, the WEC approved the following motion:

Staff is directed to create a calendar for public access of that annual schedule and cycle of receipt of ERIC data. The WEC has been receiving all available ERIC data and has been using it in accordance with state statute. The WEC is fully compliant with its ERIC agreement.

Staff have drafted the attached annual calendar for commission review. It outlines each type of data file either sent to ERIC from the WEC and its state partners or received from ERIC. The calendar lists which file is considered a List Maintenance file under the terms of the membership agreement and identifies the month and in some instances day/week when certain transactions take place related to the data. Staff recommends approval to update the calendar on an ongoing basis, similar to the election calendar on the WEC website.

#### **Recommended Motion:**

Commission directs staff to continue the quarterly mailing process for ERIC Movers Review into 2022 and subsequent years. The mailings will continue to use the same postcard design and language approved by the commission at the June 10, 2021 meeting, with the understanding that some non-substantive editing may be needed to address printing requirements.

Attachments: ERIC Data Calendar

CLERK NAME  
MUNI NAME  
MUNI STREET ADDRESS  
MUNI CITY STATE ZIP

PRSR FIRST CLASS  
US POSTAGE  
PAID  
MADISON WI  
PERMIT NO 1369



# Have you moved?

Te has mudado?



**RETURN SERVICE REQUESTED**



## OFFICIAL VOTER REGISTRATION NOTICE

\*\*\*\*\*AUTO\*\*SCH 5-DIGIT 54805 201 136873

VOTER NAME  
VOTER MAILING STREET ADDRESS  
VOTER MAILING CITY STATE ZIP



The Wisconsin Elections Commission wants to help you keep your voter registration record up-to-date.

A transaction with the WisDOT Division of Motor Vehicles or United States Postal Service indicates your address may be different than your current Wisconsin voter registration.

If you do not affirm your current address or register at a new address your voter registration status may be changed to Inactive and you may be required to re-register the next time you vote.

Contact your local clerk to keep your registration active.  
See options inside for next steps.



If you have questions, call the WI Elections Commission toll free at (866) 868-3947 or email [elections@wi.gov](mailto:elections@wi.gov).

¿Necesitas ayuda en Español? Llama a su secretario municipal o visita [myvote.wi.gov/es-es](http://myvote.wi.gov/es-es).

If you have moved, you can register at your new address in one of three ways:  
Online at [myvote.wi.gov](http://myvote.wi.gov) or

On the next Election Day at your polling place. Proof of residence is required to register to vote in Wisconsin or  
Submit a registration form to your clerk's office, in-person or by mail. A voter registration form, clerk information and proof of residence requirements can be found here: [elections.wi.gov/voters](http://elections.wi.gov/voters)

If you still reside at this address, use one of the following options below to confirm:

- ✓ Click the gray *My Voter Info* button at [myvote.wi.gov](http://myvote.wi.gov), enter your first and last name, and date of birth then click the *Search* button. Click the green *Confirm Your Address* button; or
- ✓ Vote in the next election where you can confirm with poll workers that you have not had a change of address; or
- ✓ Sign and return this card, by mail or in-person, to your municipal clerk.

I hereby certify I still reside at the address listed below and want to keep my voting registration active.

Sign \_\_\_\_\_ Date: \_\_\_/\_\_\_/2021

VOTER NAME  
VOTER MAILING STREET ADDRESS  
VOTER MAILING CITY, STATE, ZIP

MunicipalityWithCounty  
VoterNumber  
MailingIDBarcode  
MailingIDNumber



Wisconsin Elections Commission  
212 E. Washington Ave.  
Madison, WI 53703-2855



Return  
Postage  
Required



CLERK NAME  
MUNI NAME  
MUNI STREET ADDRESS  
MUNI CITY STATE ZIP





ERIC DATA CALENDAR												
Types of Data Available	January	February	March	April	May	June	July	August	September	October	November	December
	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date
<b>Monthly WEC/DWV Files Sent to ERIC</b> - Per ERIC Membership Agreement: to be done a minimum of every 60 days - Wisconsin does every 30 days	by the end of the 1st week	by the end of the 1st week	by the end of the 1st week	by the end of the 1st week	by the end of the 1st week	by the end of the 1st week	by the end of the 1st week	by the end of the 1st week	by the end of the 1st week	by the end of the 1st week	by the end of the 1st week	by the end of the 1st week
<b>Performance Metrics to ERIC</b>						by the 30th						by the 31st
<b>Movers Q1 (List Maintenance)</b> - Per ERIC Membership Agreement: at least 1 type of list maintenance report must be requested every 425 days - Wisconsin requests Movers data every 90 days	File sent to ERIC	File comes back to WEC for Review	File goes to DOA Print Center Postcards hit mailstream by 31th									
<b>Movers Q2 (List Maintenance)</b> - See Movers Q1 for membership details				File sent to ERIC	File comes back to WEC for Review	File goes to DOA Print Center Postcards hit mailstream by 30th						
<b>Movers Q3 (List Maintenance)</b> - See Movers Q1 for membership details							File sent to ERIC	File comes back to WEC for Review	File goes to DOA Print Center Postcards hit mailstream by 30th			
<b>Movers Q4 (List Maintenance)</b> - See Movers Q1 for membership details										File sent to ERIC	File comes back to WEC for Review	File goes to DOA Print Center Postcards hit mailstream by 30th
<b>Voter Participation</b> - Data available every other year after a General Election - (Optional Member Participation) Wisconsin does Participate			<u>Even Years</u> Most, if not all referrals should be made from previous General Election (2 years prior)			<u>Odd Years</u> data provided to states for initial triage (WEC begins gathering documentation from local clerks)		<u>Odd Years</u> after initial triage, 2nd file provided and cross state contact begins	<u>Odd Years</u> cross state contact	<u>Odd Years</u> cross state contact	<u>Odd Years</u> cross state contact	<u>Odd Years</u> referrals begin
<b>Death (List Maintenance)</b> - Per ERIC Membership Agreement: at least 1 type of list maintenance report must be requested every 425 days - Wisconsin requests death data every 30 days	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week
<b>Duplicates (List Maintenance)</b> - Per ERIC Membership Agreement: at least 1 type of list maintenance report must be requested every 425 days - Wisconsin requests duplicate data every 30 days	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week
<b>Eligible but Unregistered</b> - Per ERIC Membership Agreement - must make contact with 95% of residents on report, in even years, prior to General Election, by October 1 (or 15 days before close of registration) - Wisconsin receives this data every other year, as required.					File request to ERIC	WEC File Review File may be mailed the 4th week of June	If file not mailed in June, file will be mailed after July 4th holiday					
<b>Retracted Deaths, if any (List Maintenance)</b> - File that contained errors that Social Security provided to ERIC and people on this list may not be deceased - No requirements in ERIC for this report. - Wisconsin requests retracted death data every 30 days	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week	by the end of the 2nd week





# Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984  
(608) 266-8005 | elections@wi.gov | elections.wi.gov

**DATE:** For the January 11, 2022 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Administrator

Prepared by Elections Commission Staff

**SUBJECT:** Update on Trusted Email Domains and Elections Security.gov Email Domain Subgrant

## **Introduction**

The WEC and the U.S. Cybersecurity and Infrastructure Security Agency (CISA) recommend that municipal and county government emails, especially those used for election related information, should be easily identifiable as government entities. WEC is assisting municipalities in obtaining wi.gov and .gov email domains to increase election security and trust in their official election communications. Establishing an Elections Security subgrant specifically for this purpose would assist municipalities with limited resources in making this change.

## **Background**

In December 2019 the WEC began a pilot program to assist municipalities in adopting .gov email domains. The commission also approved, and staff administered a HAVA security subgrant program not to exceed \$500 for counties to upgrade their websites to secure HTTPS protocols. Five counties requested and received the grant: Columbia, Grant, Menomonie, Washburn, and Waupaca. The statewide rollout of the .gov Email Domain program rollout was postponed as other election security priorities took precedent during the 2020 election cycle, including the agencies response to the Covid 19 pandemic. The initiative was relaunched with an August 24, 2021, Clerk Communication, *Elections Security: Trusted Email Address Information* (attached).

The WEC provided information on the importance of establishing a trusted government regulated email domain. The communication also details how municipalities can obtain a trusted wi.gov or .gov email address. Program information has also been presented to municipalities at Wisconsin Towns Association (WTA) and Wisconsin Municipal Clerks Association (WMCA) events and noted in the WEC Newsletter.

## **What is a Domain?**

Domains are the address used to access emails and websites on the internet. Utilizing a wi.gov or .gov domain quickly identifies a user as a trusted government source. The .gov domains have controls to ensure

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Administrator  
Meagan Wolfe

that only government entities are able to utilize them, unlike .com, .net., .biz and even .us domains, which are freely available to anyone willing to pay for them.

Many municipal clerks still use free, personal emails such as Google, Yahoo, and Outlook to communicate with voters. These are not easily identifiable as official emails and generally do not have robust malware or security features. They are also easily spoofed. Email spoofing is when an email address is created that looks similar to an official email address or can trick a user into believing it is an authentic email address. For example, it is difficult to tell which of the email addresses below is authentic:

- Actual Email Address: [clerkfrmtownsmith@gmail.com](mailto:clerkfrmtownsmith@gmail.com)
- Example #1 of Spoofed Email Address: [clerkfromtownsmith@gmail.com](mailto:clerkfromtownsmith@gmail.com)
- Example #2 of Spoofed Email Address: [clerkfrmtownsmtih@gmail.com](mailto:clerkfrmtownsmtih@gmail.com)
- Example#3 of Spoofed Email Address: [officialtownofsmith@gmail.com](mailto:officialtownofsmith@gmail.com)

A bad actor could easily obtain an email domain designed to trick the recipient that it is from a government entity, allowing them to send disinformation that may cause disruption in the election process. The .gov domain identifies to a voter that they are communicating with a government entity. A personal email may also be more difficult to transition when local officials leave office and continue to have access to official communications.

**Obtaining a Trusted Domain**

Municipalities may choose either a wi.gov or .gov email address. The .gov domain is administered and managed at the federal level, while the wi.gov is administered at the state level by the Wisconsin Department of Administration Division of Enterprise Technology (DOA/DET). In both cases, the actual email account is hosted and managed by a private email provider for a fee. These two different levels of administration require different sign-up processes, but both provide the trusted .gov domain.

The first step in acquiring a wi.gov domain is verifying the domain is available. Municipalities work with their email provider to begin the creation of the new domain and contact the WEC with their specific provider’s verification process. The WEC staff coordinates with the DOA/DET to authorize and establish the new domain. Once verified, any additional DNS (Domain Name System, aka zone files) records will be added as needed to enable the new email and/or website address to begin working. Over 165 municipalities and counties have inquired about or begun the process to incorporate wi.gov or .gov into their email domains since August.

<b>Trusted Domains in use by Wisconsin localities</b>	<b>Municipalities</b>	<b>Counties</b>	<b>Total</b>
wi.gov	117	22	139
.gov	72	8	80
<b>Total Records</b>	<b>189</b>	<b>13</b>	<b>157</b>

*Note: Total .gov domains are those currently in use in WisVote.*

The DOA/DET prescribes preferred naming conventions for wi.gov domains. These naming conventions should be adhered to when requesting a domain. Flexibility is given where multiple towns exist with the

same name in different counties and where municipalities have significant and ongoing name recognition for an existing domain name and would like to maintain a similar naming structure. Domain name requests that veer from the prescribed format are evaluated and approved on a case-by-case basis. Occasionally municipalities request multiple domains for specific purposes or functions.

### **wi.gov Naming Convention**

co.<name of county>.wi.gov  
ci.<name of city>.wi.gov  
tn.<name of town>.wi.gov  
vi.<name of village>.wi.gov

For example:

co.manitowoc.wi.gov  
ci.appleton.wi.gov  
tn.bearcreek.wi.gov  
vi.readstown.wi.gov

If tn.bearcreek.wi.gov already taken next option would be  
tn.bearcreek-sauk.wi.gov OR  
townofbearcreek.wi.gov OR  
townofbearcreek-sauk.wi.gov

### **Elections Security .gov Email Domain Subgrant Program**

WEC staff propose a subgrant program for municipalities to improve the security of their email domains by obtaining a wi.gov or .gov email address. Public trust in information provided by local election officials is important in all public communications – including information provided via email and municipal websites. The best way to provide voters confidence that the communications they receive are from the government is to use a wi.gov or .gov email address.

Staff have received feedback from many municipalities in the past few months regarding updating their email and website domains to a .gov platform. Many clerks and governing bodies have identified a lack of resources, including IT knowledge, budget, and staff time as impediments to implementation. Some smaller municipalities have contracted with IT consultants to assist with the implementation. These may be IT companies that already provide IT consulting services, assist with the management of municipal websites, or are being used on a one-time basis. Costs for IT services of this kind can range from \$30-150+ per hour. Free email services will generally not support a .gov domain so municipalities utilizing them need to purchase business email accounts. Basic email hosting can range from \$5-20+/user/month depending on service level. Advanced security and premium services would fall in the higher monthly range.

Municipalities have inquired as to additional grant funding availability to secure a trusted email domain. Elections Security grant funding is available, and an additional Elections Security subgrant could assist localities in implementing this important security initiative.

**Subgrant Program Elements and Timeline**

<b>Recommended allocation (max)</b>	\$300,000
<b>Award amount</b>	\$150
<b>Eligibility</b>	Any municipality who certifies they do not currently have an @wi.gov or @.gov email or did not have one prior to 8/24/2021
<b>Application Deadline</b>	August 31, 2022
<b>Grant Compliance Deadline</b>	August 15, 2022
<b>Grant Closing Date</b>	September 30, 2022 (end of federal fiscal year)
<b>Authorized use of funds</b>	
Jurisdictions may use their grant funds for one or more of the following needs: 1) Costs associated with a transition to a @wi.gov email for a clerk or municipal email account 2) IT consultant fees associated with transition to a @wi.gov email domain 3) Monthly costs for email hosting if associated with a wi.gov domain	
<b>Justification</b>	
WEC staff recommend supporting jurisdictions transition to a @wi.gov or @.gov email address by providing a one-time grant award.	

The grant announcement will provide clerks with detailed information regarding the requirements and application process. The grant will be available to municipalities only and will not be available to counties. If approved, the subgrant will be announced by February 1, 2022. Municipalities that have transitioned to a .gov or wi.gov domain since August 24, 2021, will be immediately eligible to apply if they have spent funds on authorized expenses. Compliance deadlines have been designed to be completed prior to the end of the federal fiscal year and the fall 2022 General Election cycle.

**Recommended Motion**

WEC staff recommend the commission approve the following action:

Recommended Motion:

The Commission directs staff to announce and initiate the Elections Security .gov Email Domain subgrant program to local election officials as described in the staff memorandum. The Commission authorizes WEC staff to announce the subgrant, accept applications, and issue subgrant funds to municipal election officials no later than September 30, 2022. The total amount of subgrant funds distributed is not to exceed \$300,000.

Staff is also authorized to update policies and procedures related to obtaining a wi.gov and .gov domain including current wi.gov naming conventions and other best practices.

Attachment

August 24, 2021 Elections Security: Trusted Email Address Information Clerk Communication



# Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984  
(608) 266-8005 | elections@wi.gov | elections.wi.gov

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**DATE:** August 24, 2021

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

**FROM:** Meagan Wolfe, Administrator

**SUBJECT:** Elections Security: Trusted Email Address Information

1. **Purpose.** This memorandum provides information how and why to obtain a trusted wi.gov or .gov email address. The Wisconsin Elections Commission and U.S. Cybersecurity and Infrastructure Security Agency have created an updated way for local governments to obtain either a wi.gov or .gov email address. This is a low-cost and simple way to enhance security for you and your valued residents.

2. **Recommendation.** WEC staff recommends that all Wisconsin counties and municipalities establish an official email address through one of the government's regulated Domain Name Systems (DNS). These domains end in **.gov** and can only be obtained by U.S.-based government organizations. Using one of these domains reduces cyber security risks to both the jurisdiction and Wisconsin citizens.

In 2022 the WEC will begin implementation of new policies to restrict official communications with unofficial email domains, particularly for WisVote users. **All WisVote users will eventually be required to have a .gov domain for official email communications.** There is not yet a set date for this change, however the WEC encourages all Wisconsin jurisdictions to act soon to acquire a .gov domain.

3. **Background.** We all use email in our official communications. Some municipalities currently allow their clerks to use personal email accounts for official communications or to create shared accounts through free email providers. While these techniques are simple and inexpensive, they are not risk free.

Free email providers have access to the contents of your messages and often have no restrictions on the use or sale of your personal data. Free providers also allow anyone to create an account and use any

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name they choose. These shortcomings allow email providers to sell your data for targeted advertising and email spoofing.

Email spoofing is when an email address is created that looks similar to an official email address or can trick a user into believing it is an authentic email address. When attackers are able to spoof emails of government officials the public may be more likely to fall for scams and/or distrust official communications.

For example, it is impossible to tell which of the email addresses below is authentic:

Actual Email Address: clerkfrmtownsmith@gmail.com

Example #1 of Spoofed Email Address: clerkfromtownsmith@gmail.com

Example #2 of Spoofed Email Address: clerkfrmtownsmtih@gmail.com

Example #3 of Spoofed Email Address: officialtownofsmith@gmail.com

Even the use of a custom domain name, such as townofsmith.com, does not prevent spoofing. This is because **anyone** can obtain a .com or .us domain. Only the .gov domain is restricted to official U.S. government agencies.

For example, it is impossible to tell which one of these addresses below is authentic.

Actual Email Address: clerk@townofsmith.wi.us

Example #1 of Spoofed Email Address: clerk@townofsmith.com

Example #2 of Spoofed Email Address: clerk@smithwi.us

Example #3 of Spoofed Email Address: clerk@smithwi.com

Because of the risks described above, a growing number of government agencies will only conduct business through email with another .gov account. Anything else is simply too easy to spoof.

4. **How To.** Instructions how to obtain a .gov domain are attached to this communication as *Appendix A: How to Obtain a .gov Domain*. Additional information about .gov domains and election officials can be found here: <https://home.dotgov.gov/about/elections/>.

5. **Questions.** Please direct questions about this clerk communication to [elections@wi.gov](mailto:elections@wi.gov).

Encl:

Appendix A: How to Obtain a .gov Domain

## How to Obtain a .gov Domain

August 24, 2021

1. **Introduction.** Wisconsin jurisdictions can use either a wi.gov or .gov email address. The .gov domain is administered and managed at the federal level, while the wi.gov is administered at the state level. In both cases, the actual email is managed by a private email provider for a fee. These two different levels of administration require different sign-up processes, but both provide the trusted .gov domain.

The following sections explain the different procedures to obtain either a wi.gov or a .gov email domain. Some parts of the instructions are technical in nature so you may wish to consult with your local IT support provider for assistance.

- a. **wi.gov.** All wi.gov email addresses are hosted by the Wisconsin Department of Administration Division of Enterprise Technology (DET). The wi.gov domain is owned by the State of Wisconsin and municipalities are able to use this service for free after requesting access from DET. Creating wi.gov email addresses require purchasing a business account from a private email provider such as Gmail, Outlook, or Yahoo. These private providers are ultimately who manage the domain. Most business email providers have technical support teams who can help you set up the right type of account and establish a wi.gov email address. If you already have a premium or business account with a private provider, your IT department can make these changes without any additional costs to you.

Municipalities that would prefer to use a wi.gov domain can now contact WEC to submit a request. The WEC is only assisting with the set-up process. Municipalities will have full control over the mailbox title and will be able to use their domain name for their entire municipality (not just elections staff). The only cost associated with having a custom domain is establishing the business or premium email account with an email provider. Before making a request through the WEC, please follow these steps:

- i. Verify domain name availability. This can be done through several sites such as: <https://mxtoolbox.com/SuperTool.aspx> or <https://menandmice.com/support/dig>.
- ii. Choose an email provider offering business accounts (i.e. Gmail, Outlook, Yahoo, etc.).
- iii. Set up the new email domain using their process. This may require you to contact their IT support or helpdesk. Most have local government support staff to assist with the process.
- iv. Obtain a copy of the Mail Exchange (MX) record and/or Text (TXT) record from your email provider. Send this information to [elections@wi.gov](mailto:elections@wi.gov). These records inform the system that your email has permission to use the **wi.gov** domain. They can only be found after initially creating the new domain but may be located in different places depending on the provider you choose. Reach out to your local IT support or the email provider's support to get assistance locating them if needed.

Your MX and TXT records will look like the examples below:

**MX Record:**

Priority	Name   Host   Alias	Value   Destination
1	@	ASPMX.L.GOOGLE.COM

**TXT Record:**

google-site-verification=6Jb2nvO4GKS6Uc830bk3dHkbYXA3FcDILvH1Nc

- v. WEC will then work with DET to submit the request and contact you when the records are setup as needed.
  - vi. After set-up is complete, feel free to send a test email to the Elections Helpdesk at [elections@wi.gov](mailto:elections@wi.gov).
- b. **.gov Domain.** Recently the U.S. General Services Agency has transitioned management of the Top-Level Domain (TLD) for the **.gov** domain to the Cybersecurity and Infrastructure Security Agency (CISA). To make this domain more accessible for local governments, CISA is waiving the annual \$400 registration fee through September 30, 2021. CISA states that it intends to make this waiver permanent. Getting setup with a federal level **.gov** is entirely through CISA’s “dotgov” website. For more information on signing up please visit <https://home.dotgov.gov/registration/>.
- i. Check to see if the domain you want is available: <https://domains.dotgov.gov/dotgov-web/registration/whois.xhtml>
  - ii. Review **.gov** domain requirements: <https://home.dotgov.gov/registration/requirements/>
  - iii. Prepare and send the authorization letter to [registrar@dotgov.gov](mailto:registrar@dotgov.gov). A template is available at <https://home.dotgov.gov/registration/authorization-templates/city-county/>
  - iv. Complete the online form
2. **Expanded Use of Trusted Domains.** Once a trusted domain has been set up for your email accounts, it can be used by anyone in your municipality. Additionally, trusted domains can be extended to your websites. This creates uniformity for communication tools across your jurisdiction, making it easier for your residents to find and trust important information.
3. **Questions.** For additional questions related to the **.gov** domains, please contact [registrar@dotgov.gov](mailto:registrar@dotgov.gov). Questions related to the **wi.gov** domain can be sent to [elections@wi.gov](mailto:elections@wi.gov).



# Wisconsin Elections Commission

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(608) 266-8005 | elections@wi.gov | elections.wi.gov

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**DATE:** Prepared for the December 1, 2021, meeting & updated for the January 11, 2022, meeting

**TO:** Commissioners, Wisconsin Elections Commission

**FROM:** Meagan Wolfe, Administrator  
Wisconsin Elections Commission

Prepared by Elections Commission Staff

**SUBJECT:** Commission Staff Update

Since the last Elections Commission Update, staff of the Commission focused on the following tasks:

## 1. General Activities of Election Administration Staff

### Preparations for the 2022 Spring Election

The filing deadline for the upcoming April 5, 2022, Spring Election is on January 4, 2022. Staff on the Election Administration team have been updating candidate guides, conducting outreach efforts to incumbent officeholders to determine if they are filing a Notice of Noncandidacy or pursuing another term, and reviewing and updating internal processes ahead of the filing period. The WEC has also created an appointment process for candidates to better organize the filing of their nomination paperwork for the 49 judicial offices that will be up for election in 2022.

Ahead of the filing deadline, all new WEC staff will be trained on how to conduct a first review on a nomination petition, and a refresher training will be held for all WEC staff. The trainings will cover statutory and administrative code requirements for nomination petitions, common errors that occur on nomination petitions, and internal processes used to keep the petitions organized.

### Election Administration Project Planning

To prepare for the 2022 election cycle, the Election Administration team has completed multiple projects to better serve our clerk partners, voters, and candidates.

Staff has reviewed and updated many of the training materials available to clerks. To reach clerks across the state, staff has developed more interactive online trainings to better engage clerks in an informative and interactive format. Staff has developed new material for the Election Administration Tabletop Exercise (EA TTX) program to help clerks and poll workers practice a mock election day, solve election day-specific situations, and complete necessary documents. In

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Administrator  
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addition to these projects, staff has also created a comprehensive training series in multiple formats to help clerks prepare and train poll workers on various election day tasks. These training modules were created with advice and input from the Clerk Advisory Committee on training as well as other volunteer clerk partners.

## 2. WisVote Staff Report

### Addressing

The addressing service for WisVote was upgraded in the summer of 2021. Addresses now save with an 11-digit or U.S. Postal Service Delivery Point ZIP code, matching the full level of detail and accuracy used by the USPS. This change does not replace the printed postal (ZIP) code, which is still required for clerks to enter on new addresses. WEC staff performed a mass update of this delivery point data for existing addresses over the weekend starting on 7/9/21. In the future, this information will be used on absentee ballot labels to improve speed of delivery. This process is not applicable to foreign addresses.

To prepare for redistricting, staff reevaluated 1.7 million addresses for data accuracy. WEC staff worked through thousands of situations where a voter's assigned municipality or district combo changed. Clerks were asked to review newly identified Invalid or Warning flags associated with addresses in their jurisdiction. Commission GIS staff are also updating the ward, county supervisory, and alderman districts in WisVote as completed data is received from the LTSB (Legislative Technical Services Bureau). As of November 24, 2021, it appears 64 of 72 counties will be complete by December 1<sup>st</sup>. The remaining counties will be updated when their information is received.

### Voter

Registration List Alerts were updated to provide more information on what is happening when an alert is accepted and will now allow the user to make corrections if needed.

- Merges and Duplicate Alerts:
  - When a voter record is being merged or deactivated as a result of a DUPLICATE Registration List Alert AND the voter has an active Returned ballot for a FUTURE election, clerks will receive a pop-up message preventing the merge or deactivation until the ballot has been marked as Returned, to be Rejected.
- Felon and Death Alerts:
  - When a voter record is being deactivated as a result of a FELON or DEATH Registration List Alert AND the voter has an active ballot for a FUTURE election, clerks will be prompted with proceeding with the deactivation and told what will happen to the ballot and the option to back out of accepting the alert.
- Pop-up alerts will not generate based on absentee application or ballots for elections in the past.

Clerk and Data Entry users may no longer update voter statuses to “Suspended”, “Movers”, or “Presidential Only” from the voter record. These statuses should only be applied through

specified procedures (ex. entering a Presidential Only voter registration form) or through WEC updates.

### Absentee

Absentee ballot tracking mechanisms were refined to reduce clerk workloads and ensure accurate records. When a parent absentee application (election period = All Future Elections or Calendar Year) is deactivated, all child absentee applications (election period = Current Election) will now deactivate. For example, if an indefinitely confined (election period = All Future Elections) absentee application is deactivated, the absentee application in the 2022 Spring Election, 2022 Partisan Primary, and 2022 General Election will also deactivate UNLESS there is an active absentee ballot for an election in the future.

WisVote staff also simplified absentee ballot status classifications to reduce confusion and eliminate obsolete terms. “Returned – Late” has been removed as an absentee status. Late arriving absentee ballots may not be counted if they arrive after 8 p.m. on Election Day. These ballots should be recorded as “Ballot Returned After Deadline”.

Finally, when selecting records from the “Absentee Ballot Associated View” to generate absentee labels, users have always been advised not to select the “All applicable records” option because this creates an exceptionally large and unwieldy data request. This option cannot be removed; however, users are no longer able to select it and red text has been added to indicate it is not a selectable option.

### Candidates

A Candidate Pronunciation field was added to state level contests in WisVote to facilitate easier creation of the Candidate Pronunciation Guide. This field is not required for clerks but may be helpful to them. The guide is maintained by state and primarily used for programming accessible voting equipment.

### MyVote

The “Next Statewide Election” banner on the MyVote homepage was updated so that elections such as the 2022 Spring Election are considered statewide, even though there is not yet a statewide race on the ballot.

### Other

Agency WisVote staff are also working in conjunction with the Division of Enterprise Technology (DET) to significantly expand the redundancy of agency information systems including WisVote and MyVote. This program will provide the state with a separate and complete environment stored in another physical location outside of Dane County. In conjunction with this redundancy project, staff are also evaluating expansion of existing backup solutions and rehearsal of restoring systems from backups.

### **3. Education/Training/Outreach/Technical Assistance**

Included in this memorandum as Section 9 is a summary of initial certification and focused election administration and WisVote training conducted by WEC staff since the last commission meeting in June. Elections and WisVote specialists focused on providing information and guidance about election official certification requirements and training resources as the end of the current 2020-2021 training term ends on December 31, 2021.

Staff provided specialized election training through its election administration and WisVote webinar training series, including a review of the photo ID law, appointing election inspectors and redistricting. Staff also conducted a new clerk orientation webinar that introduced new clerks to the WEC and outlined their certification requirements and resources available for their own training and training their election officials.

Commission staff attended a variety of clerk conferences, both virtual and in-person. The conferences are outlined in Section 9 and includes participation in annual conferences and district meetings attended by county and municipal clerks. The Clerk Training Advisory Committee met on November 17, 2021 to discuss clerk training requirements, reporting issues and solutions for the current term. The committee also received an update on training resources developed in coordination with the committee as part of the WEC's project plan for 2021-2022.

The municipal clerk training report for the 2020-2021 term was posted in early November and is updated frequently. Commission staff plans to conduct significant outreach to clerks reminding them of the December 31 deadline for taking and reporting their training to the WEC through website posts, emails and telephone calls. Clerks who do not complete their training will be reported to their governing bodies.

Commission staff converted a series of poll worker training agendas into PowerPoint presentations and training videos. Topics include voter registration, poll book management and opening and closing the poll. The 2021-2022 election administration training webinar series kicked off with a new clerk orientation webinar in September. Interactive training tutorials were developed on topics such as nomination paper review, election security, voter registration and important election day forms such as the Inspectors' Statement.

Commission staff held a certified clerk-trainer class to train qualified and experienced county and municipal clerks to conduct Baseline Chief Inspector and Municipal Clerk Core training locally.

#### 4. Badger Voters

The Badger Voters program activity has slowed since the Spring Elections. We are providing the mailing list as sent to the printer of the 2019 and 2021 Movers Mailing as well as the Four-Year Maintenance at no charge.

The following statistics summarize activity through November 24, 2021.

Fiscal Year	Total Number of Voter Data Requests	Requested Files Purchased	Percentage of Requests Purchased	Total Revenue	Total Number of Nomination Paper Requests
FY2022	135	117	86.7%	\$137,510	0
FY2021	1,335	1,108	82.9%	\$1,131,859	307
FY2020	1,291	1,134	87.8%	\$619,907	402
FY2019	617	473	76.6%	\$328,015	NA
FY2018	706	517	73.2%	\$182,341	NA
FY2017	643	368	57.2%	\$234,537	NA
FY2016	789	435	55.1%	\$235,820	NA
FY2015	679	418	61.5%	\$242,801	NA
FY2014	371	249	67.1%	\$125,921	NA
FY2013	356	259	72.7%	\$254,840	NA
FY2012	428	354	78.0%	\$127,835	NA

Note: FY2020 and FY2021 were updated to reflect adjusted gross income (AGI) to include customer refunds. Prior to FY2020, the figure reported is for total sales.

#### 5. Voting Equipment

During the current reporting period, staff responsible for voting equipment received 10 applications for Engineering Change Orders. Nine of these ECOs are from Dominion Voting Systems and one is from Election Systems & Software. The voting equipment team reviewed each of the submitted ECOs and recommended each of them for approval as *de minimis* changes to the Administrator and Chair. These ECOs were approved on November 11, 2021 and approval documentation was sent to the vendors that outlines the conditions of approvals. The ten ECOs are as follows:

Vendor	ECO	Summary	System
Dominion Voting Systems	ECO 100706	This change affects the paper sensor board on the ImageCast Precinct 2. The 220-ohm resistors used to regulate the sensor's light output were replaced with 180-ohm resistors to increase the light output and manufacturing yield in production. This sensor detects when a ballot is inserted into the tabulator, at which time the unit begins to process the ballot. Reducing the resistance value allows for the bulb to shine more brightly, which increases its ability to detect when a ballot is inserted. In terms of increase manufacturing yield, adjusting the resistor allows the vendor to utilize the bulbs they currently get from their supplier without sending them back or procuring new stock.	Democracy Suite 5.5-C and 5.5-CS
Dominion Voting Systems	ECO 100718 ECO 100719 ECO 100720	These are three ECOs that add the Dell Precision 3440 XE computer as a replacement component across the voting system due to the current approved iterations, i.e., Dell Precision T342, 3430, and 3431 computers, becoming commercially unavailable for purchase. Each ECO stipulates a specific function for this replacement component:  ECO 100718: as an Election Management System (EMS) Express Server ECO 100719: as an EMS client workstation and Adjudication client workstation ECO 100720: as an ImageCast Central (ICC) optical ballot scanner workstation	Democracy Suite 5.5-C and 5.5-CS
Dominion Voting Systems	ECO 100721	This ECO adds the Dell Optiplex XE3 computer as a replacement component in a HiPro scanner configuration for use in the ImageCast Central (ICC) component of the voting system. This replacement is due to the current approved iterations, i.e., Dell Optiplex 7050, 7060, and 7070 computers, becoming commercially unavailable for purchase.	Democracy Suite 5.5-C and 5.5-CS
Dominion Voting Systems	ECO 100741	This ECO adds the Dell Latitude 3410 computer as a replacement component for use as an ImageCast Voter Activation (ICVA) client workstation. This replacement is due to the current approved iteration, the Dell Latitude 3400 computer, becoming commercially unavailable for purchase.	Democracy Suite 5.5-C and 5.5-CS
Dominion Voting Systems	ECO 100755	This ECO adds a Cisco 24-port ethernet switch (CBS350-24T-4G) as a replacement for use as a component in the Election Management System (EMS) Standard Server configuration. This	Democracy Suite 5.5-C and 5.5-CS

		replacement is due to the current approved iteration, the Dell x1026 ethernet switch, becoming commercially unavailable for purchase.	
Dominion Voting Systems	ECO 100756	This ECO adds a Cisco 8-port ethernet switch (CBS350-8T-E-2G) as a replacement for use as a component in the Election Management System (EMS) Express Server configuration. This replacement is due to the current approved iteration, the Dell x1008 ethernet switch, becoming commercially unavailable for purchase.	Democracy Suite 5.5-C and 5.5-CS
Dominion Voting Systems	ECO 100763	This ECO adds resistors to the ImageCast Evolution (ICE) main controller board to terminate unused processor pins. In most cases, unused processor pins are not addressed and cause no issues. Adding resistors to these unused pins, which did not and do not have any input into the overall functionality of the controller board, connects them to ground and ensures that they will not build up a charge that could be mistaken for a signal of some kind. This addition comes at the recommendation of the manufacturer for the chips used in the ICE controller board.	Democracy Suite 5.5-C and 5.5-CS
Elections Systems and Software	ECO 1113	<p>The purpose of this ECO is to replace the Cradlepoint AER1600 wireless router with the Cradlepoint CBA850-1200M-B wireless router. The model currently approved as part of EVS 5341 and EVS 6050, Cradlepoint AER1600, has gone end of life. Additionally, the “last time buy” has passed. As a result, the current routers are no longer available in the event that a county finds itself in need of a replacement.</p> <p>This router is housed in the county office and is a key element of the voting system. EVS 5341 and EVS 6050 do not rely on full IT integration in the county office as is required for some voting systems capable of transmitting unofficial results. Instead, EVS 5341 and EVS 6050 utilize a wireless Cradlepoint brand router to receive the encrypted transmissions of unofficial results on election night. The replacement of this router in the county office does not impact the functionality of any wireless modems contained within DS200 tabulators.</p>	ES&S EVS 5341 and 6050

## 6. Elections HelpDesk/Customer Service Center

The Elections Help Desk staff is supporting more than 2,000 active WisVote users while also answering calls and emails from the public and election officials. Staff is monitoring state enterprise network and data center changes and status, processing voter cancelations and voter address verification postcards. Help Desk staff has been serving on and assisting on various project and development teams. Staff continues to maintain WisVote user and clerk listserv email lists and contact information, administering Elections Commission’s O365 email system. The staff continues to administer the WisVote Active Directory system and the Elections Learning Center, maintaining system security. Staff are currently assisting with the nomination paper process for the Spring elections.

Customer Service Call Volume  
 608-266-8005 608-261-2028

May2021	553
June 2021	764
July 2021	753
August 2021	724
September 2021	745
October 2021	769
November 2021	928
December 2021	896
<b>Total for Reporting Period</b>	<b>6,132</b>

Customer Service Email Volume  
[elections@wi.gov](mailto:elections@wi.gov)

May 2021	1,525
June 2021	1,456
July 2021	1,620
August 2021	1,791
September 2021	1,639
October 2021	1,716
November 2021	2,000
December 2021	3,798
<b>Total for Reporting Period</b>	<b>15,545</b>

Address Verification Postcards Mailed

May 2021	2,667
June 2021	2,436
July 2021	3,523
August 2021	5,137
September 2021	8,204
October 2021	7,783
November 2021	3,364
December 2021	2,223
<b>Total for Reporting Period</b>	<b>35,337</b>

**7. Financial Services Activity**

- Since our last Staff Update, the financial staff has been working to perform all procurement and financial year-end activities for the state fiscal year 2021 (FY21) June 30 close, creating adjusting journal entries and budget journal entries when appropriate. FY21 closed 8/13/2021.
- Staff wrote budget reversions for FY20 authority for Appropriations 1(c) and 1(x).
- Staff has been working with the State Controller’s Office (SCO) to clear a negative balance in our 1499000 asset account.
- On August 10, 2021, staff received verification from the U.S. Election Assistance Commission (EAC) via the Payment Management System (PMS) that our final CARES Federal Financial Report (FFR) had been approved.
- Staff verified all Form 78s for our state appropriations for FY21 close.
- On August 20, 2021, staff submitted the STAR Records Disposition Authorization Survey.
- On August 31, 2021, staff completed and submitted our A/R Aging Report to SCO.
- On September 7, 2021, staff submitted to SCO our Asset Management Certification.
- On September 23, 2021, staff submitted to SCO our Appropriation Overdraft Report.
- Staff prepared for the Federal Fiscal Year close on September 30, creating adjusting journal entries when appropriate.

- Staff completed Payment Card Industry (PCI) Compliance Training prior to the September 30, 2021, deadline.
- On September 30, 2021, staff submitted to SCO our Prompt Payment Report.
- On October 6, 2021, staff renewed our System for Award Management (SAMS) registration.
- On November 5, 2021, after working with SCO, staff transferred our Badger Voters funds from our previous appropriation into our new appropriation.
- On November 22, 2021, staff submitted to SCO our Schedule of Expenditures of Federal Awards (SEFA) Report.
- On November 30, 2021, staff submitted to SCO an annual report of Non-Federal Gift and Grant Expenditures.
- On December 17, 2021, staff submitted to the EAC our Election Security grant annual Federal Financial Report (FFR) via the Payment Management System.
- On December 17, 2021, staff submitted to EAC our Election Security grant financial and narrative progress report.
- On December 17, 2021, staff submitted to the EAC our revised Election Security budget to keep current with approved program activities. On December 22, 2021, the EAC approved the revised budget.
- In addition, staff has performed the following monthly:
  - Staff has continued to perform and submit to the SCO scheduled month-end close queries, inquiries, and reports. Staff conducted necessary adjusting entries to resolve any discrepancies.
  - Staff has continued to validate Wisconsin Department of Administration (DOA)'s monthly Diverse Spend Reports.
  - Staff has continued to complete and submit to the SCO monthly COVID cost tracking reports.
  - Staff has continued to participate in monthly DOA virtual user group webinars pertaining to Project Costing and Accounts Receivable and Billing.
  - Staff has continued to participate in the virtual Financial Leadership Council meetings at SCO.

## 8. Procurements

The following 26 Purchase Orders totaling \$1,913,318.77 have been processed since the June 2, 2021, Commission meeting:

- A \$4,000 Purchase Order was written to Environmental Systems Research Institute (ESRI) for ArcGIS credits used in Geographic Information Systems (GIS) in our WisVote System.
- A \$241.60 Purchase Order was written to SHI International Corporation for a Camtasia software license.
- Four Purchase Orders totaling \$767,520.00 were written to Knowledge Services for four IT Contractor services through FY2022.
- A \$3,750.00 Purchase Order was written to AT&T Mobility for RCM Premium Rave Alert with Voice one-year subscription for 2,500 users.
- A \$730.80 Purchase Order was written to SHI International Corporation for a one-year subscription of Acrobat Pro DC.
- A \$92,687.31 Purchase Order was written to SHI International Corporation for Zendesk Suite implementation and service through 6/17/2023.
- A \$907.50 Purchase Order was written to Beyond Vision for call service support for the ERIC mailing
- A \$75,081.00 Purchase Order was written to SHI International Corporation for Elasticsearch Software.
- A \$2,938.52 Purchase Order was written to SHI International Corporation for Acrobat Standard DC, Acrobat Pro DC, Photoshop, and InDesign.
- A \$41,102.32 Purchase Order was written to SHI International Corporation for Microsoft Visual Studio Enterprise with MSDN.
- A \$59,964.22 Purchase Order was written to Insight Public Sector for OPSWAT cyber security software.
- A \$32,976.48 Purchase Order was written to SHI International for New Relic software.
- An \$8,565.50 Purchase Order was written to the Department of Corrections for Accessibility supplies.

- A \$41,123.75 Purchase Order was written to DI & Associates for temporary Elections Administration work.
- A \$51,934.70 Purchase Order was written to SHI International for SQL software.
- A \$10,300.00 Purchase Order was written to SHI International for SmartyStreets GIS software.
- A \$417,316.20 Purchase Order was written to SHI International for Microsoft Dynamics 365 for Team Members Software assurance.
- An \$82,619.65 Purchase Order was written to Carahsoft Technology Corp for Acquia Cloud Webhosting.
- A \$41,123.75 Purchase Order was written to DI & Associates for temporary Elections Administration work.
- A \$2,606.65 Purchase Order was written to SHI International for LastPass password manager.
- A \$49,999.32 Purchase Order was written to Carahsoft Technology Corp for website development and migration strategy.
- A \$5,937.50 Purchase Order was written to Paragon Development Systems (PDS) for Yubico Security Keys.
- A \$9,250.00 Purchase Order was written to Carahsoft Technology Corp for website migration.
- A \$72,800 Purchase Order was written to Knowledge Services for a one-year contract for a Testing Technician 1.
- A \$35,964 Purchase Order was written to CDW for RSA WisVote security.
- A \$1,878 Purchase Order was written to Paragon Development Systems (PDS) for a Badger Book unit.

*All purchases accurately followed the Wisconsin State Procurement Process.*

## **9. Meetings and Presentations**

WEC staff attended the following events since the June 2, 2021 Commission meeting.

June 8, 2021	Meeting with Legislative Audit Bureau (LAB) staff Clerk Communications Advisory Committee Meeting
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June 10, 2021	Clerks, Treasurers & Finance Officers Conference Wisconsin Elections Commission Meeting
June 22, 2021	Meeting with the U.S. Election Assistance Commission WisVote Webinar for Clerks
June 23, 2021	Accessibility Advisory Committee Meeting Clerk WisVote Advisory Committee Meeting Clerk Communications Advisory Committee Meeting Enterprise IT Meeting with DET
June 24, 2021	Meeting with Legislative Audit Bureau (LAB) staff
June 29, 2021	EI/MS-ISAC Monthly Meeting
June 30, 2021	Cybersecurity and Infrastructure Security Agency (CISA) Webex National Association of Secretaries of State Meeting
July 6, 2021	WI-ISAC Meeting
July 7, 2021	State IT Director's Council Meeting State Agency Geospatial Information Committee Meeting
July 8, 2021	ISAC National Webinar
July 13, 2021	Enterprise IT Meeting with DET
July 14, 2021	LTSB Local Redistricting Panel Wisconsin Clerk's Institute
July 15, 2021	CISA National Election Security TTX
July 20, 2021	WI-ISAC Meeting WisVote Webinar
July 21, 2021	Clerk WisVote Advisory Committee Meeting Clerk Communications Advisory Committee Meeting EI/MS-ISAC Meeting
July 23, 2021	ERIC Meeting
July 27, 2021	EI/MS-ISAC Meeting
July 28, 2021	Enterprise IT Meeting National Association of Secretaries of State Meeting

July 30, 2021	ERIC Meeting
August 3, 2021	WI-ISAC Meeting Redistricting Webinar for Clerks
August 4, 2021	State Agency Geospatial Information Committee Meeting State IT Director's Council Meeting
August 10, 2021	Enterprise IT Meeting with DET
August 12, 2021	ES&S EVS 6043 VERP Meeting ES&S EVS 6043 Public Demonstration
August 13-16, 2021	NASS Conference
August 17, 2021	WI-ISAC Meeting Meeting with USPS
August 18, 2021	Meeting with Legislative Audit Bureau (LAB) staff
August 19, 2021	Clerk WisVote Advisory Committee Meeting Clerk Communications Advisory Committee Meeting Clerk Training Advisory Committee Meeting
August 25, 2021	WMCA Conference, Brookfield
September 3, 2021	WTA Board Meeting
September 13, 2021	Badger Book Train-the-Trainer, Outagamie County
September 21, 2021	Badger Book Train-the-Trainer, Dane County Emergency Action Plan Workshop, Dane County
September 22, 2021	Badger Book Train-the-Trainer, Kenosha County
September 27, 2021	WCCA Conference, LaCrosse
September 30, 2021	Badger Book Train-the-Trainer, Rock County National Association of Secretaries of State Meeting
October 6, 2021	State IT Director's Council Meeting
October 11, 2021	Badger Book Open House, Monroe County

October 12, 2021	WTA Conference, Wisconsin Dells Badger Book Train-the-Trainer, St. Croix County
October 13, 2021	Badger Book Train-the-Trainer, Ashland County
October 15, 2021	WMCA District Meeting, Rice Lake Badger Book Open House, Portage County
October 20, 2021	Badger Book Train-the-Trainer, Milwaukee County
October 26, 2021	CISA Cybersecurity Seminar Badger Book Open House, Outagamie County
October 27, 2021	Enterprise IT Meeting
October 28, 2021	WMCA District Meeting, Wausau
November 3, 2021	State IT Director's Council Meeting
November 9, 2021	Badger Book Train-the-Trainer, Waukesha County
November 15, 2021	Badger Book Open House, Portage County

## 10. Elections education project proposal

The agency's Public Information Office is planning a statewide elections education campaign for the fall of 2022. The goal of the campaign is to increase public understanding of a) how elections work in Wisconsin, and b) why elections are so important. **Key details include:**

- Development of a video curriculum to be used in high school classrooms in September and October next year. In that same timeframe, we'll be running a public-facing campaign through media outlets around the state that hits on the same themes as the high school video series.
- We'll have multiple partners involved – some confirmed, some not yet confirmed -- public and private, including the Wisconsin Newspaper Association, the Wisconsin Broadcasters Association, Wisconsin Eye, and the county and municipal clerks' associations, among others.
- The 8-week video series and other supporting materials will be widely accessible and available for use and viewing by anyone. The content will live on the WEC website and, ideally, on lots of other websites around the state as well.
- Agency involvement would include tapping staff experts for help with identifying the right themes for the campaign and building out those themes, and financial support for some still undetermined level of funding.
- The timeline: Jan/Feb targeted to nail down partnerships and recruit talent; March-April-May targeted to plan the content; June-July targeted to shoot and produce the videos; in August we'd announce the campaign in a variety of public ways. And then we'd roll out one video a week for 8 weeks in September and October and launch the parallel PSA campaign in print and with the broadcasters.



# STATEMENT OF SCOPE

## Wisconsin Elections Commission

**Rule No.:** EL 15

**Relating to:** Polling Place Emergency Planning

**Rule Type:** Permanent

### 1. Detailed description of the objective of the proposed rule:

The objective of this proposed rule is to require municipalities to create a plan to employ if a public health crisis, natural disaster, or other catastrophic event impacts polling places. An unforeseen crisis can alter the suitability or availability of polling places after the statutory deadline has passed for a governing body or board of election commissioners to establish polling places. This rule seeks to allow municipal clerks who must run an election after a crisis has impacted polling places within 30 days of that election to remain statutorily compliant even if circumstances demand last-minute changes.

### 2. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The existing policy is detailed in Wis. Stat. § 5.25(1)–(3). The statute requires each election to be held at polling places established by, as relevant, the board of election commissioners or a municipality’s governing body at least 30 days before the election. The new policy proposed is for municipalities to also approve backup polling places, alternate uses of primary polling places, and an emergency plan that a municipal clerk may employ as needed while also remaining compliant with all other laws affecting polling places, such as the notice requirements of Wis. Stat. § 10.01(2)(d) and the accessibility requirements of Wis. Stat. § 5.25(4) and 52 U.S. § 20102. Municipalities would retain the discretion to choose how many and what kind of backup polling places to approve as well as to define the scope and requirements of the emergency plan, including specifying how municipal clerks determine when to employ aspects of the plan. Additionally, the rule will require efforts to publicize the existence of the emergency plan, and for clerks to notify impacted voters if such a plan is used. Alternatives that share the goal of polling place emergency planning would differ primarily in what responsibilities are placed on either the municipal clerk or the entity choosing the polling places. The overall policy alternatives are to either require municipalities develop a plan for emergency situations that impact polling places, or to not require municipalities to have a plan in place.

### 3. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Subject to the other requirements of Chapter 227 of the Wisconsin Statutes, under Wis. Stat. 227.11(2)(a): “Each agency may promulgate rules interpreting the provisions of any statute enforced

or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute . . . .” Wis. Stat. § 5.05(1) states: “The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing.” Specifically, Wis. Stat. § 5.05(1)(f) provides that the Commission may: “Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.” This proposed rule interprets and helps to more effectively implement Wis. Stat. § 5.25. Additionally, under Wis. Stat. 7.08(3) the Elections Commission shall: “Prepare and publish separate from the election laws an election manual written so as to be easily understood by the general public explaining the duties of the election officials . . . .”

**4. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

It will take WEC staff approximately 40 hours to develop this rule and will not require any additional resources.

**5. List with description of all entities that may be affected by the proposed rule:**

This rule would affect each municipal government in Wisconsin. Specifically, it would direct municipal governing bodies or boards of election commissioners to work with municipal clerks to develop emergency plans for polling places. Additionally, voters would be affected if a plan is employed, though this impact should be less severe than the impact on voters if a municipality lacked an emergency plan.

**6. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

The Elections Commission is not aware of any federal laws or regulations that address emergency plans and backup locations for polling places. However, the Election Assistance Commission does have guidance pertaining to this issue. U.S. Election Assistance Commission, *6 Tips for Contingency and Disaster Planning* 1–5 (2014). The guidance covers identifying disasters, creating contingency scenarios, ensuring contingency plans are comprehensive, planning for communication failures, planning for relocating polling places, planning for staffing shortages, planning for ballot and supply shortages, and planning for technology failures.

**7. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The overall economic impact of implementing this proposed rule would be minimal to nonexistent. Any economic impact of this rule would be all or nearly all confined to government officials putting in the time and using the resources needed to develop their emergency plans. Once an initial plan is

established, updates should require very little additional time or resources. This rule is not likely to affect small businesses.

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Department Head or Authorized Signature

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Date Submitted

DRAFT



**STATEMENT OF SCOPE  
PURSUANT TO WIS. STAT. § 227.135  
WISCONSIN ELECTIONS COMMISSION**

**Rule No.:** Wis. Adm. Code EL Chapter 12  
**Relating to:** Certification and Training of Municipal Clerks  
**Rule Type:** Permanent / Amendment

**FINDING OF EMERGENCY:**

N/A

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**RULE ANALYSIS:**

**a) A description of the objective of the proposed rule.**

The Wisconsin Elections Commission (“Commission”) unanimously approved directives to Commission staff to create a scope statement for the purpose of amending Chapter EL 12 to comport with the applicable statute on clerk training cycles, while also adding a provision regarding the notification of top elected officials in each municipality where local officials have not met those training obligations in the current cycle. The Commission also directed staff to add a line to Chapter EL 12 indicating that the statewide voter registration system is named “WisVote,” and that the name of the system may change in the future. As such, the Commission now proposes a permanent change in the form of an amendment to Chapter EL 12 of the Wisconsin Administrative Code (“Certification and Training of Municipal Clerks”). Specifically, Wis. Adm. Code § EL 12.03 would be amended to comply with Wis. Stat. § 7.15(1m), the definition of “Election cycle” in Wis. Adm. Code § EL 12.01(2) needs to be similarly amended, and the definition of “Statewide Voter Registration System” in Wis. Adm. Code § EL 12.01(5) would be further clarified. Finally, Wis. Adm. Code § EL 12.02(2) will be expanded to include greater detail on how local officials will be notified when training requirements are not being met by municipal clerks.

**b) Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives.**

The rule amendments proposed here would bring the current provisions of Chapter EL 12 of the Wisconsin Administrative Code into full compliance with Wis. Stat. § 7.15(1m). That statute provides:

Each municipal clerk shall, at least once every 2 years during the period beginning on January 1 of each even-numbered year and ending on December 31 of the following year, attend a training program sponsored by the commission under ss. 7.31 and 7.315.

Chapter EL 12 currently defines “election cycle” as follows:

“Election cycle” begins on January 1 of an odd-numbered year and continues through December 31 of the following even-numbered year.

This administrative code training cycle applies to both municipal clerk and election inspector cycles, and thus is now non-compliant with the provisions of Wis. Stat. § 7.15(1m). The actual training cycles for clerks and elections inspectors were modified to comply with Chapter 7 when the statute was originally updated. This was done by implementing one, three-year training cycle that ultimately shifted all subsequent two-year cycles to a start date in even-numbered years, in accordance with Wis. Stat. § 7.15(1m). That change rendered training processes statutorily compliant, but the provisions of administrative code have not been updated to reflect actual practices yet.

As such, the proposed rule amendment will redefine Wis. Adm. Code § EL 12.01(2) to reflect a training cycle from January 1 of even-numbered years through December 31 of odd-numbered years. This definitional change/amendment will also bring Wis. Adm. Code § EL 12.03 into full compliance with Wis. Stat. § 7.15(1m).

Chapter EL 12 of the Wisconsin Administrative Code currently also defines “Statewide Voter Registration System” as follows:

“Statewide Voter Registration System” is the election administration software application provided by the commission to enable local election officials to register voters, track absentee voting, and administer elections.

At the December 1, 2021, meeting of the Wisconsin Elections Commission, Commissioners rendered a decision that this definition did not inherently mean that Chapter EL 12 was out of date simply because the Statewide Voter Registration System is no longer called “SVRS” and was subsequently renamed “WisVote.” Rather, it was determined that a reference to the “Statewide Voter Registration System” in administrative code properly refers to any iteration, branding, or naming of the actual statewide voter registration system, both now and in the future. However, for clarity purposes, the Commission also unanimously passed a motion to seek an amendment to Chapter EL 12 of the Wisconsin Administrative Code noting that the statewide voter registration system is named “WisVote,” and that the name of the system may change in the future. This amendment will be proposed as an addition to the definitional language found in Wis. Adm. Code § EL 12.01(5).

At its December meeting, the Commission also directed staff to pursue an amendment to Wis. Adm. Code § EL 12.02(7). This addition would expand the section to further clarify the processes by which a municipality’s governing body is contacted by Commission staff to notify the body that local officials have not met the required training standards for the applicable election cycle. The modification to code will require staff to solicit the official municipal mailing addresses to which notices will be sent. The update will also require staff to send notice of training deficiencies to the top elected official in a particular municipality by first class mail within thirty days of the election cycle’s end.

**c) Detailed explanation of statutory authority for the rule (including the statutory citation and language).**

- Wis. Stat. § 5.05(1): General authority. The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Pursuant to such responsibility, the commission may:

- (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

- Wis. Stat. § 7.08(3): Election manual. Prepare and publish separate from the election laws an election manual written so as to be easily understood by the general public explaining the duties of the election officials, together with notes and references to the statutes as the commission considers advisable...

- Wis. Stats. § 227.11(2)(a): Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.

**d) An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed to develop the rule.**

WEC staff estimates that it will take approximately 40 staff hours to draft a scope statement and carry out the subsequent steps to promulgate an administrative rule.

**e) A description of all of the entities that may be affected by the proposed rule.**

These changes will affect clerks, election officials, and members of municipal governing bodies, only to the extent training is conducted and requirements are enforced. The effect of the proposed rule amendments, and subsequent processes, will have little to no impact on small businesses. In fact, the administrative rule amendments pertaining to training cycles will simply bring the code into compliance with the training cycles that have already been implemented, thus having no impact upon clerks and elections inspectors, as well as local businesses or secondary parties. There are no increased commitments in time or training. The proposed rule amendment pertaining to the definition of the Statewide Voter Registration System will also serve to make existing code clearer, thus reducing the risk that any party trying to interpret the provision will find it difficult and/or contact Commission staff seeking clarification. The remaining changes will be implemented to ensure clerks are up to date in their training responsibilities.

**f) A summary and preliminary comparison of any existing or proposed federal regulation that addresses or is intended to address the activities to be regulated by the proposed rule.**

The Help America Vote Act of 2002 allocated federal funds to states where that state's chief executive and chief election official provided verification that the funds would be used to modernize election operations in predefined ways, and those requirements included the training of election officials, poll workers, and election volunteers (*see* § 101(b)(1)(D)).

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March 4, 2021  
Date Submitted