

Wisconsin Elections Commission

Regular Meeting

July 22, 2022

9:00 A.M.

OPEN SESSION AGENDA

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Q. Discussion of Ballot Access Challenge Findings and Orders



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

Wisconsin Elections Commission

Public Hearing on Administrative Rules via Teleconference
212 E. Washington Avenue, Third Floor
Madison, Wisconsin
1:30 pm March 23, 2022

Public Hearing on Administrative Rules Minutes

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

Staff present: Meagan Wolfe, Richard Rydecki, Sharrie Hauge, Robert Kehoe, Brandon Hunzicker, Jim Witecha, and Anna Langdon, all by teleconference

The hearing began at 1:31 pm. Staff Attorney Jim Witecha appeared and provided instructions to attendees for how to comment via Zoom, presented the procedural rules for the public hearing, and noted the quorum of the Wisconsin Elections Commission due to the presence of Commissioners Jacobs, Bostelmann, Glancey, and Spindell.

Attorney Witecha then provided context for the public hearing by discussing the definition of an administrative rule and reviewing past actions taken by the Commission and the Joint Committee for the Review of Administrative Rules pertaining to the two administrative rules available for public comment.

Statement of Scope SS 008-22

Staff Attorney Witecha then introduced Statement of Scope SS 008-22.

At 1:41 pm, Staff Attorney Witecha opened the meeting to public comment for Statement of Scope SS 008-22. He reiterated the instructions for requesting to speak via Zoom.

Commissioner Spindell requested the names of the Commissioners present be announced. Attorney Witecha stated that Commissioners Spindell, Jacobs, Glancey, and Bostelmann were present.

No one appeared to comment on Statement of Scope SS 008-22.

Statement of Scope SS 010-22

At 1:44 pm, Staff Attorney Brandon Hunzicker appeared and introduced Statement of Scope SS 010-22. He opened the meeting to public comment for that scope statement at 1:46 pm.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

No one appeared to comment on Statement of Scope SS 010-22.

Staff Attorney Witecha informed attendees that members of the public who wished to comment could submit their comments to james.witecha@wisconsin.gov by 4:30 pm on March 23, 2022. He noted that information would remain on the screen in the Zoom meeting until 4:30 pm.

At 1:49 pm, Technology Director Robert Kehoe confirmed there was nobody in the queue to speak.

Staff Attorney Witecha thanked the attendees for being there and reiterated they could submit public comment until 4:30 pm.

The hearing adjourned at 1:50 pm. A slide remained in the Zoom meeting, reading:

Public Hearing Seeking Comment
Admin. Rule Statements of Scope SS 008-22 and SS 010-22

This hearing has adjourned.

You may still submit comments until 4:30pm CST today by emailing them to james.witecha@wisconsin.gov

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March 23, 2022 Wisconsin Election Commission public hearing on administrative rules minutes prepared by:

Anna Langdon, Help Desk Staff

March 23, 2022

March 23, 2022 Wisconsin Election Commission public hearing on administrative rules minutes certified by:

Julie Glancey, Commission Secretary

July 22, 2022



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
1:30 pm April 20, 2022

Open Session Minutes

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

Staff present: Meagan Wolfe, Richard Rydecki, Sharrie Hauge, Robert Kehoe, Jim Witecha, Brandon Hunzicker, Riley Vetterkind, Riley Willman, and Anna Langdon, all by teleconference

A. Call to Order

Commission Chair Jacobs called the meeting to order at 1:31pm and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Approval of Minutes of Previous Meetings

MOTION: Approve the minutes for the February 28, 2022, and March 9, 2022, open session meetings.

Moved by Commissioner Glancey. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

D. Consideration and possible acceptance of additional 2022 Elections Security Funds under Wis. Stat. § 16.54

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Chief Administrative Officer Sharrie Hauge appeared and presented background information on the process for requesting and accepting HAVA Election Security grant funds. She then requested approval from the Commission to request the 2022 election security grant funds.

MOTION: Approve the execution and submission of the §16.54 request to accept HAVA election security grant funds to DOA for approval.

Moved by Commissioner Spindell. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

E. Consideration and possible approval of ballot access petition by the Libertarian Party for the 2022 election cycle

Deputy Administrator Richard Rydecki appeared and reviewed the requirements for political parties to gain ballot access. He then explained how the Libertarian Party qualified to petition the Commission for ballot access for the 2022 election cycle.

MOTION: The Commission grants approval of ballot status for the Libertarian Party for the 2022 Partisan Primary and General 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. Consideration and possible approval of scope statements SS 008-22 and SS 010-22, and consideration of scheduling a preliminary hearing for Scope Statements SS 029-22 and SS 030-22

Riley Willman left the meeting at 1:41 pm.

Staff Attorney Brandon Hunzicker appeared and outlined the results of the public hearing held for Scope Statements SS 008-22 and SS 010-22. He explained the purpose of the first motion was to build in an extra review of the rule language due to the structure of the Commission.

Discussion.

MOTION: Pursuant to Wis. Stat. s. 227.135(2), the Wisconsin Elections Commission today, April 20, 2022, approves scope statements titled Certification and Training of Municipal Clerks (SS 008-22), and Polling Place Emergency Planning (SS 010-22). In drafting the language of the rules, staff are directed to follow the guidance of the Commission as found in the minutes of this April 20 open session meeting. Staff are further directed, upon completing the draft language of each rule, to send a copy of the draft language to each Commissioner for comments and feedback. After incorporating any comments and feedback, staff are directed to bring the draft rule language to the Commission during an open session meeting for discussion and approval before taking any further official steps within the promulgation process. If all Commissioners agree that further discussion is unnecessary after staff have incorporated comments and feedback, staff will continue the promulgation process using the draft language.

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.

Attorney Hunzicker reviewed the second recommended motion on page 21 of the Commission's packet and explained this hearing would have the exact same format as the previous public hearing on March 23; the location of the hearing, place where comments can be submitted, and three-hour window to submit comments would remain the same. He noted the only things that would need to be different from the motion passed to schedule the previous hearing would be the date and time. He informed the Commission that the best date for staff would be Friday, April 29 at 1:30 pm.

Chair Jacobs clarified the public hearing was optional to Commissioners and they could review the comments after the hearing had concluded.

MOTION: Staff is delegated authority to conduct the preliminary public hearing on scope statements titled Approval and Security of Electronic Voting Equipment and Ballot Security (SS 029-22) and Training for Election Inspectors and Special Voting Deputies (SS 030-22). The public hearing shall be noticed to notify the public that three or more members of the Commission may be in attendance. The hearing shall be held via Zoom on Friday, April 29th at 1:30 pm.

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

Motion carried 6-0.

G. Adjourn

MOTION: Move into closed session

Moved by Commissioner Glancey. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

The Commission went into closed session at 1:53 pm.

The Commission adjourned closed session at 5:29 pm.

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April 20, 2022 Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

April 22, 2022

April 20, 2022 Wisconsin Election Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

July 22, 2022



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
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Wisconsin Elections Commission

Public Hearing on Administrative Rules via Teleconference
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
1:30 pm April 29, 2022

Public Hearing on Administrative Rules Minutes

Present: Commissioner Ann Jacobs, Commissioner Marge Bostelmann, Commissioner Robert Spindell Jr., all by teleconference.

Commissioner Spindell joined the meeting at 1:36.

Staff present: Meagan Wolfe, Richard Rydecki, Robert Kehoe, Brandon Hunzicker, Jim Witecha, John Smalley, and Anna Langdon, all by teleconference

The hearing began at 1:30 pm. Staff Attorney Brandon Hunzicker appeared and gave attendees until 1:32 to enter the meeting. At 1:32, he welcomed attendees to the public hearing and acknowledged the attendance of Chair Jacobs and Commissioner Bostelmann. He noted there were not enough Commissioners present to constitute a quorum.

Staff Attorney Hunzicker provided instructions to attendees for how to comment via Zoom, how to request to present comments to the Commission in the absence of a quorum and reviewed the procedures to be followed by commenters. He then provided background information on the administrative rule process.

Commissioner Spindell entered the meeting at 1:36.

Commissioner Spindell left the meeting at 1:36.

Commissioner Spindell re-entered the meeting at 1:37.

Statement of Scope SS 029-22

Staff Attorney Hunzicker then introduced Statement of Scope SS 029-22.

At 1:38 pm, Staff Attorney Hunzicker opened the meeting to public comment for Statement of Scope SS 029-22. He reiterated the instructions for requesting to speak via Zoom.

No one appeared to comment on Statement of Scope SS 029-22.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Statement of Scope SS 030-22

At 1:42 pm, Staff Attorney Hunzicker introduced Statement of Scope SS 030-22. He opened the meeting to public comment for that scope statement at 1:43 pm.

Staff Attorney Hunzicker informed attendees that members of the public who wished to comment could submit their comments to the Legislative Reference Bureau or to the Wisconsin Elections Commission by 4:30 pm on April 29, 2022.

No one appeared to comment on Statement of Scope SS 030-22.

At 1:46 pm, Technology Director Robert Kehoe confirmed there was nobody in the queue to speak and no comments had been left in the chat.

Staff Attorney Hunzicker thanked the attendees for being there and reiterated they could submit public comment until 4:30 pm.

The hearing adjourned at 1:47 pm.

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April 29, 2022 Wisconsin Election Commission public hearing on administrative rules minutes prepared by:

Anna Langdon, Help Desk Staff

April 29, 2022

April 29, 2022 Wisconsin Election Commission public hearing on administrative rules minutes certified by:

Julie Glancey, Commission Secretary

July 22, 2022



Wisconsin Elections Commission

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Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
10:00 am May 13, 2022

Canvass Minutes

Present: Chair Ann Jacobs, Commissioner Julie Glancey, both by teleconference.

Commissioner Glancey entered the meeting at 10:01 am.

Staff present: Meagan Wolfe, Sharrie Hauge, Robert Kehoe, Jim Witecha, Brandon Hunzicker, Riley Vetterkind, John Smalley and Anna Langdon, all by teleconference.

A. Canvass of the official results of the Spring Election for the offices of Court of Appeals Judge and Circuit Court Judge.

The meeting began at 10:00 am.

Chair Jacobs introduced herself and welcomed attendees to the canvass of the official results of the Spring Election held on Tuesday, April 5, 2022, for the offices of Court of Appeals Judge and Circuit Court Judge. She asked Administrator Meagan Wolfe if the canvass had been properly noticed.

Administrator Wolfe informed the Chair that proper notice was given for the canvass report.

Chair Jacobs asked Administrator Wolfe if the county clerks provided their certified returns.

Administrator Wolfe answered yes, there were certified results from all 72 counties.

Chair Jacobs asked if the tabulator statements were true and accurate.

Administrator Wolfe answered yes.

Chair Jacobs then certified the election of the Circuit Court and Court of Appeals judges by signing the canvass statements on May 13, 2022. She stated the candidates would be informed accordingly.

Chair Jacobs asked Administrator Wolfe if there was anything else to address at the day's appearance.

Administrator Wolfe answered no.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Commissioner Glancey entered the meeting at 10:01 am.

The meeting adjourned at 10:01 am.

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May 13, 2022 Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

May 13, 2022

May 13, 2022 Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

June 22, 2022



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
5:00 p.m. May 25, 2022

Open Session Minutes

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

Staff present: Meagan Wolfe, Sharrie Hauge, Robert Kehoe, Jim Witecha, Brandon Hunzicker, Riley Vetterkind, John Smalley, and Anna Langdon, all by teleconference

A. Call to Order

Commission Chair Jacobs called the meeting to order at 5:00 p.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

Chair Jacobs noted that she put this meeting on the calendar at the request of Commissioner Knudson, who asked that the consideration of the Chair position take place prior to the June 10, 2022, meeting to certify candidates for ballot placement for the partisan primary election.

C. Consideration of Moving the Date of the Commission's June 22, 2022, Meeting

Commissioner Knudson requested unanimous consent that the Commission move the schedule down the agenda to make it the second item.

Chair Jacobs indicated she wanted to keep the item where it was in the agenda.

Commissioner Knudson called a point of personal privilege for a moment to make a comment.

Chair Jacobs asked if it was related to re-scheduling the June 22, 2022, meeting.

Discussion.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

The June 22, 2022, meeting of the Wisconsin Elections Commission was rescheduled to July 22, 2022.

D. Consideration and Election of 2022-2024 Wisconsin Elections Commission Officers

Commissioner Knudson raised a point of personal privilege.

Chair Jacobs allowed Commissioner Knudson to make a statement.

Commissioner Knudson announced his resignation from the Wisconsin Elections Commission effective upon the appointment of his successor by Speaker Vos. He noted that if a successor is not appointed by the June 10th meeting to certify candidates for ballot placement for the partisan primary election, he will serve at that meeting. He made remarks explaining his decision.

Discussion.

Commissioner Spindell requested permission to read a statement. Chair Jacobs allowed Commissioner Spindell to make a statement.

Commissioner Spindell outlined reasons why the Commissioners should vote him in as Chair.

MOTION: To move into closed session.

Moved by Commissioner Thomsen.

Chair Jacobs informed Commissioner Thomsen that they could not do that with a matter on the agenda still on the table.

MOTION: To postpone the matter on the agenda.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

Discussion.

The Commission determined the agenda item would be postponed to the morning of June 10, 2022.

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

Motion carried 5-1. The matter is postponed at the direction of the Chair to be the first item on the agenda at the June 10, 2022, Commission meeting.

Chair Jacobs noted that the June 10, 2022, meeting may be held via Zoom to ensure equal access for Commissioner Spindell, who will be attending the meeting from Athens, Greece.

Discussion.

E. Adjourn

MOTION: To move into closed session.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

The Commission moved into closed session at 5:36 p.m.

The Commission adjourned closed session at 6:12 p.m.

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May 25, 2022 Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

May 26, 2022

May 25, 2022 Wisconsin Election Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

July 22, 2022



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
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Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
9:00 a.m. June 10, 2022

Open Session Minutes

Present: Commissioner Ann Jacobs, Commissioner Marge Bostelmann, Commissioner Julie Glancey, Commissioner Don M. Millis, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all by teleconference.

Staff present: Meagan Wolfe, Sharrie Hauge, Robert Kehoe, Jim Witecha, Brandon Hunzicker, Riley Vetterkind, John Smalley, Riley Willman, Erin Hoag, Robert Williams, Allison Coakley, Regina Hein, and Anna Langdon, all by teleconference

A. Call to Order

Commission Chair Jacobs called the meeting to order at 9:04 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Ballot Access Challenges and Issues

Chair Jacobs introduced the agenda item by reviewing ballot access procedures and deadlines. She noted the tight deadlines staff had to meet and thanked them for their hard work. Chair Jacobs then informed challengers and respondents of the procedures they should follow to ensure a smooth meeting. She stated that staff would provide an evaluation of the challenge, then the challenger and respondent would get five minutes each to make their case, respectively.

Discussion.

Administrator Meagan Wolfe appeared to clarify staff's role in the meeting and thank them for their work.

Discussion.

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

D. Ballot Access Report and Certification of Candidates for the Partisan Primary Election and Certification of Independent Candidates for the General Election

a. Case No. EL 22-52 – Janel Brandtjen Complaint against Matthew Brown, Democratic Party Candidate for Representative to the Assembly, District 22

Staff Attorney Jim Witecha appeared and provided the facts of the case. He then presented staff's recommendation to sustain 42 challenges to individual signatures and not sustain 39 challenges to individual signatures.

No one appeared on behalf of the challenger.

Rachel Snyder appeared and presented arguments on behalf of Candidate Brown.

MOTION: The Commission sustains 42 challenges, and does not sustain 39 challenges, in accordance with staff recommendations and the 2022 General Election Challenge Worksheet for EL 21-52.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0. Candidate Brown has 233 out of 200 required signatures.

b. Case No. EL 22-48 – Jordan Moskowitz Complaint against Rustin Provance, Libertarian Party Candidate for Representative in Congress, District 3

Staff Attorney Brandon Hunzicker appeared and provided the facts of the case. He then presented staff's recommendation to sustain 10 challenges to individual signatures.

Discussion.

No one appeared on behalf of the challenger.

Candidate Provance appeared and presented arguments on his own behalf.

Discussion.

MOTION: The Commission sustains 10 challenges to individual signatures in Moskowitz v. Provance (EL 22-48) in accordance with staff recommendations.

Moved by Commissioner Spindell. Seconded by Commissioner Glancey.

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

Motion carried 6-0. Candidate Provance has 984 out of 1000 required signatures.

c. Case No. EL 22-42 – Bryan Lee Complaint against Amber Provance, Republican Party Candidate for State Senate, District 3

Attorney Witecha noted that the legal staff does not participate in the initial two-phase review of nomination papers for ethical reasons. Chair Jacobs clarified that the review done by the legal staff is done for the Commission meeting on ballot access by preparing the memos and reviewing the substantive challenges.

Attorney Hunzicker appeared and provided the facts of the case. He then presented staff's recommendation to sustain 15 challenges to individual signatures.

Discussion.

Challenger Lee appeared and presented arguments on his own behalf.

Candidate Provance appeared and presented arguments on her own behalf.

Discussion.

MOTION: The Commission sustains 15 challenges to individual signatures within Lee v. Provance (EL 22-42) in accordance with staff recommendations.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0. Candidate Provance has 391 out of 400 required signatures.

The Commission took a break at 10:17 a.m.

The Commission returned at 10:24 a.m.

d. Case No. EL 22-49 – Dylan Anderson Complaint against David Kunelius II, Republican Party Candidate for Congressional Representative, District 7

Attorney Hunzicker appeared and provided the facts of the case. He then presented staff's recommendation to sustain 11 challenges to individual signatures and 10 challenges to individual signatures on one supplemental page.

No one appeared on behalf of the challenger.

No one appeared on behalf of the candidate.

MOTION: The Commission sustains 11 challenges to individual signatures within Anderson v. Kunelius (EL 22-49) in accordance with staff recommendations. The Commission also sustains the challenge to 10 signatures on one supplemental page.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0. Candidate Kunelius has 1002 out of 1000 required signatures.

e. Case No. EL 22-45 – Jordan Moskowitz Complaint against v. Jacob VandenPlas, Libertarian Party Candidate for Congress, District 8

Attorney Hunzicker appeared and provided the facts of the case. He then presented staff's recommendation to sustain 46 challenges to individual signatures.

Discussion.

Discussion of EL 22-45 was tabled at 10:38 a.m. due to difficulties reaching Challenger Moskowitz. The Commission returned to this item at 10:48 a.m. after initial consideration of EL 22-44.

Challenger Moskowitz appeared on his own behalf but did not present arguments.

Nicholas Flatley appeared and presented arguments on behalf of Candidate VandenPlas.

Discussion.

MOTION: The Commission sustains 46 challenges to individual signatures in Moskowitz v. VandenPlas (EL 22-45) in accordance with staff recommendations in this memo.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

Discussion.

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

Motion carried 6-0. Candidate VandenPlas has 1027 out of 1000 required signatures.

f. Case No. EL 22-44 – Cathy Zeuske Complaint against Shaun Clarmont, Republican Party Candidate for Representative in Congress, District 8

Staff Attorney Jim Witecha appeared and provided the facts of the case. He then presented staff's recommendation to sustain 140 challenges to individual signatures and not sustain 31 challenges to individual signatures.

Discussion.

Discussion of EL 22-44 was tabled at 10:48 a.m. due to issues with the memo originally uploaded in the meeting materials. The Commission returned to this item at 12:32 p.m. after consideration of EL 22-43, EL 22-50, and EL 22-51. An updated worksheet to replace the memo was distributed to the Commissioners and involved parties and posted on the Wisconsin Elections Commission website.

Staff Attorney Jim Witecha appeared and provided the facts of the case. He then presented staff's recommendation to sustain 140 challenges to individual signatures and not sustain 31 challenges to individual signatures.

Discussion.

Challenger Cathy Zeuske appeared and presented arguments on her own behalf.

Discussion.

Candidate Shaun Clarmont appeared and presented arguments on his own behalf.

Discussion.

MOTION: The Commission sustains 36 challenges as referenced in the staff worksheet and finds 1,025 verified signatures on the nomination papers.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

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

Motion carried 6-0. Candidate Clarmont has 1025 out of 1000 required signatures.

g. Case No. EL 22-43 – Cathy Zeuske Complaint against Paul Boucher, Independent Candidate for Representative in Congress, District 8

Attorney Witecha appeared and provided the facts of the case. He then presented staff's recommendation to sustain 17 challenges to individual signatures and not sustain 89 challenges to individual signatures.

Challenger Cathy Zeuske appeared on her own behalf but did not present arguments.

No one appeared on behalf of the candidate.

MOTION: The Commission sustains 17 challenges, and does not sustain 89 challenges, in accordance with staff recommendations and the 2022 General Election Challenge Worksheet for EL 22-43.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0. Candidate Boucher has 1019 out of 1000 required signatures.

h. Case No. EL 22-50 – Eric LaGesse Complaint against v. Mark Trofimchuck, Republican Party Candidate for State Senate, District 15

Attorney Hunzicker appeared and provided the facts of the case. He then presented staff's recommendation to sustain 46 challenges to individual signatures.

No one appeared on behalf of the challenger.

Erik Olsen appeared and presented arguments on behalf of Candidate Trofimchuck.

MOTION: The Commission sustains 46 challenges to individual signatures in LaGesse v. Trofimchuck (EL 22-50) in accordance with staff recommendations.

Moved by Commissioner Spindell. Seconded by Commissioner Millis.

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

Motion carried 6-0. Candidate Trofimchuck has 546 out of 400 required signatures.

i. Case No. EL 22-51 – Morgan Hess Complaint against Micah Behnke, Republican Party Candidate for Representative to the Assembly, District 90

Attorney Witecha appeared and provided the facts of the case. He then presented staff's recommendation to sustain 102 challenges to individual signatures and not sustain 20 challenges to individual signatures.

Carly Gerads appeared and presented arguments on behalf of Challenger Hess.

No one appeared on behalf of the candidate.

MOTION: The Commission sustains 102 challenges, and does not sustain 20 challenges, in accordance with staff recommendations and the 2022 General Election Challenge Worksheet for EL 21-51.

Moved by Commissioner Spindell. Seconded by Commissioner Millis.

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

Motion carried 6-0. Candidate Behnke has 200 out of 200 required signatures.

The Commission took a break for lunch at 11:47. They returned at 12:32 and considered EL 22-44 before moving on to EL 22-46.

j. Case No. EL 22-46 – Jane Bernstein Complaint against Timothy Michels, Republican Party Candidate for Governor

Chair Jacobs announced that Challenger Bernstein filed a point of order requesting that the Commission consider additional filings in the matter. She stated the participants would argue on the point of order, then the Commission would rule on it. The Commission would then turn to the substance of the challenge. Chair Jacobs noted that because the respondent did not have time to respond to the point of order, they would have additional time (five minutes) to respond to the point of order. Those appearing on behalf of the challenger would have three minutes to present their point of order.

Discussion.

Jeff Mandell appeared on behalf of Challenger Bernstein and clarified that they had filed two points of order.

The following points of order were submitted to the Commission prior to the meeting:

1. Counsel for Challenger Jane Bernstein requested the Commission accept for consideration supplemental materials for EL 22-46.
2. Counsel for Challenger Jane Bernstein sought to extend the allotted argument time for EL 22-46.
3. Counsel for Candidate Timothy Michels objected that the additional filings referenced in the first point of order are untimely and thus should not be considered by the Commission.

Discussion.

MOTION: The Commission does not accept any points of order.

Moved by Commissioner Spindell.

Motion failed for lack of a second.

MOTION: Each party is allotted five minutes to speak on the points of order.

Moved by Commissioner Millis. Seconded by Commissioner Thomsen.

Discussion.

Chair Jacobs clarified with Matthew Fernholz, appearing on behalf of Candidate Michels, that his point of order is that he disagrees with the first point of order. The points of order were then consolidated to the first two points of order:

1. Counsel for Challenger Jane Bernstein requested the Commission accept for consideration supplemental materials for EL 22-46.
2. Counsel for Challenger Jane Bernstein sought to extend the allotted argument time for EL 22-46 to 20 minutes.

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

Motion carried 6-0.

The Commission took three minutes to read through the points of order.

Jeff Mandell presented arguments on behalf of Challenger Bernstein regarding the points of order.

Matthew Fernholz presented arguments on behalf of Candidate Michels regarding the points of order.

Discussion.

MOTION: The Commission denies the first point of order as to receipt of the supplemental materials.

Moved by Commissioner Millis. Seconded by Commissioner Spindell.

Discussion.

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

Motion carried 5-1.

Chair Jacobs stated that the amount of time allotted to the speakers is within the discretion of the chair. She agreed with the second point of order and allowed each party 20 minutes to present their arguments. She noted that if a Commissioner disagreed with her ruling, they could vote to overrule her decision.

MOTION: To overrule Chair Jacobs' ruling and drop the second point of order.

Moved by Commissioner Spindell. Seconded by Commissioner Millis.

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

Motion failed 3-3.

Jeff Mandell presented arguments on behalf of Challenger Bernstein.

Matthew Fernholz presented arguments on behalf of Candidate Michels.

Discussion.

MOTION: The Commission does not sustain the challenge to Timothy Michels ballot access, as set forth in EL 22-46 Bernstein v. Michels.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

Discussion.

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

Motion carried 6-0. Candidate Michels has 3861 out of 2000 required signatures.

k. Case No. EL 22-47 – Trevor Ford Complaint against Patty Schachtner, Democratic Party Candidate for Representative in Congress, District 4

Attorney Hunzicker appeared and provided the facts of the case. He then presented staff's recommendation to sustain the challenge to all pages of Patty Schachtner's nomination papers.

David Hollander, representing Candidate Schachtner, appeared and raised a point of order asking that an affidavit he submitted to staff on June 10, 10:38 a.m. be considered by the Commission. The affidavit provided information refuting staff's determination that mail could not be successfully sent to the mailing address listed on Candidate Schachtner's nomination papers.

Discussion.

Chair Jacobs directed staff to send the affidavit to the Commissioners and Trevor Ford.

The Commission took a break at 3:31 p.m. to review the materials.

The Commission returned at 3:46 p.m.

Challenger Ford appeared and presented arguments on his own behalf.

David Hollander appeared and presented arguments on behalf of Candidate Schachtner.

Discussion.

MOTION: The Commission does not sustain the challenge set forth in Ford v. Schachtner EL 22-47.

Moved by Commissioner Spindell. Seconded by Commissioner Glancey.

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

Motion carried 6-0. Candidate Schachtner has 354 out of 200 required signatures.

E. Ballot Access Report and Certification of Candidates for the Partisan Primary Election and Certification of Independent Candidates for the General Election

Administrator Wolfe sent the Commissioners an email including the motions for this item and shared her screen for the public:

RECOMMENDED MOTION #1: The 325 candidates representing ballot-status parties marked “approve” on the “Candidates Tracking by Office” report are approved for ballot access for the August 9, 2022, Partisan Primary, in addition to any candidates who were subject to challenge but were ultimately approved for ballot access by the Commission.

RECOMMENDED MOTION #2: The 9 independent candidates marked “approved” on the “Candidates Tracking by Office” report are approved for ballot access for the November 8, 2022, General Election, in addition to any independent candidates who were subject to challenge but were ultimately approved by the Commission.

APPROVAL OF CHALLENGED CANDIDATES BASED ON TODAY’S DECISIONS

RECOMMENDED MOTION #3: The 75 candidates representing ballot-status parties and independent candidates marked “denied” on the “Candidates Tracking by Office” report are denied ballot access for the August 9, 2022, Partisan Primary and the November 8, 2022 General Election respectively, in addition to any candidates who were subject to challenge but were ultimately denied ballot access by the Commission.

DENIAL OF CHALLENGED CANDIDATES

RECOMMENDED MOTION #4: The following list of 9 candidates marked as “challenged” on the “Candidates Tracking by Office” report are approved for ballot access for the November 8, 2022, General Election who were subject to challenge but were ultimately approved by the Commission.

Matt Brown, Assembly District 22

David W. Kunelius II, Congressional District 7

Jacob J. VandenPlas, Congressional District 8

Shaun Clarmont, Congressional District 8

Paul David Boucher, Congressional District 8

Mark Trofimchuck, Senate District 15

Micah J. Behnke, Assembly District 90

Tim Michels, Governor

Patty Schachtner, Assembly District 28

RECOMMENDED MOTION #5: The 2 following candidates marked “challenged” on the “Candidates Tracking by Office” report are denied ballot access for the August 9, 2022, Partisan Primary and the November 8, 2022 General Election respectively, these candidates who were subject to challenge and were ultimately denied ballot access by the Commission.

Rustin Provance, Congressional District 3

Amber Provance, Senate District 31

MOTION: To combine recommended motions #1-5 into a single motion.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

MOTION: The Commission approves the consolidated motion as set forth in the previous motion.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

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

Motion carried 6-0.

F. Consideration and Election of 2022-2024 Wisconsin Elections Commission Officers

a. Election of the Chair

Chair Jacobs entertained nominations for Chair.

Commissioner Spindell nominated himself.

Commissioner Millis nominated himself.

Chair Jacobs allowed the nominated Commissioners to present on why they would like to be chair.

Commissioner Spindell outlined reasons why the Commissioners should vote him in as Chair.

Commissioner Millis outlined reasons why the Commissioners should vote him in as Chair.

MOTION: To approve Commissioner Spindell as Chair.

Moved by Commissioner Spindell.

Motion failed for lack of a second.

MOTION: To approve Commissioner Millis as Chair.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 5-1.

b. Appointment of Vice-Chair and Secretary

Discussion.

Chair Millis asked for nominations for Vice Chair.

Commissioner Spindell nominated himself.

MOTION: To approve Commissioner Spindell as Vice Chair.

Voice vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	No

Motion carried 5-1.

Commissioner Bostelmann nominated Commissioner Glancey for Secretary.

MOTION: To approve Commissioner Glancey as Secretary.

Voice vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

G. Adjourn

MOTION: To adjourn.

Moved by Commissioner Bostelmann. Seconded by Commissioner Jacobs.

Voice vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

The Commission adjourned at 4:19 p.m

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June 10, 2022 Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

June 12, 2022

June 10, 2022 Wisconsin Election Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

July 22, 2022



Wisconsin Elections Commission

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DATE: For the July 22, 2022 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared and presented by:

Cody Davies
Election Administration Specialist

Robert Williams
Elections Administration Specialist

SUBJECT: 2022 Post-Election Electronic Voting Equipment Audit Proposed Guidelines and Optional Post-Election County Canvass Audit

1. Post-Election Voting Equipment Audit

Introduction

Wis. Stat. § 7.08(6) is the state embodiment of § 301(a)(5) of the Help America Vote Act of 2002 (HAVA). Wis. Stat. § 7.08(6), requires the Wisconsin Elections Commission (WEC) to audit each voting system that is used in this state following each General Election:

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

This law was passed in 2005 and came into effect on January 1, 2006. Following the November 2006 General Election, the first post-election audit was conducted in the State of Wisconsin. Wisconsin has required a “complete, permanent paper record showing all votes cast by each elector, that is verifiable by the elector, by either visual or nonvisual means as appropriate, before the elector leaves the voting area” since April 2004. Wis. Stat. § 5.91(18).

¹ Federal VVSG 1.0 allowable error rate is 1 in 500,000 ballot positions. As such, auditing teams must reconcile the voter verified paper record with ballots or records tabulated and recorded by equipment and eliminate any potential non-tabulation related sources of error including printer malfunctions, voter generated ballot marking errors, or election administration errors.

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

The State of Wisconsin specifically distinguishes the post-election audit requirement as separate from the required pre-election tests of electronic voting systems. The pre-election test of electronic voting system, required by Wis. Stat. § 5.84, uses a pre-determined set of ballots to ensure that the voting system is properly programmed prior to Election Day. The post-election audit, alternatively, is designed to assess the electronic voting system Election Day performance using a review of the actual votes cast by electors to verify the accuracy of both programming and tabulation.

The Wisconsin Elections Commission has established detailed procedures for meeting the post-election audit requirement. The voting equipment audit serves as an important tool to deter voting system fraud and detect any large-scale voting system errors. Most importantly, the post-election voting equipment audit ensures that voting systems currently certified for use in Wisconsin elections are performing up to required standards for continued certification. Information obtained in the audit provides also crucial feedback that allows jurisdictions to help improve election administration in future elections.

When determining which municipalities will be selected to participate in the post-election voting equipment audit, Wisconsin Elections Commission staff use a transparent and random process that ensures a minimum number of reporting units for each model of equipment is represented in the total of all audited reporting units. The selection process also is designed to ensure that each county is represented in the sample. To bolster the effectiveness of the audit process, all ballots tabulated on Election Day, including absentee ballots, are audited using counting methods that account for overvotes and undervotes, as well as blank or spoiled ballots. Through post-election audit procedures, randomized selection processes, and thoroughness of the audit process, staff aims to not only meet statutory requirements, but to increase the confidence voters have in the results of Wisconsin elections.

Background

Beginning in 2006, the Wisconsin State Elections Board conducted audits on voting equipment within the state. In 2008, staff of the former Government Accountability Board (“G.A.B.” or “Board”) reconfigured the audit program to address the unsustainably high personnel and financial expenses associated with the decision to have Board staff conduct the post-election voting equipment audit onsite in selected municipalities. Board staff then began asking municipal clerks to conduct audits at the municipal and county level, with the resulting materials to be mailed to Board offices for staff to analyze. In 2010, the Board continued requiring municipalities to conduct audits at the municipal level with assistance from G.A.B. staff. In 2012, Board staff again reformed the audit program, including a decision to double the amount of reporting units selected for participation. This change meant auditing a minimum of one hundred (100) reporting units. Municipalities continued to perform voting equipment audits at the municipal level, with assistance from G.A.B. staff.

The same procedures and protocol were applied to the 2014 audit process. Municipalities were again required to perform audits at the municipal level and many municipalities worked with their respective county clerks to conduct the required voting equipment audits. G.A.B. staff provided assistance to municipalities concerning audit planning, auditing procedures, and suggested ideas and methods for evaluating and recording potential discrepancies. Staff also reviewed initial audit results to ensure audits were conducted in an appropriate manner. In limited circumstances, staff conducted an additional audit of the ballots to verify the Election Day results against the hand count audit results.

For the 2016 audit selection process, a selection limit of two reporting units per municipality was proposed by WEC staff and approved by the Commission during its October 14, 2016 meeting. The Commission later

determined that reporting units selected for the audit whose ballots were hand-counted during the statewide recount for the Office of President would no longer be required to conduct the audit. Reporting units where ballots were recounted using optical scan tabulators would still be subject to the post-election voting equipment audit. In total, 42 total reporting units in 34 municipalities were audited after the 2016 Presidential and General Election.

To conduct the 2018 Voting Equipment audit, staff proposed, and the Commission approved, several changes to the audit process. This included changes to the completion timeline of the audit, the selection process, and municipal reimbursement. Prior to 2018 the audit was primarily conducted after the results of the election had been certified. In 2018, the completion timeline was shortened significantly, requiring that all municipalities with reporting units selected complete the audit on or before November 28, 2018, allowing Commissioners to be presented with the initial findings of the audit before certifying the 2018 General Election results.

For the 2018 audit, the sample size of reporting units was increased to 5% of all reporting units throughout the state. This totaled 186 reporting units selected. In previous audits, a total of 100 reporting units, roughly 3% of those statewide, had been selected. Finally, in 2018, the municipal reimbursement scheme was altered slightly. A \$300 max reimbursement was left in place, but municipalities were allowed for the first time to submit documentation requesting reimbursement for costs over the maximum allowed. For the 2018 audit, the hourly rate maximum of \$10 per hour was also removed, giving auditors the opportunity to submit actual cost data for reimbursement.

In planning for the 2020 voting equipment audit, staff recommended a change to the reporting unit selection process regarding and the method of municipal reimbursement while leaving in place several procedures approved by the Commission for the 2018 audit. Prior to 2020, there was a maximum selection cap of two reporting units per municipality. In 2020, the maximum number of selected reporting units was increased to four for Milwaukee and Madison. For other municipalities, the maximum number of reporting units decreased proportionally depending on overall voting population. This approach allowed for a more proportional selection process based on the number of registered voters in each municipality, while leaving the statewide total of reporting units selected unchanged at 5%. Staff also recommended an adjustment to the method of municipal reimbursement by introducing a \$50 flat amount for audit set up and \$0.35 per ballot compensation for the conducting of the audit.

Recommendations for 2022 Voting Equipment Audit

In preparation of the 2022 voting equipment audit, staff is recommending an expanded audit program using the processes previously applied. With Commission approval, reporting unit selection will be conducted in the same manner as the preceding audit. Staff have worked with WEC IT developers to create a computerized random selection tool. The parameters of the audit are loaded into the selector with a seed determined by dice roll. Staff is recommending that the maximum number of selected reporting units be set at four for the state's two largest municipalities and proportionally decrease to three and one based on voting population. Staff further recommends at least one reporting unit per county and no fewer than five reporting units per tabulator type be selected. More information on the reporting unit selection can be found on pages 4 to 5 of this memo.

In the event of a potential statewide recount, staff recommends a temporary postponement of the voting equipment audit until the recount deadline has passed. This recommendation is not intended to affect the timeline for completion of the audit. As ballot protection and security best practices dictate that the ballot bags should be accessed as few times as possible, opening the ballot bags in order to conduct the voting equipment

audit prior to a recount is not recommended. If a recount does move forward, as was seen in 2020, ballots can be audited immediately after the recounting is complete or resealed in a ballot bag and audited at a separate location. During the 2016 statewide recount, reporting units where ballots were hand counted were exempted from the audit. Should the Commission wish this to be the approach in the event of a 2022 statewide recount, staff will adjust training documents accordingly.

Staff is also recommending a continuation of the fixed percentage of reporting units audited with the audit completed prior to the election certification deadline of December 1. Audit materials and results submission deadline to WEC would be no later than November 25 under this proposal. As noted previously, in the 2018 and 2020 voting equipment audits the Commission directed staff to select 5% of the reporting units statewide. This recommendation is based upon previous experience regarding staffing, audit completion timeline, and costs. However, as there has been discussion surrounding increasing the percentage of reporting units selected, an anticipated ballot, staffing, and cost breakdown is included on page 6 of this memo.

Also recommended is the calculation of an error rate based upon VVSG 1.0 testing standards. Pursuant to VVSG 1.0, the maximum allowable error rate for testing purposes is 1 error in 500,000 ballot positions. This calculation requirement, based upon the federal allowable maximum is specified in Wis. Stat. 7.08(6). Staff has worked to identify tabulation related issues that would be considered machine errors both in federal testing standards and based upon experiences from previous audits. Further details on error rate calculation are provided on page 9 of this memo.

Adjustments approved by the Commission to reimbursement system in 2020 proved successful. Implementing a flat set up rate and per ballot amount eliminated the possibility of municipal costs beyond the approved maximum that occurred in audits prior to 2020, which required additional staff analysis and approval by both Administrator and Chair. As a result, staff is once again recommending reimbursement of \$50 for audit set up and \$0.35 per ballot audited for each reporting unit selected.

Staff also recommends that, in municipalities where central count is used to process absentee ballots, that reporting unit(s) selected in those municipalities conduct an audit of absentee ballots. Doing so guarantees that medium and high-speed scanners used in select locations will be audited as required by Wis. Stat. 7.08(6).

A summary of all recommendations can be found at the end of this memo.

Reporting Unit and Contest Selection Process

For the post-election audits to be conducted in 2022, staff is recommending that the sample size be increased to 10% of the total reporting units statewide. Staff also recommends controlling for one reporting unit per county and five reporting units per piece of equipment remain in effect. For good cause, WEC may identify other reporting units to be audited. Zero population reporting units will be automatically excluded. Should the deduction of zero population reduce the total number of selected reporting units to fewer than what was ordered by the Commission, staff will randomly select additional reporting units to maintain the minimum requirement. The 2020 voting equipment audit, using these selection and control methods, with a 5% sample size, provided a pool of nearly 150,000 ballots which translated to 4.2% of all ballots cast statewide in the 2020 General Election. Doubling the sample size should roughly double these figures.

In 2020, the Commission approved guidelines dictating a maximum of four reporting units be selected from Wisconsin's two largest municipalities, Milwaukee, and Madison, and up to three reporting units from the top

twenty other municipalities in terms of voter population. The guidelines further dictated one reporting unit maximum for the remainder of all municipalities across the state. These guidelines ensured that the audit would not be unduly weighted in any one jurisdiction or geographic area.

WEC voting systems specialists worked closely with WEC development staff to create a tiered selection algorithm that is intended to provide a more representative sample of ballots cast in the 2022 General Election and allows larger municipalities to have more reporting units selected for audit. The process is started with seed generation based upon the roll of 20 dice that are all 10 sided. This seed generation and the numbers on the dice allow for the repeatability of the reporting unit selection. Should a different seed be entered, a completely different list of reporting units would be randomly selected.

In addition to reporting units, staff will also select the contests for audit during a public meeting on November 9, 2020. All statewide contests will be included as possible selections. Contests that could be selected for audit include: Governor, Attorney General, Secretary of State, State Treasurer, U.S. Senator, Representative to Congress, State Senator, and Representative to the Assembly. As the office of State Senator is not on all ballots statewide, it was not included as part of the audit prior to 2018. Staff will include this contest in the list of possible selections, with the caveat that if State Senate is selected an alternate contest will be selected for reporting units where State Senator is not on the ballot for election this cycle. From these contest options, staff recommends a total four contests be chosen for audit, with the Gubernatorial contest automatically included.

Selection process summary:

1. Maintain the audit reporting unit sample as a fixed percentage of all reporting units statewide.
2. Ensure that at least one (1) piece of voting equipment is selected for audit in each of the 72 Wisconsin counties.
3. Ensure that a minimum of five (5) reporting units are selected for each piece of equipment certified for use in Wisconsin that records and tabulates votes.
4. Set a maximum reporting unit selection of four in Madison and Milwaukee, three for the next 20 largest municipalities, and one for every other municipality subject to audit.
5. Automatically select the Gubernatorial contest and randomly select a further three contests from the remaining seven statewide races for a total of four contests selected for audit.

Sample Size Comparisons

As discussed previously, voting equipment audits in 2018 and 2020 used a sample size of 5% of reporting units statewide. In past audits a 5% sample size was manageable in regard to personal clerk contact, documentation follow up, and any potential discrepancy or error investigation. It is worth noting, however, that given the short timeframe during which local clerks can complete equipment audits, a large shift in sample size may result in some municipalities being noncompliant with the submission deadline. Were this to occur, staff would include a list of noncompliant municipalities in the Voting Equipment Audit Interim Report provided to the Commission prior to the November 30, 2022 Elections Commission meeting.

With recommended selection controls in place, and a Commission approved fixed rate sample size of 10%, the audit will result in a sufficient number of ballots being audited to allow auditors and staff to recognize and investigate an error impacting a specific voting system. In the 2020 voting equipment audit, the 5% approved sample size resulted in 4.2% of all ballots cast statewide being audited at a cost of \$55,000. The total allowable cost for the 2020 audit was approximately \$64,000.

The tables below provide Commissioners estimates on the number of ballots audited, municipal reimbursement cost, as well as staff time and cost. These figures are based on 2020 statistics regarding both the 2020 voting equipment audit and total number of ballots cast in the 2020 General Election. Since the 2022 General Election is anticipated to be high turnout, staff anticipates that the number of ballots cast will be similar to those cast in November 2020.

5% Sample Size Estimates (Past)

Ballot Count	Percent of Ballots	Ballot Positions	Estimated Reimbursement	WEC Staff Hours	WEC Staff Cost
150,000	4%-5%	560,000	\$65,000	300	\$12,000

10% Sample Size Estimates (Proposed)

Ballot Count	Percent of Ballots	Ballot Positions	Estimated Reimbursement	WEC Staff Hours	WEC Staff Cost
300,000	8%-10%	1,200,000	\$130,000	600	\$24,000

Audit Completion Timeline

Prior to 2012, audits were required to be conducted no later than two weeks after the State certified the election results. For the 2012 post-election voting equipment audit, the G.A.B. determined that audits could be conducted prior to the recount deadline, a decision which revised prior requirements that no audits take place until after the period for filing a challenge to a recount of any contest on the ballot had expired. These guidelines remained in place for both the 2014 and 2016 audits. In 2016, records indicate that 20 of the audits, or 19 percent, were conducted prior to the state certification of election results and several other municipalities were scheduled to conduct audits prior to certification but rescheduled when it became apparent that a statewide recount was imminent. Beginning in 2018, the voting equipment audit was required to be completed pre-certification.

For the 2022 post-election voting equipment audit, staff is recommending a continuation of the practice that all post-election audits be conducted and submitted to WEC prior to the state deadline to certify election results on December 1, 2022. The proposed deadline for audit materials and results to be submitted to WEC is no later than November 25, 2022. This recommendation is based on the increased willingness of municipalities to conduct the audit promptly after Election Day. Staff recognizes that this timeline may increase the workload of local election officials who have just finished administering a high-profile, high-turnout General Election. However, as the voting equipment audit is a statutory requirement, staff will work to ensure compliance from all selected municipalities. For the 2018 and 2020 audits the submission compliance rate was 100%. This is the expectation in 2022, as well.

To facilitate this timeline and ensure that selected municipalities have the largest possible window to schedule, coordinate, conduct, and report audit results to the WEC, staff is committed to scheduling the public meeting for the random selection of reporting units and contests subject to audit on Wednesday, November 9, 2022. Selected municipalities will be timely notified and provided with reference and resource materials and a pre-recorded training webinar will be offered that will outline audit and results reporting procedures.

Pre-Audit Preparations

The audit must be open to the public. The time and location of the audit must be posted at least 48 hours prior to the audit. Members of the public can observe the audit proceedings but may not interfere with the orderly conducting of the audit.

Upon notification by the Wisconsin Elections Commission that a reporting unit in their municipality was selected for audit, the municipal clerk shall make arrangements with the county clerk to preserve and retain the election materials including voter lists, the Inspectors' Statement (EL-104), Tally Sheets (EL-105), reports and results tapes printed or generated by the voting system, ballots and any other required materials that will be used during the audit. All materials subject to audit must be retained in a secure location by either the municipal or county clerk. The use of a chain of custody log to document who has had access to election materials and where they have been stored is highly recommended.

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

General Audit Procedures

1. The municipality shall acknowledge receipt of its selection for the post-election voting system audit and confirm with the WEC the following information for each reporting unit selected:
 - a. Voting System Type
 - b. Voting Equipment Model
 - c. Accessible Voting Equipment Model
2. The clerk shall publicly post notice of the time and location for the voting system audit at least 48 hours prior to the scheduled audit. Clerks must notify the WEC of the time and location of the audit by sending a copy of their notice to wecaudits@wi.gov.
3. Four (4) contests shall be audited, including the top contest on the ballot, the presidential or gubernatorial contest. The other audited contests shall be selected randomly by WEC staff from the other state-level contests that appear on the ballot.
4. A minimum of two individuals shall participate in the audit. Votes shall be tallied by hand for the contests included in the audit. For some voting systems, this will require counting the votes listed on the voter-verified paper audit trail generated by the voting system on Election Day. At least two auditors shall determine an independent total for each selected contest. These totals shall then be compared to each other. If the auditors' totals concur, the totals are then compared to the results generated by the voting system. Any discrepancies or errors should be recorded and explained in the minutes of the audit and itemized on the results reporting form provided by the WEC.

5. Detailed minutes should be kept by those conducting the audit and discrepancies in vote totals should be itemized and summarized in the minutes. This information should be used when filling out the reporting forms that must be submitted to the WEC after the completion of the audit.
6. If any offices contain an overvote, no vote is counted for that office, and it is considered an undervote.
7. All write-in votes and scattering should be tallied on the combined line listed for those votes. The individual write-in candidate totals do not have to be listed as the voting equipment only produces a subtotal of the write-in votes for each contest and does not tally votes for each individual candidate.
8. Auditors should only count votes as the equipment would have counted them.
Example 1: A voter circled candidate name Jane Doe on an optical scan ballot where they should have filled in the oval next to the candidate's name. No vote for this office should be counted as the voting equipment would not have counted a vote cast for a candidate in this manner.

Example 2: A voter wrote in a candidate name on an optical scan ballot and did not fill in the oval next to the write-in line. The voting equipment would not have identified this as a write-in vote on the results tape, so it should not be included in the write-in totals for purposes of the audit.
9. In some cases, it may not be clear exactly how the ballot would have been counted by the voting equipment or there may be ballots where a hand count would have determined a different outcome for individual ballots. Auditors should document in the minutes any ballots where it is unclear how the voting system would count the ballot. The auditors should include in the minutes how they counted the ballot as well as all reasonable alternatives on how the machine may have counted the ballot.

Example: Ballot 93, voter marked both Jane Doe and John Smith and attempted to erase the mark for John Smith. We counted it as a vote for Jane Doe, but the machine may have read this as an overvote in this contest. This may result in our tally having one more vote for Jane Doe and one less undervote in this contest.
10. The audit results should be compared to the results report from the voting equipment, and both sets of tally results should be reported to the WEC. It may be possible that the auditors' totals do not match the voting equipment results report, but the auditors should be able to reasonably explain any discrepancy in the totals by reference to specific ballots and situations as notated in the minutes and reporting forms.

Post-Audit Procedures

Each municipality conducting an audit must submit the designated reporting forms and supporting documents from the audit, including tally sheets. This submission serves as confirmation that the audit has been completed and must also detail and describe any discrepancies or error encountered in the process. Clerks should email these findings to wecaudits@wi.gov. Discrepancies listed that would be considered tabulator errors would be included in the final error rate calculation, described below.

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

In the event that a discrepancy between the machine tally and the paper record tally cannot be reasonably explained, WEC staff may request that the voting equipment manufacturer investigate and explain the reasons for any differences between the machine tally and the paper record tally. Should the vendor fail to provide a sufficient written explanation, including recommendations for preventing future occurrences, within 30 days of notification, the WEC may suspend approval of the affected voting system in Wisconsin. This suspension will be implemented immediately, pending an appeal by the vendor to the Commission, which must be filed within 30 days of the suspension.

Based upon the results of the audit, the Wisconsin Elections Commission may, at its sole discretion, choose to re-test a voting system per Wis. Adm. Code EL Chapter 7. Such test would be a condition of continuing approval of said voting system.

Error Rate Calculation

VVSG 1.0 is the federal testing standard to which voting equipment in Wisconsin is certified. The VVSG 1.0 maximum allowable error rate for approval in federal testing, 1 in 500,000 ballot positions, is also the standard referenced in Wis. Stat. 7.08(6) against which voting equipment audit results will ultimately be compared. This allowable rate for testing under VVSG 1.0 is in contrast with the target error rate of 1 in 10,000,000 ballot positions.

When calculating the error rate found in the voting equipment audit, if any, it is important to define what constitutes an error. To this end, staff has reviewed the 2005 Voluntary Voting System Guidelines (VVSG 1.0), the federal testing standard to which voting equipment in Wisconsin is certified. The VVSG 1.0 maximum allowable error rate for federal testing, 1 in 500,000 ballot positions, is also the standard referenced in Wis. Stat. 7.08(6) against which voting equipment audit results will ultimately be compared. Staff recommends that only documented tabulator issues be considered in the error rate of the voting equipment audit. Considering VVSG 1.0 standards and experiences in previous audits, staff recommends the following items be considered as tabulator errors for the purposes of the voting equipment audit should they cause a difference between the hand tally totals and equipment totals: extraneous perforations, smudges, and folds, marking pen bleed through, dirty scan head, votes attributed to the wrong candidate by the tabulator, votes not counted due to a certain color of ink being used, foreign bodies such as ink flakes and dust on the ballot, programming issues not present at the time of public testing, or anything not mentioned herein which would cause an otherwise empty oval to register as a vote. These issues are directly attributable to tabulator error and would be included in the error rate calculation. Issues that can be attributed to human erroneousness such as administration errors at the polling place, auditor errors in tallying, voter intent inclusion during auditing, etc., would not be included in the calculated error rate.

The error rate will be calculated using the data gathered from hand tally results submitted to WEC on an audit reporting form. With Commission approval of what defines and constitutes a tabulator error, staff will update the current reporting form to include fields for collecting information on both the number of errors and the specific type of error(s), from the list above, that were discovered during the audit, if any. Clerks will still be asked to explain any discrepancy in their audit, whether it results from human or tabulator error. The updated reporting form, however, would allow them to provide the additional error details, if any, that have been lacking

in past audit reporting forms. Following analysis of the data from all selected reporting units, staff will calculate an error rate for each equipment type and an overall error rate as directed by statute and recommended by the Legislative Audit Bureau. Commissioners will be presented with the error rate in both a fraction and percentage as part of the final report on the voting equipment audit.

Establishment of Current Federal Error Standard

The current allowable error rate was established in the 2005 Voluntary Voting System Guidelines (VVSG 1.0). VVSG 1.0, which is the current federal testing standard, requires that for voting systems to gain federal certification, they must be put through a specific series of tests by a voting system test laboratory (VSTL) to ensure that, not only are ballots accurately tabulated, but that the system is correctly executing source code and that the system meets all other requirements of VVSG 1.0. Should the system meet the requirements, the VSTL recommends certification, which is then completed by the federal Election Assistance Commission (EAC), with the issuance of a certificate of certification.

Voting systems must comply with VVSG 1.0 guidelines to receive federal certification. However, states may choose to make some or all the federal guidelines, testing, or certification mandatory under their own state laws. Pursuant to Wis. Stat. §5.91, the WEC may issue state certification for a voting system regardless of the federal certification status. In practice, WEC staff has accepted voting system test applications only when at least one of the system versions in the application is EAC certified. This ensures that the system has been federally tested and meets the error limits listed in VVSG 1.0.

There have been two updates to the VVSG in the years subsequent to 2005. In 2015, the EAC provided VVSG 1.1, which made a limited series of updates to VVSG 1.0. VVSG 1.1, however, was never implemented as the federal testing standard, leaving VVSG 1.0 as the set of guidelines to which voting system vendors develop their equipment. Shortly after the passage of VVSG 1.1, the EAC began development of the next set of voting system standards which would become VVSG 2.0.

With the approval of VVSG 2.0 in 2021, the allowable error rate for federal certification was altered. VVSG 2.0 removed the 1 in 500,000 ballot positions allowable error rate for testing. Instead, the acceptable error rate in VVSG 2.0 will require voting systems to meet more stringent 1 in 10,000,000 goals in order to gain EAC certification. Despite the approval of VVSG 2.0, it has not yet been implemented as federal testing standard. The next step in the implementation of VVSG 2.0 is for the existing independent VSTLs to complete the EAC federal lab accreditation process that will allow them to test systems to VVSG 2.0. Once the VSTLs are accredited to test to the VVSG 2.0, vendors will begin submitting voting systems for testing to the modern standard. EAC estimates anticipate full systems submitted for VVSG 2.0 testing beginning following the 2024 election cycle.

Municipal Reimbursement

To conduct the 2018 audit, the Wisconsin Elections Commission reimbursed municipalities for actual costs incurred, up to \$300 per reporting unit, for conducting each audit. Staff recommended, and the Commission approved the removal of the restriction limiting reimbursement of personnel costs to a rate of \$10 per hour. Each municipality seeking reimbursement submitted an itemized request that included the names of the auditors, the pay rate at which they were compensated, and the total sum requested for reimbursement. Audit costs exceeding \$300 per reporting unit were submitted to the WEC and full reimbursement for those costs were considered. A total of 14 municipalities submitted overage requests with 12 being granted. Approval for

overage requests required staff to consult with both Administrator Wolfe and then Chair Knudson, providing them with relevant documentation submitted by the municipalities.

For the 2020 voting equipment audit, staff recommended a change to the municipal reimbursement procedure. Instead of a flat reimbursement rate, staff recommended a base reimbursement for the cost of setup of \$50 per reporting unit and then further reimbursement at the rate of thirty-five cents (\$0.35) per ballot. Staff also recommended removing the \$300 maximum reimbursement. This method of reimbursement proved to be more equitable than those used in the past. Previously, the per ballot reimbursement rate varied wildly. There are no further procedural hurdles for the municipalities with a higher ballot count. The change in the reimbursement structure led to slightly higher costs for the agency than using the \$300 per reporting unit standard, but costs for the program were similar to the final reimbursement cost for the 2018 audit after the overage payments were considered. As discussed previously, staff is recommending a continuation of the reimbursement methodology pioneered in 2020 in order to further streamline the reimbursement process.

Reimbursement Examples

		Base Reimbursement	Ballots Counted	Subtotal	Total Reimbursement
Municipality 1	Reporting Unit 1	\$50.00	250	\$137.50	\$298.13
Municipality 2	Reporting Unit 1	\$50.00	1,750	\$662.50	\$1,850.00
	Reporting Unit 2	\$50.00	3,250	\$1,187.50	

2. Voluntary Post-Election County Canvass Audits

Staff are also taking this opportunity to present an outline of the optional post-election audits conducted by counties as part of their canvass process. Multiple counties utilized this type of audit following the 2020 General Election and have already inquired as to whether the program will continue this November.

Unlike the post-election voting equipment audit, participation in county-level canvass audits is voluntary. Additionally, as these audits are not bound to the goal of confirming voting equipment accuracy, they can be conducted in jurisdictions that utilize hand-count paper ballots, electronic voting equipment, or a combination of the two. Procedures for the canvass audit should follow the same full hand tally procedures employed in 2020. Staff are recommending that reimbursement for participation in these voluntary audits follow the same rubric as outlined for the post-election voting equipment audit. Specifically, each participating reporting unit will be eligible for a flat reimbursement of \$50 per reporting unit with further reimbursement at \$.35 per ballot audited. As in the 2018 and 2020 voluntary audits, there will be a limit of two reporting units per participating county.

Summary of Recommendations

1. Double the audit sample size to 10% of all reporting units statewide.
2. Define a voting equipment error for the purposes of the 2022 voting equipment audit as any and all of the following if resulting in discrepancies between hand tally and equipment vote totals: extraneous perforations, smudges, and folds, marking pen bleed through, dirty scan head, votes attributed to the wrong candidate by the tabulator, votes not counted due to a certain color of ink being used, foreign bodies such as ink flakes and dust on the ballot, programming issues not present at the time of public

testing, or anything not mentioned herein which would cause an otherwise empty oval to register as a vote.

3. Randomly select a total of four (4) contests to be audited from the list of eight statewide contests with the gubernatorial contest automatically selected.
4. Ensure that at least one (1) piece of voting equipment is selected for audit in each of the 72 Wisconsin counties.
5. Ensure that a minimum of five (5) reporting units are selected for each piece of equipment certified for use in Wisconsin that records and tabulates votes.
6. Ensure that the maximum number of reporting units selected in a given municipality is based upon population starting at four (4) reporting units for the two largest municipalities then three (3) for the next eighteen largest municipalities, and finally one (1) for municipalities not in the top twenty largest.
7. Continue to require audit completion prior to the certification of General Election results with audit materials and results submitted to WEC no later than November 25, 2022.
8. Reimburse municipalities with a \$50 base rate per reporting unit plus \$0.35 per ballot audited.
9. Offer counties the option to participate in voluntary post-election audits to be conducted concurrently with the county-level canvass and to have the reimbursement structure of this voluntary audit mirror the same reimbursement structure detailed above.
10. Postpone voting equipment audit until any applicable recount deadline has passed in statewide contests where a recount is possible
11. Calculate an error rate for each type of equipment audited, as well as an overall error rate for all equipment, pursuant to Wis. Stat. 7.08(6)
12. Any municipality utilizing central count for absentee ballots are to audit ballots processed at central count for any selected reporting unit(s)

Recommended Motion:

The Commission adopts the 2022 post-election audit parameters and procedures outlined above, including the selection criteria, timeline for completion, and reimbursement.

Appendix A: Voting Equipment Subject to Audit

Accessible Equipment

Dominion (Sequoia) Edge
ES&S ExpressVote
ES&S ExpressVote Tabulator
ClearBallot ClearAccess

Optical Scan Tabulators

Dominion (Sequoia) Insight
Dominion ICX
Dominion ICE
ES&S M100
ES&S DS200
ES&S DS450
ES&S DS850
ClearBallot ClearCast

Appendix B: Audit Reporting Form Sample

**Reporting Form
 2022 Post-Election Voting Equipment Audit
 November 8, 2022 General Election**

Municipal Information

Municipality:	County:	Audit Date(s):
Municipal Clerk:	Phone:	
Names of Auditors:		
Number of Equipment Errors:	Number of Ballots Audited:	
Location Audited: Central Count <input type="checkbox"/> Polling Place <input type="checkbox"/>		
Reporting Unit(s):		

Voting Equipment Information

Voting Equipment Serial Number:
Memory Device Serial Number:
Voting System (Vendor, Model/Name):

Election Totals (Use this sheet after you have completed all your tally sheets. Tally your **subtotals** from individual tally sheets in the "Audit" column below. Transfer original election-night voting equipment totals to the "Equipment" column. Please explain any difference between machine and audit totals in the space provided.)

Governor/ Lt. Governor	Equipment	Audit	Difference
<i>Write-ins / Scattering</i>			
<i>Undervotes</i>			
Total			
Explanation of Difference:			

**Remember! Attach Copies of Tally Sheets and Equipment Results Tapes.
 If more space is needed for explanation, please attach additional pages.
 *See next page for remaining contests ***



Wisconsin Elections Commission

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DATE: For the July 22, 2022 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared and presented by:

Cody Davies
Election Administration Specialist

Robert Williams
Elections Administration Specialist

SUBJECT: Audit Error Rate Calculation Scope Statement Research

Background

Wis. Stat. § 7.08(6) is the state embodiment of § 301(a)(5) of the Help America Vote Act of 2002 (HAVA). Wis. Stat. § 7.08(6), requires the Wisconsin Elections Commission (WEC) to audit each voting system that is used in this state following each General Election:

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

The Wisconsin Elections Commission has established detailed procedures for meeting the post-election audit requirement. The voting equipment audit serves as an important tool to deter voting system fraud and detect any large-scale voting system errors. A key factor of this is the calculation of an error rate. As required by the afore mentioned statute, and as noted and recommended by the Legislative Audit Bureau in its final report on election administration in the 2020 General Election, the calculation of an error rate provides a direct figure that shows how accurately a specific voting system tabulated ballots for a given election. Most importantly, the post-election voting equipment audit ensures that voting systems currently certified for use in Wisconsin elections are performing up to required standards for continued certification. Information obtained in the audit also provides crucial feedback that allows jurisdictions to help improve election administration in future elections.

Also recommended is the calculation of an error rate based upon VVSG 1.0 testing standards. Pursuant to VVSG 1.0, the maximum allowable error rate for testing purposes is 1 error in 500,000 ballot positions. This calculation requirement, based upon the federal allowable maximum is specified in Wis. Stat. 7.08(6). Staff has

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Administrator
Meagan Wolfe

worked to identify tabulation related issues that would be considered machine errors both in federal testing standards and based upon experiences from previous audits. Further details on error rate calculation are provided below.

Establishment of Current Federal Error Standard

The current allowable error rate was established in the 2005 Voluntary Voting System Guidelines (VVSG 1.0). VVSG 1.0, which is the current federal testing standard, requires that for voting systems to gain federal certification, they must be put through a specific series of tests by a voting systems test laboratory (VSTL) to ensure that, not only are ballots accurately tabulated, but that the system is correctly executing source code and that the system meets all other requirements of VVSG 1.0. Should the system meet the requirements, the VSTL recommends certification, which is then completed by the federal Election Assistance Commission (EAC), with the issuance of a certificate of certification.

Voting systems must comply with VVSG 1.0 guidelines to receive federal certification. However, states may choose to make some or all of the federal guidelines, testing, or certification mandatory under their own state laws. Pursuant to Wis. Stat. §5.91, the WEC may issue state certification for a voting system regardless of the federal certification status. In practice, WEC staff has accepted voting system test applications only when at least one of the system versions in the application is EAC certified. This ensures that the system has been federally tested and meets the error limits listed in VVSG 1.0.

There have been two updates to the VVSG in the years subsequent to 2005. In 2015, the EAC provided VVSG 1.1, which made a limited series of updates to VVSG 1.0. VVSG 1.1, however, was never implemented as the federal testing standard, leaving VVSG 1.0 as the set of guidelines to which voting system vendors develop their equipment. Shortly after the passage of VVSG 1.1, the EAC began development of the next set of voting system standards which would become VVSG 2.0.

With the approval of VVSG 2.0 in 2021, the allowable error rate for federal certification was altered. VVSG 2.0 removed the 1 in 500,000 ballot positions allowable error rate for testing. Instead, the acceptable error rate in VVSG 2.0 will require voting systems to meet more stringent 1 in 10,000,000 goal in order to gain EAC certification. Despite the approval of VVSG 2.0, it is not yet the federal testing standard. The next step in the implementation of VVSG 2.0 is for the existing independent VSTLs to complete the EAC federal lab accreditation process that will allow them to test systems to the VVSG 2.0. Once the VSTLs are accredited to test to the VVSG 2.0, vendors will begin submitting voting systems for testing to the modern standard. EAC estimates anticipate full systems submitted for VVSG 2.0 testing beginning in 2024.

Error Rate Calculation

VVSG 1.0 is the federal testing standard to which voting equipment in Wisconsin is certified. The VVSG 1.0 maximum allowable error rate for approval in federal testing, 1 in 500,000 ballot positions, is also the standard referenced in Wis. Stat. 7.08(6) against which voting equipment audit results will ultimately be compared. This allowable rate for testing under VVSG 1.0 is in contrast with the target error rate of 1 in 10,000,000 ballot positions.

When calculating the error rate found in the voting equipment audit, if any, it is important to define what constitutes an error. To this end, staff has reviewed the 2005 Voluntary Voting System Guidelines (VVSG 1.0), the federal testing standard to which voting equipment in Wisconsin is certified. Staff recommends that only documented tabulator issues be considered in the error rate of the voting equipment audit. Considering VVSG 1.0 standards and experiences in previous audits, staff recommends the following items be considered as

tabulator errors for the purposes of the voting equipment audit should they cause a difference between the hand tally totals and equipment totals: extraneous perforations, smudges, and folds, marking pen bleed through, dirty scan head, votes attributed to the wrong candidate by the tabulator, votes not counted due to a certain color of ink being used, foreign bodies such as ink flakes and dust on the ballot, programming issues not present at the time of public testing, or anything not mentioned herein which would cause an otherwise empty oval to register as a vote. These issues are directly attributable to tabulator error and would be included in the error rate calculation. Issues that can be attributed to human erroneousness such as administration errors at the polling place, auditor errors in tallying, voter intent inclusion during auditing, etc., would not be included in the calculated error rate.

The error rate will be calculated using the data gathered from hand tally results submitted to WEC on an audit reporting form. With Commission approval of what defines and constitutes a tabulator error, staff will update the current reporting form to include fields for collecting information on both the number of errors and the specific type of error(s), from the list above, that were discovered during the audit, if any. Clerks will still be asked to explain any discrepancy in their audit, whether it results from human or tabulator error. The updated reporting form, however, would allow them to provide the additional error details, if any, that have been lacking in past audit reporting forms. Following analysis of the data from all selected reporting units, staff will calculate an error rate for each equipment type and an overall error rate as directed by statute and recommended by the Legislative Audit Bureau. Commissioners will be presented with the error rate in both a fraction and percentage as part of the final report on the voting equipment audit.

STATEMENT OF SCOPE

Wisconsin Elections Commission

Rule No.: Wis. Adm. Code EL Chapter 7

Relating to: Audit Error Rate Calculation

Rule Type: Permanent

Finding of Emergency: N/A

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

The objective of this proposed rule is to codify a definition of “error” as used in Wis. Stat. § 7.08(6). After each general election, the Commission is required to conduct an audit of each voting system used in the state and to “determine the error rate” of those systems in counting ballots. When the error rate exceeds the rate permitted by the Federal Elections Commission “in effect on October 29, 2002,” the Wisconsin Elections Commission is required to order remedial action to ensure compliance with those standards. Though the statute references the standards of the Federal Election Commission (FEC), “error” is not further defined in Wisconsin law. A codified definition of “error” as used in this statute will help to maintain consistency across audits and make clear what discrepancies are due to voting systems and what discrepancies are due to other causes. This scope statement proposes to define the error rate based on the Election Assistance Commission’s (EAC) Voluntary Voting System Guidelines (VVSG) 1.0, which is the current federal testing standard and which contains the same rate found in the FEC’s Voting System Standards section 3.2.1, which was in effect on October 29, 2002. This rate is a maximum acceptable error of 1 in 500,000 ballot positions. This scope statement proposes to create a definition of error as used in this statute that covers a tabulator error of a voting machine. The definition would cover tabulator issues that would cause a difference between the hand tally totals submitted to the Commission during the audit and the voting machine totals, and would include issues such as extraneous perforations, smudges, and folds, marking pen bleed through, dirty scan head, votes attributed to the wrong candidate by the tabulator, votes not counted due to a certain color of ink being used, foreign bodies such as ink flakes and dust on the ballot, and programming issues not present at the time of public testing.

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:

For each general election, the Commission conducts an audit of each voting system by selecting representative samples of systems from around the state. This rule does not propose changes to the selection of systems for audit. Rather, this rule proposes to codify a clear definition of an error that each audited municipality would use to determine which discrepancies are the result of tabulator errors and which are the result of other causes, generally some form of human error. This rule would add uniformity to the results received from each municipality by giving each municipality a consistent definition of an error to guide their processes. After receiving all required forms from audited municipalities, Commission staff will be better equipped to calculate a defined error rate for each voting system. The main policy alternative would be to leave the definition of error undefined. The Commission would still be able to conduct the audit and to order remedial action when necessary, but there would be a degree of uncertainty between what discrepancies qualify as voting system errors and what discrepancies qualify as other kinds

of errors not attributable to voting systems. This rule hopes to remove that uncertainty and provide uniformity to the audit and the error rate calculation.

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. § 7.08(6). 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 60 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 define how the Wisconsin Elections Commission calculates the error rate under Wis. Stat. § 7.08(6). As such, it would affect any municipal clerk or board of election commissioners whose municipality is selected for an audit, any local staff needed to conduct the audit, and staff of the Elections Commission.

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:

This rule is intended to comply with 52 U.S.C. § 21081(a)(5), which directs that voting systems comply with the error rate standards set by the Federal Elections Commission. The current standard of a maximum error rate of one in 500,000 ballot positions is found in the VVSG Volume 1, Version 1.0, published by the Election Assistance Commission. These standards are the same as those of the Federal Election Commission’s 2002 Voting System Standards, which the 2005 VVSG 1.0 succeeded. Voluntary Voting System Guidelines 2.0 was proposed in 2021 and was approved but has not yet been implemented. When implemented, the federal standard would become a maximum error of one in every 10,000,000 ballot positions. This will likely become the standard for testing in 2024.

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. This rule merely proposes to codify a definition within a procedure already required by statute and carried out by municipalities across the state. The definition will not significantly change what municipalities are required to do and should not require any additional staff. This rule would not have an economic impact on small businesses.

Agency Contact Person:

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Meagan Wolfe
Administrator, Wisconsin Elections Commission
July 22, 2022
Date Submitted



Wisconsin Elections Commission

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DATE: For the July 22, 2022 Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by Elections Commission Staff

SUBJECT: Absentee Certificate Envelope Redesign Project Update

The Wisconsin Elections Commission (WEC) directed staff to update the absentee certificate envelope to ensure that it is statutorily compliant. Absentee voting continues to be a popular way for Wisconsin voters to participate in the electoral process. In addition to statutory compliance, another major goal of this redesign is to ensure that the envelope is as usable as possible for both voters and election officials. To minimize the chance that a ballot may be rejected for an insufficient certificate envelope, staff are working towards a new design that will make completing the certificate envelope as intuitive as possible for all parties.

Staff has reviewed the pertinent statutes to determine which language is required to be present, and the findings of this research can be found in the table below.

Section of Envelope	Required Element	Statutory Citation
Front	Name, official title, and post office address of municipal clerk	Wis. Stat. § 6.87(2)
Certificate (reverse)	Clerk initials: <ul style="list-style-type: none">When voter votes in person, clerk initials to confirm voter presented acceptable proof of identification (POI) and clerk verifiedTo verify voter has previously met or is exempt from POI requirement	<ul style="list-style-type: none">Wis. Stats. §§ 6.86(1)(ar), 6.87(2)Wis. Stats. §§ 6.87(4)(b)3, 6.87(2)

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Administrator
Meagan Wolfe

Certificate (reverse)	Voter information: <ul style="list-style-type: none"> • Date of election • County • Municipality name and type • Voter name • Street address • City • Ward (clerk completes) • Aldermanic district (clerk completes) 	Wis. Stat. § 6.87(2)
	Certification of voter: See appendix 1 for statutory language and staff recommended substantially compliant version	Wis. Stat. § 6.87(2)
	Certification of witness: See appendix 1 for statutory language and staff recommended substantially compliant version	Wis. Stat. § 6.87(2)
	Special Voting Deputy information	Wis. Stats. §§ 6.87(2), 6.875(6)(c)1

As detailed in the LAB final report dated October 22, 2021, Wis. Stat. § 6.87(2) requires that a witness provide their printed name in addition to their signature and address for the certificate to be valid. While the iteration of the certificate envelope currently in use does not have a field for the printed witness name, both the mockup presented in 2020 and the current prototype being used for usability testing include this field. The inclusion of this field brings the design being tested by staff into statutory compliance.

2020 Efforts and Background

In response to the enormous uptick in absentee participation during the April 2020 Presidential Preference Primary, staff began researching ways to improve the absentee certificate envelope. This included an initial round of research to identify which elements of the certificate were necessary for statutory compliance and further research on how other states, including those who use voting by mail as

their primary means of electoral participation, structured their absentee envelopes and associated processes.

These efforts saw the development of multiple prototype envelopes, including optional privacy or security envelopes. Staff collected valuable feedback from clerk advisory committees and conducted a truncated usability testing campaign (conducted virtually due to COVID restrictions). It soon became clear that both voters and election officials preferred a prototype that did not reinvent the wheel and one which saw the current iteration, i.e., one carrier envelope and one return envelope with a vertically oriented certificate for voter information, expanded upon and honed into a better product.

This research ultimately produced the envelope mockup presented to the Commission at its May 20, 2020 meeting. While the mockup was not ultimately approved at that time, the experience gained, and work completed in 2020 made starting this project again a much less onerous task. Staff again conducted research on other states' practices to determine what, if any, new developments had been made in vote-by-mail best practices in the past two years. Additionally, the past two years of increased absentee participation in Wisconsin have granted new insights from staff, local election officials, and voters into the absentee voting process.

Next Steps

Staff continue to improve upon the prototype certificate envelope first developed in 2020. The next round of testing will be based on moderated usability sessions using printed versions of the mockup obtained from the Department of Administration. These test envelopes have been reviewed and vetted by both the Center for Civic Design, a third-party organization with a strong background in creating and testing usable election forms, and mail design piece analysts from the United States Postal Service.

Usability sessions, conducted either virtually or in person, utilize a moderated script and list of prepared questions to ensure the sessions are uniform for all participants. Each session will include the participant, a moderator, and two observers. The moderator will introduce the envelope to the participant and ask them to complete it as though they were an absentee voter who was preparing to mail their completed ballot and certificate back to the clerk. The participant will then interact with the envelope and complete it to the best of their ability while the moderator answers any questions posed by the participant. Upon completion, the participant is asked to identify what went well, what could be made clearer, and any problematic aspects of the process that made it difficult or unintuitive to finish the task.

At this time, staff intend to use the summer of 2022 to conduct as many usability sessions as possible with voters from around the state. A separate effort will be made to conduct similar sessions with the election officials who prepare and send the certificate envelopes to voters and process the envelopes when they are returned to the clerk's office. As these envelopes have been reviewed by the USPS and are compliant with mail standards, staff will offer to certain participants the option of having their test certificate envelope mailed to them to test the performance of the design more fully in the mail stream. Finally, to ensure that the redesigned certificate is both usable and accessible for members of the disability community, staff will be conducting a round of testing with members of the Accessibility Advisory Committee.

The value of usability testing is that it is a data driven process. This will allow staff to collect and aggregate as much information as possible as to which aspects of the updated design work well for voter and election officials and which need further updating and testing. If, upon completion of the multiple rounds of testing identified above, the data supports that the current design performs satisfactorily, final versions of both the absentee certificate and carrier envelopes will be submitted to the Commission for approval at their September 21, 2022 meeting.

As staff will not seek final approval on the updated design until September, and in response to both ongoing supply chain issues that would make obtaining sufficient envelope stock challenging and the logistics of implementing an updated envelope in a short period of time, and the current recommendation is that the updated certificate envelope is not implemented prior to the 2022 General Election. (2023 implementation will be assessed based on these same challenges).

Appendix 1:

Certification of Voter

- Language as presented in Wis. Stat. § 6.87(2):
 - I, ..., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, that I am a resident of the [... ward of the] (town) (village) of ..., or of the ... aldermanic district in the city of ..., residing at ...* in said city, the county of ..., state of Wisconsin, and am entitled to vote in the (ward) (election district) at the election to be held on ...; that I am not voting at any other location in this election; that I am unable or unwilling to appear at the polling place in the (ward) (election district) on election day or have changed my residence within the state from one ward or election district to another later than 28 days before the election. I certify that I exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I voted.
 - Signed
 - Identification serial number, if any:

- Staff recommendation for substantially compliant language:
 - I certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, that:
 - I am a resident of the ward of the municipality or of the aldermanic district in the city and county indicated hereon in the state of Wisconsin, and am entitled to vote in the ward or election district at the election indicated hereon.
 - I am not voting at any other location in this election.
 - I am unable or unwilling to appear at the polling place in the ward or election district on election day or have changed my residence within the state from one ward or election district to another later than 28 days before the election.
 - I certify that I exhibited the enclosed ballot in the method described above.
 - Voter Signature

Certification of Witness

- Language as presented in Wis. Stat. § 6.87(2):
 - I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that I am an adult U.S. citizen** and that the above statements are true and the voting procedure was executed as there stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the elector to vote for or against any candidate or measure.
 - Witness printed name
 - Witness address
 - Witness Signature

- Staff recommendation for substantially compliant language:
 - I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that:
 - I am an adult U.S. citizen and that the above statements are true and the voting procedure was executed as there stated.
 - I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
 - I did not solicit or advise the elector to vote for or against any candidate or measure.
 - I further certify that the name and address of the voter is correct as shown.
 - Witness printed name
 - Witness signature
 - Witness address



Wisconsin Elections Commission

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DATE: For the July 22, 2022, Commission Meeting
TO: Members, Wisconsin Elections Commission
FROM: Meagan Wolfe, Administrator
SUBJECT: Proposal for Use of 2022 Election Security Funds

At the Commission's April 20, 2022 meeting, it approved the submission of a \$16.54 request to the Department of Administration (DOA) to accept the 2022 HAVA election security grant funds of \$1,190,603. On April 27, 2022, staff received the approval from DOA to request the drawdown of the federal funds. On April 29, 2022, staff submitted the request to the U.S. Elections Assistance Commission (EAC) and received the funds through electronic fund transfer on May 9, 2022, and deposited the funds into its 18200 federal elections security appropriation.

Next, the agency was required to submit a proposed budget and spending plan to the EAC by May 2, 2022, but staff asked for an extension until June 27, 2022, to prepare a proposed budget and spending plan for the Commission's approval at its June 22, 2022, meeting. Since the June 22, meeting was postponed until July 22, staff requested a second extension until July 27, which was approved by the EAC.

Staff recommends the following options for use of the 2022 HAVA Elections Security grant funds.

1. Renew the Municipal Clerk Subgrant Program for Election Security Initiatives

Commission staff proposes renewal of the 2019 Election Security Subgrant ("ES Subgrant") program for municipalities. The grant was created to allow municipalities to make fundamental cyber-security improvements. Each recipient of subgrant funds was required to meet baseline standards regarding compliant hardware/software, access to IT support or a managed device, and to attend security training. If a participating local election jurisdiction was not in compliance with these minimum standards, then it was required to achieve compliance (i.e., purchase a compliant computer). If the participating jurisdiction was already in compliance with the baseline requirements, then it could use the funds for a list of approved security upgrades. The 2019 and 2020 Subgrant program was very popular. Of the 1,852 municipalities, 889 applied for grant funds and \$860,159 was disbursed.

As anticipated, the majority of subgrant recipients were small jurisdictions with very limited budgets and no technical staff. In the years since the subgrant program concluded, many municipalities have

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Administrator
Meagan Wolfe

asked if the program may be renewed as their hardware, software, and service subscriptions continue to age. Renewing the 2019 ES Subgrant program, and making it available to all municipalities, would enable smaller jurisdictions to once again ensure they meet basic cybersecurity requirements such as up-to-date software, endpoint security, and technical support.

Authorized Use of Funds. As with the initial election security subgrant, jurisdictions may only use their grant funds for any of the following needs:

1. Compliant hardware and software (include software subscriptions)
2. Professional IT support
3. Security training (cyber or physical)
4. Security assessments (cyber or physical)
5. Physical security improvements for election equipment

Designating \$1M will enable the WEC to provide municipalities up to a \$1,200 subgrant based on a first come, first served basis if requested.

Baseline Subgrant Compliance Standards. Jurisdictions accepting ES Subgrant funds must agree to meet four baseline compliance standards before spending money on any other election security needs. The four baseline compliance standards are:

1. Possess compliant (up to date) computer hardware and software
2. Possess either in-house or contracted IT support
3. Complete WEC Election Security Training Requirements
4. Complete an Elections Security Contingency Plan

Detailed compliance standards were previously published in Commission materials for the September 24, 2019, Commission meeting.

Funding. ES Subgrant funds will be provided to municipalities in equal amounts up to a maximum of \$1,200. Jurisdictions applying for grant funds will indicate what baseline or advanced security items they need. A set amount will then be awarded for each baseline need as follows:

1. Jurisdictions indicating the need for a compliant computer will be awarded \$600
2. Jurisdictions indicating the need for managed IT support will be awarded \$600

Proposed Disbursement of Funds. As with the previous Election Security Subgrant, municipalities may request the grant using a request form available on the WEC website. The period to request Municipal Election Security subgrant funds from the WEC will close on September 1, 2022. Once a request has been received, Commission staff will provide a check or transfer funds directly through an electronic transfer of funds to each approved municipality. Municipalities receiving grant funds will be required to submit a compliance form to the Commission no later than December 1, 2022.

Municipal Election Security Subgrant: Key Dates	
NLT August 1, 2022	Subgrant Applications Accepted
September 1, 2022	Deadline to Submit Subgrant Applications
December 1, 2022	Compliance Forms Due

2. Double Post-Election Audits of Voting Equipment from 5% to 10% of Reporting Units

Commission staff proposes doubling the sample size of post-election voting system audits performed after each General Election pursuant to Wis. Stat. § 7.08(6). Post-Election Audits are discussed fully in a separate memorandum under agenda item F. Staff recommend allocation of \$200,000 towards an expanded post-election audit process.

The municipal reimbursement process applied in 2020 provided jurisdictions \$50 plus \$0.35 per ballot audited. Applying this formula, approximate costs for 2020 post-election audits were as follows:

5% of Reporting Units (2020)

Percent of Ballots	Ballot Positions	Reimbursements to Local Gov't	WEC Staff Cost	Total Cost
4%-5%	560,000	\$65,000	\$12,000	\$77,000

Estimated costs below are based on 2020 statistics. Since the 2022 General Election is anticipated to be high turnout, staff anticipates that the number of ballots cast will be similar to those cast in November 2020.

10% of Reporting Units (2022 Proposed)

Percent of Ballots	Ballot Positions	Estimated Reimbursement	Estimated Staff Cost	Estimated Total Cost
8%-10%	1,200,000	\$130,000	\$24,000	\$154,000

In addition to the costs above, staff recommend that funds be applied to reimbursement of voluntary post-election county canvass audits. County canvass audits are not required by statute, but staff anticipate that more Wisconsin counties will elect to conduct them this year. County audits are eligible for reimbursement at the same rates as municipalities (\$50 plus \$0.35 per ballot). While actual costs may vary based on voter turnout, the allocation of \$200,000 towards an expanded audit program should easily cover total costs for the program.

For the 2022 post-election voting equipment audit, staff is recommending a continuation of the timeline requiring all post-election audits be conducted and submitted to WEC prior to the state deadline to certify election results on December 1, 2022. The proposed deadline for audit materials and results to be submitted to WEC is therefore no later than November 25, 2022.

Recommended Motions

MOTION #1:

The Commission directs WEC staff to renew the administration of the Election Security subgrant to municipalities at the rate of up to \$1,200 per eligible jurisdiction, not to exceed a total cost of \$1,000,000.

MOTION #2:

The Commission directs WEC staff to allocate \$200,000 of Election Security grant funds towards an expanded post-election audit for the 2022 General Election encompassing at least 10% of all reporting units statewide.



Wisconsin Elections Commission

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DATE: For the July 22, 2022, Commission Meeting

TO: Members, Elections Commission

FROM: Meagan Wolfe
Administrator, Wisconsin Elections Commission

Prepared and presented by:
Sharrie Hauge, Chief Administrative Officer

SUBJECT: 2023-25 Biennial Budget Preparation

Commission staff are preparing for the agency's 2023-25 Biennial Budget submission, which is due September 15, 2022. The biennial budget process is designed to maintain the agency's general program revenue (GPR) funded operations and federal spending authority for the biennium. The 2023-25 biennium begins on July 1, 2023, and runs through June 30, 2025. This memorandum provides an overview of the budget process for submitting the budget request.

Overview and Budget Process

On June 7, staff received the 2023-25 Major Budget Policies and Budget instructions for preparing its 2023-25 biennial budget request. As in previous years, the instructions state that all agencies should assume there will be zero growth in overall GPR appropriations in each fiscal year during the 2023-25 biennium, meaning that agencies will be required to hold their overall GPR expenditures to the level of fiscal year 2023, the current fiscal year.

Sometime in August staff expect to receive the Technical Budget instructions. Before the development of individual budget decision item requests can be made, several technical budget tasks need to be completed. Staff will first complete a base-year reconciliation which will ensure that agency program and appropriation structures are defined in the budget system correctly and reflect current law. The goal of the base reconciliation is to obtain a level of funding and positions for each current law appropriation program, which is approximated by what is available as of July 1 at the start of the second year of the biennium (July 1, 2022). All agency spending requests are built on (or are changes to) the adjusted base funding level.

Next, staff will need to complete a full salary and fringe benefit funding calculation under standard budget adjustments to determine salary and wage levels. Once that reconciliation process is complete and the 2023 base budget is determined, staff can begin working on individual agency decision item requests. The state's budget process requires agencies to identify

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decision items reflecting any proposed change from the base budget as determined by the Department of Administration.

The Commission will review budget decision items prior to submission of the budget on September 15, 2022. Because the next scheduled Commission meeting is not planned until September 21, 2022, a special meeting will need to be held for the Commission to approve the budget decision items and the submission of its 2023-25 Biennial Budget.



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DATE: For the July 22, 2022, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared and presented by:

Cody Davies
Elections Specialist

SUBJECT: 2022 General Election Ballot Templates

Sample ballots for the 2022 General Election accompany this memorandum and are submitted to the Wisconsin Elections Commission (WEC) for approval. As in the past, the templates constitute a representative sample of the full ballot series.

These templates reflect the same ballot format and layout that was used in the 2020 General Election. The current design continues to be acceptable to county clerks, voters, ballot printers, and equipment vendors.

Recommended Motion:

The Commission approves the ballot design presented by staff and directs staff to utilize the ballot design for the 2022 General Election.

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Official Ballot

Partisan Office and Referendum

November 8, 2022

Notice to voters: if you are voting on Election Day, your ballot must be initialed by two (2) election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials (see end of ballot for initials).

General Instructions	Statewide (cont.)	Congressional
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help (absentee voters: contact your municipal clerk).</p> <p>To vote for a name on the ballot, fill in the oval next to the name like this: <input type="radio"/></p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this: <input type="radio"/></p>	<p>Attorney General Vote for 1</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> Candidate (party or statement of principle)</p>	<p>United States Senator Vote for 1</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> Candidate (party or statement of principle)</p>
Statewide		
<p>When voting for Governor and Lieutenant Governor, you have one of two choices:</p> <ul style="list-style-type: none"> • Vote for candidates on one ticket, or • Write in names of persons on both write-in lines <p>A write-in vote for only a Lieutenant Governor candidate will not be counted.</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> write-in:</p>	<p><input type="radio"/> write-in:</p>
	Secretary of State Vote for 1	Representative in Congress District ____ Vote for 1
<p>Governor / Lieutenant Governor Vote for 1</p> <p><input type="radio"/> Governor / Lieutenant Governor (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>
<p><input type="radio"/> Governor / Lieutenant Governor (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>
<p><input type="radio"/> Governor / Lieutenant Governor (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>	<p><input type="radio"/> write-in:</p>
		Legislative
	State Treasurer Vote for 1	State Senator District ____ Vote for 1
<p><input type="radio"/> Governor / Lieutenant Governor (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>
<p><input type="radio"/> Governor / Lieutenant Governor (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>
<p><input type="radio"/> Governor / Lieutenant Governor (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>
<p><input type="radio"/> write-in (Governor)</p> <p>_____</p> <p><input type="radio"/> write-in (Lieutenant Governor)</p> <p>_____</p>	<p><input type="radio"/> write-in:</p>	<p><input type="radio"/> write-in:</p>
Continue voting at top of next column.	Continue voting at top of next column.	Continue voting on back of ballot.

Page 1 of 2-sided ballot. Ballot continues on other side. →

Legislative (cont.)	Referendum	Official Ballot Partisan Office and Referendum November 8, 2022 for	
Representative to the Assembly District ____ Vote for 1	To vote in favor of a question, fill in the oval next to "Yes," like this: <input type="radio"/>	Municipality and ward number(s)	
<input type="radio"/> Candidate (party or statement of principle)	To vote against a question, fill in the oval next to "No," like this: <input type="radio"/>	Ballot issued by	
County	Level of government conducting referendum (State, tech college, county, municipal, school district)	Initials of election inspectors	
Sheriff Vote for 1	Question (number if necessary)	Absentee ballot issued by	
<input type="radio"/> Candidate (party or statement of principle)	Shall the...?	Initials of Municipal Clerk or Deputy Clerk	
<input type="radio"/> Candidate (party or statement of principle)	<input type="radio"/> Yes	If issued by SVDs, both must initial	
<input type="radio"/> Candidate (party or statement of principle)	<input type="radio"/> No	Certification of Voter Assistance	
<input type="radio"/> write-in:		I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance.	
Coroner Vote for 1		Signature of assistor	
<input type="radio"/> Candidate (party or statement of principle)		For Official Use Only	
<input type="radio"/> Candidate (party or statement of principle)		Inspectors: Identify ballots required to be remade:	
<input type="radio"/> write-in:		<input type="checkbox"/> Overvoted	
Clerk of Circuit Court Vote for 1		<input type="checkbox"/> Damaged	
<input type="radio"/> Candidate (party or statement of principle)		<input type="checkbox"/> Other	
<input type="radio"/> Candidate (party or statement of principle)		If this is the Original Ballot , write the serial number here:	If this is the Duplicate Ballot , write the serial number here:
<input type="radio"/> write-in:		_____	_____
Continue voting at top of next column.		Initials of inspectors who remade ballot	





Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984

DATE: For the July 22, 2022 Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Robert Kehoe, Deputy Administrator
Wisconsin Elections Commission

SUBJECT: Badger Voters Pricing Analysis

1. Purpose

This report analyzes the Badger Voters pricing structure and operating costs as requested by the Commissioners.

2. Background

Badger Voters is a website established by the Wisconsin Elections Commission (“WEC”) and its predecessors to provide a simple and automated way for the public to request voter data lists, absentee ballot data, and candidate nomination papers. Launched in 2014, Badger Voters was intended to: (1) reduce the workload of local election officials; (2) improve public access to election information; and (3) apply technology to enhance efficiency, effectiveness, and quality of customer service.¹ Wisconsin law directs the Commission to provide this information and specifies how a fee schedule is to be developed.²

The Badger Voters website (<https://badgervoters.wi.gov/>) provides a simple and automated way for the public to request voter data, absentee records, and candidates’ nomination papers. Data can be sorted by election, office, county, municipality, ward, aldermanic district, and many more categories. This allows the customer to receive only the data they are seeking. The voter data shows election activity back to 2006, when Wisconsin began using a statewide voter registration system, with the participation description of “at polls” or “absentee.”

Absentee ballot data is available from 2016. Absentee data purchases provide customers with application and ballot activity and allow the customers the option to “subscribe” for future updates to data received and the ability to receive new files at the frequency they select; twice per week, weekly, every other week, or monthly.

Customers can also make custom requests for data beyond what is included in a standard request format or for statistics that are not posted to our Elections Commission website. The customer is provided an estimate of costs (developer time) to create and run the query and total number of

¹ Government Accountability Board Memo titled “G.A.B. Launches Badger Voters,” dated May 1, 2014

² Wis. Stat. § 6.36 regarding voter registration data and Wis. Stat. § 5.05(14)(b) regarding absentee ballot data

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records in the data set. If they choose to purchase the file, our developer will then produce the file. Custom requests that take under a half-hour of developer time are only charged for the record count.

In 2020 the WEC added the ability to download candidate nomination papers. With social distancing requirements it provided a simple solution for customers to access these documents without having to visit our office in-person. This program will add per page fees in the future as outlined in our standard document fee structure. Currently the fees are being waived and charged to the Coronavirus Aid, Relief, and Economic Security (CARES) Grant.

The WEC does not provide date of birth information (including age or age range), driver license numbers or social security numbers. Additionally, the WEC will never provide information regarding a confidential elector as defined in Wis. Stats. § 6.47. Finally, the WEC does not have any information regarding party preference, demographics, or how a voter actually voted.

3. Pricing Structure

Pricing for Badger Voters services is founded on the Wisconsin Statutes, which provide:

The commission shall establish by rule the fee for obtaining a copy of the official registration list, or a portion of the list, including access to the subscription service established under s. 5.05 (14) (b). **The amount of the fee shall be set, after consultation with county and municipal election officials, at an amount estimated to cover both the cost of reproduction and the cost of maintaining the list at the state and local level.** The rules shall require that revenues from fees received be shared between the state and municipalities or their designees under s. 6.33 (5) (b), and shall specify a method for such allocation.

Wis. Stat. § 6.36(6) (emphasis added)

Thus, the law requires that Badger Voters fees be based on two elements:

- (1) the cost to produce the information; and
- (2) the cost to maintain the information.

As required by statute, fees are established in the Wisconsin Administrative Code section EL 3.50. The WEC does not have discretion to change the fees without a change to the Administrative Code.

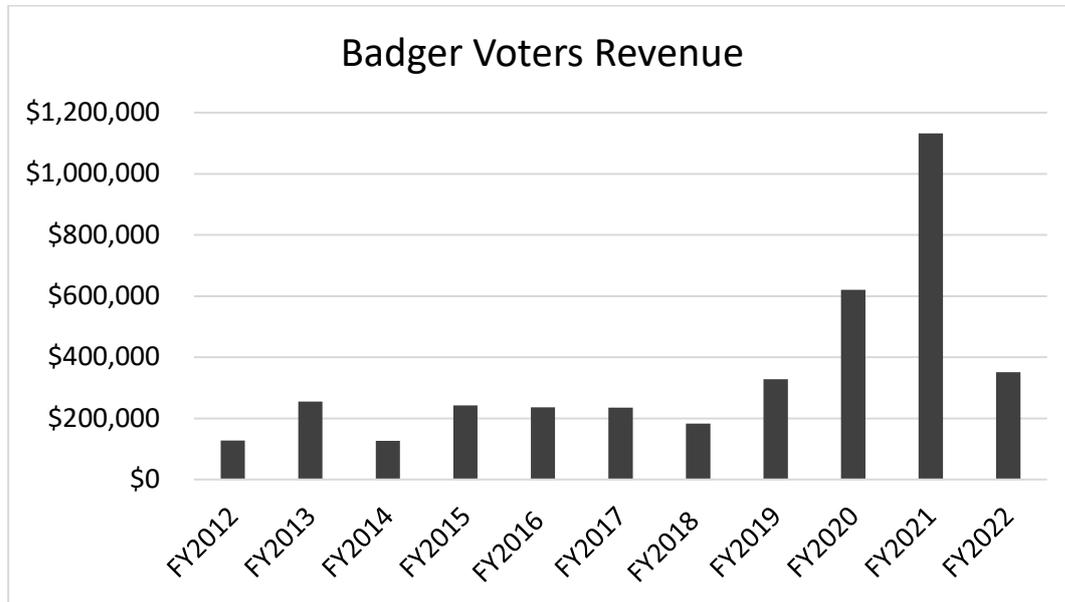
Voter data and custom requests have a base fee of \$25. Additionally, there is a fee of \$5 for every thousand records returned by the request, rounded up to a thousand if less than one thousand, or to the nearest thousand if more. The fee is capped at \$12,500. Requests for 2,495,000 or more records all cost \$12,500. Wis. Admin. Code § EL 3.50(4).

Custom requests incur an additional charge of \$75 per half hour of development time required to complete the request. Requests requiring less than thirty minutes are not charged this fee. Wis. Admin. Code § EL 3.50(9).

4. Analysis

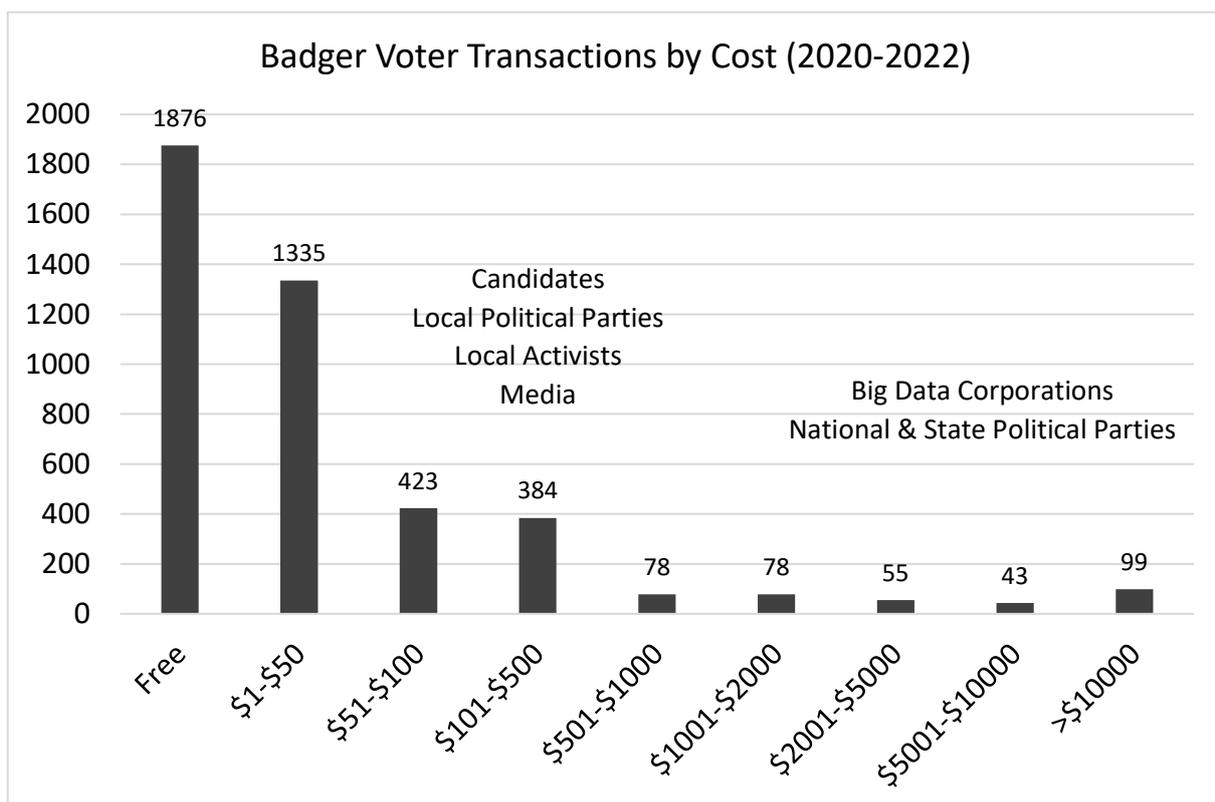
Badger Voters program revenue is trending upwards since 2018 with a marked increase in the total number of requests received. Prior to FY2019, annual program revenue averaged just over \$200,000 annually with approximately 370 transactions each year. Since 2019, the average annual program revenue is \$607,669 with an average of 896 transactions each year. This change in customer activity is visible in Table 1 below.

Table 1 (Revenue)



Individual transaction sizes remain low, with most transactions at \$50.00 or less. While not all customers choose to identify themselves, the majority appear to be candidates for office, local political parties, researchers or activists, or members of the media. The most expensive transactions (over \$10,000) are almost exclusively made by data collection companies, large partisan organizations, or state/national political parties.

Table 2 (Transactions by Cost)



Starting in FY2022, Badger Voters program revenue may be retained by the WEC to offset costs previously absorbed by taxpayers.

While actual costs to administer the Badger Voters program are modest, the expense of hosting, maintaining, and securing the statewide voter registration and election administration system (“statewide system”) is significant. Both expenses should be considered when evaluating the Badger Voters fee schedule, as required by Wis. Stat. § 6.36(6).

The cost to produce Badger Voters data is largely a function of staff time. This includes time to respond to customer requests, answer questions, proof reports, and monitor subscriptions. Additional time is required of specialized developers who maintain the system, produce custom data reports, and make system improvements as needed. This cumulatively requires less than 1,500 hours a year. Even accounting for employee benefits, this represents less than \$75,000 annually.

The cost to maintain the data made available through Badger Voters is much greater and well documented in agency budget materials. With expenses from over two-dozen accounts covering everything from labor to hardware, the statewide system costs approximately \$1.5 million per year to maintain.³ Badger Voters program revenue thus averages about one-third of actual costs to maintain and secure the information provided by the program.⁴

5. Other States

The voter data programs available in other states offer an interesting contrast to Badger Voters and illustrate alternative approaches the WEC may wish to further evaluate. Wisconsin’s program is more costly than most, but also offers convenience, flexibility, and transparency that no other state can match. As noted in a federal Election Assistance Commission Report:

The price, availability, and type of data in a voter file varies state-by-state. The price of a statewide voter file ranges from \$0 to \$37,000. The relative availability of voter file information can be characterized as open (effectively no use restrictions), mixed (some restrictions for specific types of user groups) or restricted (some restrictions for specific types of user groups or complete restrictions for specific types of user groups).

Availability of State Voter File and Confidential Information, U.S. EAC, October 2020

A complete listing of voter data programs in all fifty states is attached as *Table 3*. In general:

- Few states offer a web portal for voter data requests (most require a paper application)
- Few states support custom data requests or absentee ballot data (most offer a pre-defined printed product or CD-ROM)
- Nearly half of states restrict access to voter data to specific groups (23 states)
- No other state offers all the features available in Wisconsin (web portal; support for custom requests; absentee ballot data, online payment; instant data access for self-service customers; and open availability to anyone for any purpose)

Also of note, nearly all other states prohibit commercial use of voter data. Other states that permit commercial use generally have provisions that allow voters to conceal or remove their personal contact information. Wisconsin law places no restrictions on use, and further provides no means for residents to remove or shield information in the statewide database. This is a common source of

³ Statewide system average annual operating cost since 2019 of \$1,504,693.07.

⁴ Average Badger Voter program revenue since 2019 of \$607,699.00.

frustration for Wisconsin voters, who are disheartened to hear that their address, telephone number, and email address are routinely purchased by telemarketers and resold on the internet.

Several states offered innovative options that may be of interest to the commission. For the purposes of this memorandum, three state programs are highlighted below.

GEORGIA: Georgia is one of a few states that offer an online portal⁵, electronic payment, and inexpensive options to anyone. A statewide list costs only \$250, while county or municipal lists cost \$50. However, Georgia does not support custom requests, does not offer absentee ballot data, and does not offer options that cost less than \$50. Georgia prohibits commercial use.

MONTANA: Montana also offers an online portal⁶, electronic payment, and moderate rates. A statewide list costs \$1,000 and the website offers a wide range of options based on jurisdiction or demographics. Montana does not support custom requests but will provide absentee ballot data. Montana prohibits commercial use.

OHIO: Ohio offers an online portal⁷ with voter data files readily available to anyone for free. They do not offer any customization or provide absentee ballot data. Ohio prohibits commercial use.

States that offer low or no-cost voter lists all prohibit custom requests and offer only the pre-defined voter data – often on a mailed CD-ROM. Few offer absentee data of any kind. These restrictions almost certainly enable these states to limit both the volume of requests and the overhead required to support them.

6. Conclusions

Badger Voters offers a level of service and flexibility unmatched by any other state. Wisconsin alone provides a convenient online portal supporting custom requests for virtually any information contained in the statewide system. This level of service comes with increased costs to support and secure the system.

Badger Voters pricing follows the statutory guidance to account for both the cost to produce voter information and the cost to maintain voter information. While costs have increased since 2014, program revenue has also increased over the same period. Accessing Badger Voters is not expensive for most customers; three quarters of transactions less than \$50. The program is, however, exceptionally expensive for those who wish to access a large volume of information. Only one other state charges more for a statewide list.

Low flat rates for standardized data sets could make the statewide list more accessible and may potentially reduce staff costs as well. Several other states simply make a copy of the list available for download and update the file monthly. No resources or staff time is required to tailor the data for particular needs or to process custom requests.

Regardless of the approach desired, changing the Badger Voters fee schedule would likely require changes to both statute and administrative code. Minor changes may be possible with only an update to the administrative code. As written, the statutes require Badger Voters fees to account for both data production and data maintenance costs. Current laws also have no restrictions on

⁵ <https://georgiasecretaryofstate.net/collections/voter-list-1>

⁶ <https://app.mt.gov/cgi-bin/voterfile/voterfile.cgi>

⁷ <https://www6.ohiosos.gov/ords/f?p=VOTERFTP:HOME:.....>

commercial use, meaning data companies and telemarketers would certainly benefit from a reduction in the maximum fee. A reduction in fees would also transfer system costs to Wisconsin taxpayers.

Table 3 (Voter Data Availability)
 For the July 22, 2022 Meeting of the Wisconsin Elections Commission

State	Pricing	Website?	Custom Data?	Online Payment?	Available to Anyone?	Unrestricted Use?
Alabama Ala. Code § 17-3-53, § 17-4-33	\$37,000 for complete list. \$0.01 per record	No. Paper or e-form only.	No	No	Yes	Yes
Alaska AS §15.07.127, §15.07.195	\$20 per request (any size)	No. Paper only.	No	No	Yes	Yes
Arizona A.R.S. § 16-168, § 41-166, § 16-153	Between \$93.75 and \$600 for poll books only (precinct registers).	No.	No.	No.	No.	No.
Arkansas A.C.A. § 7-5-109, § 7-5-112	Free for statewide list.	No. Paper only.	No.	No.	Yes	Yes
California Cal. Elections Code §2184 et seq., §2194, §2166, §2166.5, §2166.7 Cal. Government Code § 6254.4	N/A. The voter registration rolls are not available to the general public.	No.	No.	No.	No.	No.
Colorado Colo. Rev. Stat. § 1-2-302, § 24-30-2108, § 1-2-227	\$50 for defined set of statewide reports.	No but has webform.	No	No	Yes	Yes
Connecticut C.G.S.A. § 9-35, § 9-36, § 9-23h, C.G.S.A. § 54-240g	\$300 for a CD with the entire list.	No. Must be in writing.	No.	No.	Yes	Yes
Delaware 15 Del. C. §304, §1305, §1303	Location costs. FOIA only.	No. Must be in writing.	No.	No.	No.	No.
Florida F.S.A. §97.0585, §741.406	Free for a CD with the statewide list. One disk produced per month.	No.	No.	No.	Yes	Yes
Georgia Ga. Code Ann., § 21-2-225 § 21-2-225.1	Statewide \$250 County or Muni \$50 no commercial use	Yes	No	Yes	Yes	No
Hawaii HRS § 11-97, §11-14, § 11-14.5	\$500	No.	No	No	No	No
Idaho Idaho Code §34-437, §34-437A, §19-5706	HTML file by county only. \$20 per CD or \$0.25 per page	No. Paper form.	No.	No.	Yes	No
Illinois 10 ILCS 5/1A-25 10 ILCS 5/4-8 750 ILCS 61/30	\$500 on CD to authorized persons only.	No	No	No	No	No
Indiana Ind. Code §3-7-26.4-6, §3-7-26.4-8, §3-7-26.3-21, §3-7-26.4-10, §5-26.5-2-5	Restricted version free. Full version \$5,000 annually to authorized persons.	No. Paper form that must be mailed or hand delivered.	No.	No.	No.	No.
Iowa Iowa Code §48A.38 §48A.39 § 9E.6	\$1500 for statewide list \$10+\$0.50 per 1,000 records No inactive records.	No	No with possible exceptions.	No	Yes	No

Table 3 (Voter Data Availability)
 For the July 22, 2022 Meeting of the Wisconsin Elections Commission

State	Pricing	Website?	Custom Data?	Online Payment?	Available to Anyone?	Unrestricted Use?
Kansas Kan. Stat. Ann. §25-2320, §25-2320a, §25-2309, §75-451	\$200 for statewide list on CD \$50 per jurisdiction Custom \$100 plus \$50/hr	No	Yes	No	Yes	No
Kentucky Ken. Rev. Stat. §116.095 §117.025 §14.304	\$2,000 for statewide list \$10 per precinct \$30 per thousand labels All for authorized persons only.	No. Paper form. Fax or mail.	No.	No.	No.	No.
Louisiana LSA-R.S. 18:154	\$5000 for statewide list	Yes	No	Yes	Yes	No
Maine 21-A M.R.S.A. §196-A 5-A M.R.S.A. § 90-B	\$2200 for statewide list to authorized persons only	No. Paper form.	No	No	No	No
Maryland MD Code, Election Law, §3- 506 COMAR 33.03.02.03 33.05.02.02 33.04.02.02 MD Code, Family Law, § 4520, MD Code, State Government, §7-303	\$125 for statewide list or \$75 per county. Must be a registered voter in the state.	No. Paper form.	No	No.	No.	No.
Massachusetts Mass. Gen. Laws Ch. 51 § 4, §47C, §37, §44	Free only to authorized parties.	No.	No.	No.	No.	Yes
Michigan M.C.L.A. 168.522 168.509gg 168.509q	\$23 for CD-ROM by mail only.	No. Paper form.	No	No	Yes	Yes
Minnesota M.S.A. §201.091 § 5B.06	\$46 or \$30 for individual jurisdictions	No. Paper form that must be mailed or hand delivered.	No	No	No	No
Mississippi Miss. Admin. Code 1-10-7.2 Miss. Code Ann. § 99-47-1	\$1,100 for statewide list	No. Paper form.	No	No	Yes	No
Missouri V.A.M.S. 115.157 115.158	Varies by county	No	No	No	Yes	No
Montana MCA 13-2-115, 13-2-122 Mont. Admin. R. 44.3.1102	\$1000 for statewide list \$1000 absentee ballot report \$200 for county files	Yes	No	Yes	Yes	No
Nebraska Neb. Rev. St. §32-330, §32-331, §32-312	\$500 for statewide file for specified purposes only	No	No	No	Yes	No
Nevada N.R.S. 293.440, 293.558	\$20,000 for statewide file	No	No	Yes	Yes	No

Table 3 (Voter Data Availability)
 For the July 22, 2022 Meeting of the Wisconsin Elections Commission

State	Pricing	Website?	Custom Data?	Online Payment?	Available to Anyone?	Unrestricted Use?
New Hampshire N.H. Rev. Stat. §654:25, §654:31, §654:45 N.H. Rev. Stat. T. XII, Ch. 173-B	\$275 for statewide file; only to authorized persons	No	No	No	No	No
New Jersey N.J.S.A. 19:31-18.1, 47:1A-5, 47:4-2	\$375 for statewide file	No	No	No	No	No
New Mexico N.M. Stat. Ann. §1-4-5.5, § 1-4-50, § 40-13B-3	\$5,125	No	No	No	Yes	No
New York McKinney's Election Law §3-103, §5-508, §5-602 et seq.	\$0 for CSV file	No	No	n/a	No	No
North Carolina N.C.G.S.A. § 163-82.10	\$0 for statewide or by-county posted online as a text document	n/a	No	n/a	Yes	Yes
North Dakota ND Cent. Code §16.1-02-15 §16.1-02-12 §14-07.1-18	\$2120 for candidates, political parties, or recognized political committees	No	No	No	No	No
Ohio R.C. § 3503.13, § 3503.15 R.C. § 111.44	\$0 for csv files available on website.	n/a	No	n/a	No	No
Oklahoma 26 Okl. St. Ann. § 7-103.2, § 4-112, § 4-115.2	\$0 for access to online portal	Yes	Yes	n/a	Yes	Yes
Oregon O.R.S. §247.940, §247.945, §247.955	\$500 for statewide file; no other files offered	No	No	No	Yes	No
Pennsylvania 25 Pa. C.S.A. § 1207, 25 Pa. C.S.A. § 1403 et seq., 25 Pa. C.S.A. § 1325, 23 Pa. C.S.A. § 6703	\$20 for statewide or county file	No. Paper form must be mailed or hand delivered.	No	No	No	No
Rhode Island § 17-9.1-15 § 17-9.1-6 § 17-9.1-21 § 17-6-5 § 17-28-5	\$20 on disk or \$700 for paper	No. Paper form.	No	No	Yes	No
South Carolina S.C. Code § 7-5-410, § 7-5-170, § 7-5-186, § 30-2-50	\$2,500	Yes	No	Yes	Yes	No
South Dakota SDCL § 12-4-9, § 12-4-41	Voter data file \$2,500 Absentee list \$3,000	No. Paper form.	No.	No.	No	No
Tennessee T. C. A. § 2-2-138, § 2-2-127, § 40-38-602	\$2,500	No	No	No	Yes	No

Table 3 (Voter Data Availability)
 For the July 22, 2022 Meeting of the Wisconsin Elections Commission

State	Pricing	Website?	Custom Data?	Online Payment?	Available to Anyone?	Unrestricted Use?
Texas V.T.C.A., Election Code §18.005 §18.008, §18.009, §13.004, §18.0051 Vernon's Ann. Texas C.C.P. Art. 56.82	\$1279 (formula based on population)	No	No	No	Yes	No
Utah U.C.A. § 20A-2-104	\$1050 statewide list only	No. Paper form by mail only.	No	No	No	No
Vermont 17 Vt. Stat. §2154, §2141 15 V.S.A. § 1158	Free for names and addresses of active registered voters only. Produced monthly.	No. Paper form by mail.	No	n/a	Yes	No
Virginia VA Code Ann. §24.2-406, §24.2-418, §24.2-444	5000 for statewide list	No	No	No	No	No
Washington West's RCWA 29A.40.130 29A.08.720 29A.08.740 42.56.230	Free (FOIA) limited data; limited access.	No	No	No	No	No
West Virginia W. Va. Code, § 3-2-30 W. Va. Code, § 48-28A-101	\$500 for statewide list w/o voter history \$200 for absentee list (one	No	No	No	Yes	No
Wisconsin W.S.A. 6.36, 6.47	\$25 plus \$5 per 1,000 records up to \$12,500 maximum	Yes	Yes	Yes	Yes	Yes
Wyoming Wyo. Stat. § 22-2-113	\$125 for statewide list w/o voter history for authorized	No	No	No	No	No



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: For the July 22, 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 an update of ERIC Movers data, the 2022 Eligible but Unregistered mailing, and 2020 General Election voter participation reports.

A. Movers Review Process

As part of Wisconsin's membership in ERIC, the WEC is required to contact voters flagged by ERIC 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 Commission approved a quarterly Movers postcard mailing cycle in 2021. 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.

Voter records identified for these mailings remain active in status and have an updated status reason of "Movers"; thus they will appear as "Active/Movers" in WisVote. Records identified as "Active/Movers" in WisVote will also have the "Have you Moved?" watermark included on poll books for that record. Clerks have discretion to assess each case individually and may decide 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 deactivate the voter record.

Voters who initiate a voter registration in another state are deactivated, do not receive the mailing, and are not flagged as Movers. ERIC recently determined that some voter records from late 2021 were incorrectly flagged as having registered in another state. The incorrect data came from a handful of other states and affected 1,157 voter records in Wisconsin. After confirming the error, WEC staff corrected the affected records. ERIC also implemented additional quality control procedures to address this possibility moving forward.

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

The Quarter 2 (Q2) 2022 Movers Mailing work is underway. Approximately 61,000 postcards were scheduled to be sent on June 30, 2022.

Table 1: Summary of 2022 Movers Mailings

2022 Movers Summary as of June 27, 2022	Voter Count	Percentage of Mailing
Active - Movers Designations	45,090	82%
Active - Registered (includes merged records)	7,520	14%
Deactivated Records (includes Undeliverable)	2,422	4%
Total Records	55,032	100 %

Table 2: Summary of 2021 Movers Mailings

2021 Movers Summary as of June 27, 2022	Voter Count	Percentage of Mailing
Active - Movers Designations	148,100	64%
Active - Registered (includes merged records)	35,887	16%
Deactivated Records (includes Undeliverable)	46,615	20%
Total Records	230,602	100%

Table 3: Summary of Recent Movers Mailings

2021 & 2022 Movers as of June 27, 2022	Voter Count	Percentage of Mailing
Active - Movers Designations	193,190	68%
Active - Registered (includes merged records)	43,407	15%
Deactivated Records (includes Undeliverable)	49,037	17%
Total Records	285,634	100%

Table 4: Requested Continuation (voters asking to remain registered)

Quarter	Total Postcards	Requested Continuation – Active Status	Percentage of Mailing
Q1/Q2 2021	97,704	957	.98%
Q3 2021	32,691	479	1.47%
Q4 2021	100,207	752	.75%
Q1 2022	55,032	558	1.01%

B. 2022 Eligible but Unregistered Mailing

ERIC member states are also required to perform Eligible but Unregistered outreach prior to October 1 of every General Election year. Member states must initiate contact with individuals who meet eligibility requirements and are not yet registered. The WEC meets this requirement by sending out postcards to prospective voters. Approximately 178,493 postcards were scheduled to be sent in mid-July.

The postcard design has previously been approved by the Commission and is attached. It has been updated with fall 2022 election dates and registration deadlines.

C. 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 225 potential matches and were 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 225 potential in-state matches, the status as of June 27, 2022:

- 213 have been resolved
- 12 were referred to the appropriate DA's office by the clerks

Cross-State Research and Referrals

The cross-state file provided 155 potential matches with 18 other states and was provided to staff on August 6, 2021. 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 2021 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 155 potential cross-state matches, the status as of June 27, 2022:

- 81 have been closed or referred (2 pending referrals from 1/22 meeting are awaiting reply)
- 30 potential referrals are being made to Commission (3 of which are re-referrals, as more documentation was originally requested)
- 46 are pending other state's replies

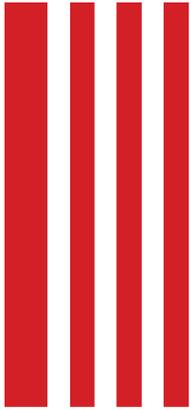
The 30 potential referrals are included in the packet of closed session materials for the Commission to review.

Attachment: EBU postcard



Register to Vote Online!

¡Regístrese para votar por Internet!



ONLINE AND MAIL REGISTRATION DEADLINES	CLERK'S OFFICE REGISTRATION DEADLINES	REGISTER ON ELECTION DAY
Wednesday July 20, 2022	Friday August 5, 2022	Partisan Primary August 9, 2022
Wednesday October 19, 2022	Friday November 4, 2022	General Election November 8, 2022

This postcard is an official mailing from the State of Wisconsin.

Wisconsin Elections Commission
201 W. Washington Ave. 2nd Fl.
Madison, WI 53703-2855



Go to myvote.wi.gov and click **Register to Vote** to start a new registration, or to update your name or address. You must be a U.S. citizen, at least 18 years of age on Election Day and not serving a felony sentence or otherwise disqualified from voting.

En Español: myvote.wi.gov/es-es/

Or, register to vote before the election at your municipal clerk's office or at your polling place on Election Day. **If this card has your current name and address, you may bring it with you as proof of residence. You will also need a photo ID to vote.**

See other side for election dates and registration deadlines.

Already Registered? Verify your voter information at myvote.wi.gov by clicking **My Voter Info**

Questions/Preguntas? 1-866-868-3947



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: For the July 22, 2022 Commission Meeting
TO: Members, Wisconsin Elections Commission
FROM: Brandon Hunzicker, Staff Attorney
SUBJECT: Report of Suspected Election Fraud, Irregularities or Violations

Wis. Stat. § 7.15(1)(g) requires municipal clerks to “report suspected elections frauds, irregularities, or violations of which the clerk has knowledge to the district attorney for the county where the suspected activity occurs and to the commission.” The Commission is then required to “annually report the information obtained . . . to the legislature under s. 13.172(2).” Wis. Stat. § 13.172(2) directs state agencies to submit reports to the chief clerks of each house of the Legislature who in turn publish notice of the report in the journals of the respective houses and then distribute the report to members of the Legislature upon request.

Municipal clerks typically provide reports of suspected election fraud or irregularities to the Commission by email or letter, and in most cases the report is a copy of the referral they have made to the District Attorney under Wis. Stat. § 7.15(1)(g). Attached to this memorandum is the proposed cover letter and report to be submitted to the Legislature which summarizes the information received from local election officials. This report is limited in that it only reports District Attorney referrals made by municipal clerks that the Commission has been made aware of. It is possible that other suspected election frauds, irregularities or violations have been referred without the Commission’s knowledge. It is also possible that citizens or organizations may have filed complaints directly with a District Attorney which the Commission has no way of knowing or tracking.

The timeframe for this report picks up from the last report and covers May 20, 2021 through June 24, 2022. The report provides the Legislature with four key pieces of information: date on which the Commission received information from the municipal clerk about the referral, the county in which the referral was made, a brief description of the suspected election fraud, irregularity or violation, and the election during which the event occurred. Where the referral was specific or contained multiple instances of the same type of activity that was referred, the report notes the multiple activity referred in parentheses. In some cases, the activity does not pertain to a particular election or pertains to multiple elections.

For most types of referrals, the Commission has no information about whether the District Attorney found enough evidence to file charges or whether any charges resulted in a conviction.

Recommended Motion:

Direct Commission staff to submit the attached cover letter and report titled “Report of Suspected Election Fraud, Irregularities or Violations” to the Legislature per Wis. Stat. §§ 7.15(1)(g) and 13.172(2).

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

July 22, 2022

Edward Blazel
State Assembly Chief Clerk
17 W. Main St., Room 401
Madison, WI 53703
Ted.Blazel@legis.wisconsin.gov

Michael Queensland
State Senate Chief Clerk
P.O. Box 7882
Madison, WI 53707
Michael.Queensland@legis.wisconsin.gov

Re: Submission of Report to Legislature – Report of Suspected Election Fraud, Irregularities or Violations pursuant to Wis. Stat. § 7.15(1)(g)

Chief Clerks Blazel and Queensland:

Attached to the email transmitting this letter, please find the Wisconsin Election Commission's report to the Legislature of suspected election fraud, irregularities or violations as reported to the Commission by municipal clerks pursuant to Wis. Stat. § 7.15(1)(g). This report is submitted to your offices pursuant to Wis. Stat. § 13.172(2) and notice of this report is to be included in the journals of each respective house, with distribution of the report to members of the Legislature upon request.

Report Notes

The report provides the Legislature with four key pieces of information: date on which the Commission received information from the municipal clerk about the referral, the county in which the referral was made, a brief description of the suspected election fraud, irregularity or violation, and the election during which the event occurred. Where the referral was specific or contained multiple instances of the same type of activity that was referred, the report notes the multiple activity referred in parentheses. In some cases, the activity did not pertain to a particular election or pertained to multiple elections.

This report includes notices of referrals received May 20, 2021 through June 24, 2022 and is limited in that it only reports referrals to District Attorneys made by municipal clerks that the Commission has been made aware of, and it is possible that other suspected election frauds, irregularities or violations have been referred without the Commission's knowledge. It is also possible that citizens or organizations have filed complaints directly with a District Attorney that the Commission has no way of knowing or tracking. For most types of

Wisconsin Elections Commissioners

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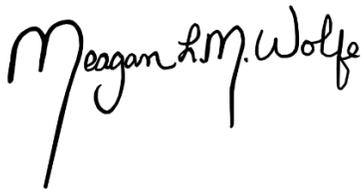
Administrator
Meagan Wolfe

referrals, the Commission has no information about whether the District Attorney found enough evidence to file charges or whether any charges resulted in a conviction.

If you have any questions regarding this report, please contact the Elections Helpdesk at 608-261-2028 or elections@wi.gov.

Sincerely,

WISCONSIN ELECTIONS COMMISSION

A handwritten signature in black ink that reads "Meagan H.M. Wolfe". The signature is written in a cursive style with a large initial "M".

Meagan Wolfe
Administrator

Cc: Wisconsin Elections Commission

Enclosure



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
 (608) 266-8005 | elections@wi.gov | elections.wi.gov

Report of Suspected Election Fraud, Irregularities or Violations

Pursuant to the requirement contained in Wis. Stat. § 7.15(1)(g), the Wisconsin Elections Commission (WEC) submits to the Wisconsin Legislature the following report of “suspected election fraud, irregularities or violations” based on information submitted to the WEC by municipal clerks. This report is submitted to the chief clerks of each house of the Legislature per Wis. Stat. § 13.172(2).

The timeframe for this report is information the WEC received from May 20, 2020 through June 24, 2022. Please see the transmittal letter to the chief clerks which accompanies this report that describes the contents and limitations of this report.

Date	County	Suspected Election Fraud, Irregularity or Violation	Related Election
5/28/21	Waukesha	Voter impersonation (deceased elector with participation)	2020 General Election
6/1/21	Walworth	Voting twice in same election (in-person in different municipalities)	2021 Spring Primary Election
7/29/21	Dane	Voting twice in same election (both absentee by mail)	2020 General Election
8/5/21	Marathon	Voting twice in same election (in-person and in-person absentee)	2021 AD 37 Special Election
8/19/21	Dodge	Voting twice in same election (in-person and absentee by mail)	2020 General Election
9/14/21	Marathon	Voter impersonation (participation in different municipalities with different signatures)	2020 General Election
10/14/21	Winnebago	Voting twice in same election (in-person and absentee by mail)	2020 General Election
11/5/21	Milwaukee	Voting twice in same election (in-person and absentee by mail)	2020 General Election
11/5/21	Milwaukee	Voting twice in same election (in-person and absentee by mail)	2020 General Election
11/5/21	Milwaukee	Voting twice in same election (in-person and absentee by mail)	2020 General Election
12/1/21	Milwaukee	Voting twice in same election (two different states)	2020 General Election
1/7/22	Milwaukee	Improper residential address on voter registration (12 instances)	Multiple Elections
1/19/22	Milwaukee	Improper residential address on voter registration (3 instances)	Multiple Elections

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

Date	County	Suspected Election Fraud, Irregularity or Violation	Related Election
2/12/22	Brown	Improper residential address on voter registration (21 instances)	Multiple Elections
2/14/22	Brown	Improper residential address on voter registration (13 instances)	Multiple Elections
2/16/22	Sheboygan	Improper residential address on voter registration (one individual)	Multiple Elections
2/18/22	Brown	Voting twice in same election (two different states)	2020 General Election
3/21/22	Racine	Improper residential address on voter registration (one individual)	Multiple Elections
3/23/22	Marathon	Felon registration	No Specific Election
4/11/22	Waukesha	Voting twice in same election (in-person in different municipalities)	2022 Spring Election
4/26/22	Brown	Voting twice in same election (in-person and absentee by mail)	2022 Spring Election
5/16/22	Milwaukee	Voting twice in same election (in-person and absentee by mail) (16 instances)	2022 Spring Primary and Spring Election
6/8/22	Chippewa	Improper residential address on voter registration (one individual)	Multiple Elections



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: For the July 22, 2022 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator

Prepared and Presented by:
Brandon Hunzicker, Staff Attorney

SUBJECT: Scope Statement Approval

Introduction

This memo discusses two scope statements that the Commission directed staff to send to the Governor for approval, SS 029-22, concerning Approval and Security of Electronic Voting Equipment and Ballot Security, and SS 030-22, concerning Training for Election Inspectors and Special Voting Deputies.

Discussion

Both scope statements received approval by the Governor on March 31 and were published in the Administrative Register on April 4. On April 11, the Commission received a directive under Wis. Stat. § 227.136(1) from the Joint Committee for the Review of Administrative Rules (JCRAR) to hold a preliminary public hearing and comment period. Agency staff held the hearing on April 29 and received three written comments and no live comments. To allow staff to continue the promulgation process and begin the rule drafting stage, the Commission would need to review the comments and formally approve the scope statement.

The approval presents an opportunity for the Commission to provide guidance and suggestions for the language of the rules, and also to establish how the Commission would like to review the rule language before staff post the proposed language on the Wis. Admin. Rules website for public comments. The Governor's approval letter, both scope statements, and the three written comments follow this memo.

The statute governing this approval process is Wis. Stat. § 227.135(2), and the relevant portion is copied below.

The agency shall also present the statement to the individual or body with policy-making powers over the subject matter of the proposed rule for approval. The individual or body with policy-making powers may not approve the statement until at least 10 days after publication of the statement under sub. (3) and, if a preliminary public hearing and comment period are held by the agency under s. 227.136, until the individual or body

Wisconsin Elections Commissioners

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Administrator
Meagan Wolfe

has received and reviewed any public comments and feedback received from the agency under s. 227.136 (5). No state employee or official may perform any activity in connection with the drafting of a proposed rule, except for an activity necessary to prepare the statement of the scope of the proposed rule until the governor and the individual or body with policy-making powers over the subject matter of the proposed rule approve the statement.

Recommended Motion: Pursuant to Wis. Stat. s. 227.135(2), the Wisconsin Elections Commission today, July 22, 2022, approves scope statements SS 029-22, concerning Approval and Security of Electronic Voting Equipment and Ballot Security; and SS 030-22, concerning Training for Election Inspectors and Special Voting Deputies. In drafting the language of the rules, staff are directed to follow the guidance of the Commission as found in the minutes of this July 22 open session meeting. Staff are further directed, upon completing the draft language of each rule, to send a copy of the draft language to each Commissioner for comments and feedback. After incorporating any comments and feedback, staff are directed to bring the draft rule language to the Commission during an open session meeting for discussion and approval before taking any further official steps within the promulgation process.



Tony Evers

Office of the Governor | State of Wisconsin

March 31, 2022

By Electronic Mail Only

Dear Secretaries and Agency Heads:

On this day, I approved the following statements of scope pursuant to Wis. Stat. § 227.135(2):

- A statement of scope by the Dentistry Examining Board, submitted March 15, 2022, relating to controlled substances prescribing continuing education requirements (Wis. Admin. Code ch. DE 13); and
- A statement of scope by the Elections Commission, submitted March 18, 2022, relating to training for election inspectors and special voting deputies (Wis. Admin. Code ch. EL 13); and
- A statement of scope by the Elections Commission, submitted March 18, 2022, relating to approval and security of electronic voting equipment and ballot security (Wis. Admin. Code ch. EL 7); and
- A statement of scope by the Department of Children and Families, submitted March 30, 2022, relating to child support guidelines quadrennial review (Wis. Admin. Code ch. DCF 150).

On this day, I approved the following proposed administrative rules pursuant to Wis. Stat. § 227.185:

- A proposed rule by the Department of Safety and Professional Services, submitted March 16, 2022, relating to sign language interpreter authority, definitions, scope of practice, professional conduct, and identification cards (Wis. Admin. Code chs. SPS 200-204); and
- A proposed rule by the Controlled Substances Board, submitted March 25, 2022, relating to scheduling Crotonyl Fentanyl (Wis. Admin. Code ch. CSB 2.78); and
- A proposed rule by the Controlled Substances Board, submitted March 25, 2022, relating to scheduling Remimazolam (Wis. Admin. Code ch. CSB 2.79); and
- A proposed rule by the Controlled Substances Board, submitted March 25, 2022, relating to scheduling Brorphine (Wis. Admin. Code ch. CSB 2.81).

Please direct any questions about this letter to my deputy policy director, Katie Domina.

Sincerely,

A handwritten signature in black ink that reads "Tony Evers". The signature is written in a cursive, flowing style.

Tony Evers
Governor

cc: Ryan Nilsestuen, chief legal counsel (ryan.nilsestuen1@wisconsin.gov)
Katie Domina, deputy policy director (katherine.domina1@wisconsin.gov)
DOA State Budget Office (SBOAdminRules@spmail.wi.gov)
DSPS (DSPSAdminRules@wisconsin.gov)
Brandon Hunzicker, WEC (brandon.hunzicker@wisconsin.gov)
Elaine Pridgen, DCF (elaine.pridgen@wisconsin.gov)

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

Rule No.: EL Ch. 7 - Approval and Security of Electronic Voting Equipment and Ballot Security

Relating to: Approval and Security of Electronic Voting Equipment and Ballot Security

Rule Type: Permanent

1. **Finding/nature of emergency (Emergency Rule only):** N/A
2. **Detailed description of the objective of the proposed rule:**

The Wisconsin Elections Commission (“Commission”) proposes to repeal, recreate and rename current Wis. Adm. Code EL Ch. 7 – Approval of Electronic Voting Equipment (“EL Ch. 7”), related to the approval of electronic voting equipment. The original rules governing this topic have not been substantively updated since 2000. The Commission seeks to update the rules which govern the approval of electronic voting equipment to bring them in line with current technology, modes and practices. The new rule will also address ballot and electronic voting system security which was the topic of an emergency rule that has since expired (former Wis. Admin. Code GAB Ch. 5 – Ballot and Electronic Voting System Security). A previous Government Accountability Board statement of scope to repeal and recreate Wis. Adm. Code GAB Ch. 7 was approved in 2015 (SS 046-15). With the Wisconsin Elections Commission beginning operations on June 30, 2016, the Commission now resubmits this statement of scope to repeal and recreate current EL Ch. 7 and incorporate former GAB Ch. 5 to govern these important topics.

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

Existing Policy:

Current EL Ch. 7 was originally published in 2000 (under different chapters based on the agency that oversaw elections at that time) and has not been amended except for renumbering and a correction in 2008. (Register April 2008 No. 628). EL Ch. 7 currently establishes a number of criteria which must be met for an electronic voting system to be approved for use in Wisconsin. It does not include guidelines to address technological and policy issues that have arisen in recent years, such as approval of engineering change orders, commercial off the shelf systems, approval of new components for equipment that was previously federally certified and approved for use in Wisconsin and other equipment that has not been federally certified.

Proposed Policy:

The Commission seeks to update the rules which govern the approval of electronic voting equipment to bring them in line with current technology, modes and practices. The recreated rules would include guidelines to address technological and policy issues that have arisen in recent years, such as approval of engineering change orders, commercial off the shelf systems, approval of new components for equipment that was previously federally certified and approved for use in Wisconsin and other equipment that has not been federally certified. The rules would also ensure the security, review and verification of software components used with each electronic voting system approved by the Commission. The verification procedures will ensure that the software components correspond to the instructions used by the system to count votes. Additionally, provisions governing security of electronic voting equipment and ballots would be incorporated into the new rule, which were previously in place under a separate emergency rule which has since expired. Combining these rules would put this information into one set of rules dealing with the same subject matter.

Alternatives:

If the Commission does not repeal and recreate current EL Ch. 7, current out of date provisions governing the approval of electronic voting equipment would remain in the rule. The Commission could again promulgate a separate chapter of rules dealing with electronic voting equipment and ballot security instead of combining it with the procedures used to test and approve electronic voting equipment used in this State. In addition, policies and procedures enacted by the elections agency related to these topics would not have the force of law afforded by an administrative rule and the legislative oversight of the rules process.

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

Wis. Stat. § 5.05(1) states that 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 Elections Commission may “[p]romulgate 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 campaign financing, or ensuring their proper administration.” Wis. Stat. § 5.05(1)(f).

Wis. Stat. § 5.93, expressly authorizes the board to “promulgate reasonable rules for the administration of this [Electronic Voting Systems] subchapter.”

Wis. Stat. § 5.905(3) states that the Elections Commission “shall promulgate rules to ensure that the security, review and verification of software components used with each electronic voting system approved by the commission.”

Wis. Stat. § 5.87(2) states that the Elections Commission “shall, by rule, prescribe uniform standards for determining the validity of votes cast or attempted to be cast with each electronic voting system approved for use in this state under s. 5.91. The rules shall apply only to situations that may arise in which the validity of a vote or attempted vote cast by an elector utilizing a particular system cannot be determined under s. 7.50.”

Wis. Stat. § 7.08(1)(d) states that the Elections Commission shall “[p]romulgate rules for the administration of the statutory requirements for voting machines and electronic voting systems and any other voting apparatus which may be introduced in this state for use at elections.”

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

300 - 350 hours.

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

This rule will affect manufacturers and vendors of electronic voting equipment, vendors that provide programming of electronic voting equipment, local election officials including county and municipal clerks, election inspectors and voters.

7. 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 U.S. Election Assistance Commission (“EAC”) operates a voting system testing and certification program which certifies, decertifies and recertifies voting system hardware and software and accredits testing laboratories to conduct the testing. Voting systems are tested at the federal level to determine if they meet the guidelines and specifications set forth in the Voluntary Voting System Guidelines (VVSG). Documentation, including proof that a system has obtained EAC certification is submitted to the Wisconsin Elections Commission as part of the application process to obtain State certification.

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

The anticipated economic impact from the implementation of the new rules is minimal to none. Voting equipment vendors are already required to pay the actual cost of the testing campaign that the State conducts prior to certification. Nothing in the new rule is

anticipated to significantly impact that requirement. Rather the rule will primarily formalize existing procedures and requirements of the State voting equipment approval process. The proposed rules will not affect small businesses.

Contact person: Brandon Hunzicker
(608) 267-0952 brandon.hunzicker@wisconsin.gov



Meagan Wolfe
Administrator
Wisconsin Elections Commission

March 10, 2022
Date Submitted

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

Rule No.: EL Ch. 13

Relating to: Training for Election Inspectors and Special Voting Deputies

Rule Type: Permanent

1. **Finding/nature of emergency (Emergency Rule only):** N/A
2. **Detailed description of the objective of the proposed rule:**

Wis. Stat. § 7.315(1)(a) provides that the Wisconsin Elections Commission (“Commission”) shall promulgate administrative rules that prescribe the contents of training that municipal clerks must provide to election inspectors and special voting deputies. Wis. Stat. § 7.315(4) states that election registration officials shall receive the same training that election inspectors receive from their municipal clerk. The Commission currently publishes comprehensive manuals that municipal clerks use to train their election inspectors, election registration officials and special voting deputies. The Commission proposes to enact EL Ch. 13, which will a) codify information already provided to municipal clerks in the manuals, and b) afford the Legislature the opportunity to review the contents of the training that municipal clerks provide their election inspectors, election registration officials and special voting deputies.

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

Existing policy:

The Commission prescribes the contents of training that municipal clerks must provide to election inspectors, election registration officials and special voting deputies by publishing comprehensive manuals on election administration, election day activities and absentee voting in residential care facilities and retirement homes. The current Elections Administration manual published by the Commission can be accessed here: <http://elections.wi.gov/clerks/education-training/election-administration-manual>. The current Election Day Manual published by the Commission can be accessed here: <http://elections.wi.gov/clerks/education-training/election-day-manual>. The current Absentee Voting in Residential Care Facilities and Retirement Homes manual published by the Commission can be accessed here: <http://elections.wi.gov/publications/manuals/nursing-home-absentee>

Proposed policy:

Similar to current Wis. Admn. Code Ch. EL 12 (training contents for municipal clerks), the Commission seeks to codify the basic contents of the manuals used by municipal clerks to train their election inspectors, election registration officials and special voting deputies.

Alternatives:

If the Commission does not promulgate rules as provided in Wis. Stat. § 7.315(1)(a), the Commission will not be compliant with that statute, but will continue publishing comprehensive manuals that are used by municipal clerks to train election inspectors, election registration officials and special voting deputies.

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

Wis. Stat. § 7.315(1)(a) provides that the “commission shall, by rule, prescribe the contents of the training that municipal clerks must provide to inspectors, other than chief inspectors, and to special voting deputies appointed under s. 6.875.” Wis. Stat. §7.315(4) states that “election registration officials shall receive the training as provided under this section for inspectors, other than chief inspectors” therefore the content of the training materials as set forth in the rule will apply equally to election inspectors, election registration officials and special voting deputies.

Wis. Stat. § 5.05(1) states that the 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 Elections Commission may “[p]romulgate 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 campaign financing, or ensuring their proper administration.” Wis. Stat. § 5.05(1)(f).

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

40 hours.

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

The rules will affect municipal clerks, election inspectors, election registration officials and special voting deputies, but only to the extent that the procedures already guiding training of these officials will now be codified in this rule in addition to being available in the comprehensive manuals drafted and published by the Commission.

7. 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 Help America Vote Act (“HAVA”) provides that States shall use funds provided under HAVA to perform various federal election-related functions, including training election officials, poll workers, and election volunteers. 42 U.S.C. §§ 15301(b)(1)(D), 15421(b)(2). HAVA also provides that State plans for administering federal elections must include information about how the “State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State” in administering uniform and nondiscriminatory

elections. 42 U.S.C. § 15404(a)(3). Finally, HAVA also provides funds to states to “support training in the use of voting systems and technologies[.]” 42 U.S.C. § 15461(c)(1)-(2).

The proposed rules are consistent with these federal provisions, and such rule would help the Commission further effectuate these federal requirements as well as the state statutory requirements under Wis. Stat. § 7.315.

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

The anticipated economic impact from the implementation of the proposed order is minimal to none. There will likely be little impact, economic or otherwise, on current processes already in place to train local election officials. There is no anticipated economic impact on small businesses.

Contact person: Brandon Hunzicker
(608) 267-0952 brandon.hunzicker@wisconsin.gov



Meagan Wolfe
Administrator
Wisconsin Elections Commission

March 10, 2022
Date Submitted



612 W. Main Street, #200 Phone: (608) 256-0827
Madison, WI 53703 www.lwwi.org



April 20, 2022

To: Wisconsin Elections Commission

Re: Public Comments from the League of Women Voters of Wisconsin

The League of Women Voters of Wisconsin would like to extend our appreciation of the tireless efforts of the Wisconsin Election Commission staff to ensure our elections are safe, secure, and accessible. This is a challenging time in our democracy and an increasingly challenging time to be an election official - especially in Wisconsin. We are sure they do not hear the words "thank you" enough. Wisconsin is lucky to have such competent and respected stewards of our state's elections working at the Wisconsin Elections Commission.

The League is also encouraged by the WEC's continued attention to the recommendations put forth by the Legislative Audit Bureau in *Audit Report 21-19: Elections Administration*. As the Commissioners review the various statements of scope put before you today we hope you will take the following into consideration:

- **Related to the Statement of Statement of Scope: Training for Election Inspectors and Special Voting Deputies**

For the past 10 years, the League has been advocating for more consistency in poll worker training across the state. Given that our state is so decentralized, the quality of poll worker training varies dramatically at the municipal level, affecting the voter experience. We have seen inadequately trained poll workers wrongfully turn voters away from the poll or deny voters reasonable accommodations. For these reasons, we are happy to see the WEC address poll worker training through the rule making process.

Based on our extensive election observation program, the League recommends that, at a minimum, the state should require that new poll workers receive consistent training prior to their first election, and train experienced poll workers at least annually--and more frequently in the case of significant changes in election law. We recommend specific

training regarding the broad range of documents that can be used as proof of residence and as a photo ID for voting, accessibility, voting rights, and the provisional voting process.

Additionally, following through ensuring that training is provided to and undertaken by poll workers is critical to ensure polling places are run efficiently and consistently across the state. We recommend the scope statement be modified to add a mechanism to track whether poll worker training requirements are being met.

- **Statement of Scope: Approval and Security of Electronic Voting Equipment and Ballot Security**

During the WEC's June 11, 2019 meeting, the Commissioners identified a considerable gap in the pre-election voting equipment testing process - that accessible voting equipment is not currently required to be tested during the pre-election testing. Therefore, it is unclear if ballots marked using accessible voting equipment are being run through tabulators to ensure they are accurately being marked and read in advance of the election. At that meeting, the Commissioners took a vote to require testing of accessible voting equipment as part of the pre-election equipment testing. However, it is unclear if that directive was codified into formal guidance or an official rule.

Now seems like an important opportunity to make our elections more secure and accessible by incorporating this requirement into an administrative rule. We hope the Commissioners will consider incorporating pre-election testing of accessible voting equipment in the statement of scope related to Approval and Security of Electronic Voting Equipment and Ballot Security.

Additionally, the League previously provided public comment on **SS 010-22 Polling Place Emergency Planning** and **SS 008-22 Certification and Training of Municipal Clerks** for your review. You can find a copy of our comments in your meeting materials. They are also [available here](#).

Thank you for your consideration.



1-844-DIS-VOTE
www.disabilityvote.org

Date: April 20, 2022

Re: Comments on Scope Statements

To: Wisconsin Election Commission

From: Wisconsin Disability Vote Coalition

Barbara Beckert, Disability Rights Wisconsin, barbarab@drwi.org

Thank you for the opportunity to comment on the scope statements under consideration today. These comments are provided on behalf of the Wisconsin Disability Vote Coalition and are informed by our work on the frontline, supporting voters with disabilities and older adults to have equitable access to voting.

- **Related to the Statement of Statement of Scope: Training for Election Inspectors and Special Voting Deputies**

Because of the decentralized nature of Wisconsin elections, there is wide variation in the content and amount of training for Election Inspectors/ poll workers. As a result, some poll workers are unfamiliar with the rights of voters with disabilities and the accommodations they are entitled to by law, such as to have an assistor of their choice complete their ballot, to access curbside voting, to use an accessible voting machine, or be accommodated with the requirement to speak their name and address. We have received calls to the DRW Voter Hotline and reports in surveys from voters who have been denied these accommodations and whose rights have been violated, due to inadequately trained poll workers.

Current requirements for poll worker training are minimal. Wisconsin statutes require that election inspectors receive training at least once every two years. * [§7.315\(1\)\(b\)](#), Wis. Stats. The municipal clerk must provide this training and should document that the inspectors have been trained.

To ensure poll workers understand voting regulations and voter rights, the Disability Vote Coalition recommends that new poll workers be required to complete training on

core competencies **before** serving. This requirement could be met by completing the Wisconsin Election Commission Election Inspector training. In addition, poll workers should be required to attend a minimum of one training program annually thereafter. We recommend the scope statement be modified to add a mechanism to track whether poll worker training requirements are being met.

Training topics should include voter rights, accessibility, accommodations for voters with disabilities, disability awareness and etiquette, as well as training regarding the broad range of documents that can be used as proof of residence and as photo ID for voting.

Special Voting Deputies should be required to complete the standard poll worker training, as well as additional training specific to SVDs to ensure they understand the rights of voters in care facilities, accommodations that are within the limits of assistance permitted by election laws, and are sensitive to the specialized communication needs of some residents. Training should address how to communicate with individuals with sensory disabilities, as well as cognitively impaired individuals. The American Bar Association guide [Assisting Cognitively Impaired Individuals With Voting](#) provides helpful guidance.

- **Statement of Scope: Approval and Security of Electronic Voting Equipment and Ballot Security**

During the WEC's June 11, 2019 meeting, the Commissioners noted a significant gap in the pre-election voting equipment testing process: accessible voting equipment is not currently required to be tested during the pre-election testing. Therefore, it is unclear if ballots marked using accessible voting equipment are being run through tabulators to ensure they are accurately being marked and read in advance of the election. At that meeting, the Commissioners took a vote to require testing of accessible voting equipment as part of the pre-election equipment testing. It is unclear if that directive was codified into formal guidance or an official rule.

DRW and other Disability Vote Coalition members have heard multiple concerns from voters regarding accessible voting machines and some of our members have experienced this personally. In some cases, the machines are not turned on; others are not working and were not tested on election day. We recommend including this requirement in an administrative rule. We ask Commissioners to incorporate pre-election testing of accessible voting equipment in the statement of scope related to Approval and Security of Electronic Voting Equipment and Ballot Security.

SS 010-22 Polling Place Emergency Planning

The Disability Vote Coalition ask Commissioners to ensure the administrative rules for Polling Place Emergency Planning include sufficient rigor to avoid a repeat of polling place consolidation that occurred in 2020 during the pandemic. We were contacted by many voters with disabilities who were impacted by the polling place consolidation. Many were unable to wait in line for hours, and were not able to cast a ballot due to these barriers. Others struggled to identify their polling place and had gone to the wrong location; in some cases, lack of transportation did not allow them to get to their new polling place which was at a greater distance than in the past.

We recommend establishing standards that will ensure this type of polling place consolidation does not occur again. Each municipality should be required to develop an emergency plan including back up locations, mechanisms for notifying voters of the changes, and requirements to retain polling locations in areas reasonably close to voters' regular polling places. In addition, municipalities cannot be allowed to consolidate so many polling places that voters have difficulty accessing those locations, and/or that unreasonably long lines ensue. Emergency plans should be tracked and submitted to WEC for review; this should include review of polling place accessibility requirements.

SS 008-22 Certification and Training of Municipal Clerks

The Disability Vote Coalition supports the drafted scope statement related to the Certification and Training of Municipal Clerks. Clerks play a lead role in administering our elections, and it is of utmost importance that they be fully trained before conducting their first election and remain current as election law and equipment continue to change. Training of clerks is critically important to protect the security of our elections.

Thank you for your consideration of our suggestions, and for your work to ensure our elections are accessible and inclusive of voters with disabilities.

About the Wisconsin Disability Vote Coalition

The WDVC is a non-partisan effort to help ensure full participation in the entire electoral process of voters with disabilities, including registering to vote, casting a vote, and accessing polling places. Members include people with disabilities, and community agencies. The Coalition is coordinated by Disability Rights Wisconsin and Wisconsin Board for People with Developmental Disabilities.

April 28, 2022

Wisconsin Elections Commission
201 West Washington Avenue, Second Floor
Madison, WI 53703
Via email

RE: Verified Voting Comments on SS 029-22 - Approval and Security of Electronic Voting Equipment and Ballot Security

Dear Members of the Wisconsin Elections Commission:

On behalf of Verified Voting, I submit these comments on SS 029-22. Verified Voting is a nonpartisan nonprofit organization whose mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. We believe that the integrity and strength of our democracy rely on citizens' trust that each vote is counted as cast.

We support the efforts of the Commission to update existing portions of administrative code related to the approval of electronic voting equipment (EL Ch. 7) and to incorporate additional provisions on the security of electronic voting equipment and ballots. In particular, as the scope statement acknowledges, given increased election security concerns and changes in the broader regulatory environment, it is ever more pressing to make sure that Wisconsin's requirements for the verification and security of electronic voting equipment keep pace with current standards. Since 2021, the U.S. Election Assistance Commission (EAC) has made significant changes to the federal standards for voting equipment through the adoption of the Voluntary Voting System Guidelines (VVSG) Version 2.0 and the VVSG Lifecycle Policy 1.0. The EAC has also published a detailed set of best practices for the chain of custody of ballots and voting systems.¹

As the Commission drafts this administrative rule, we recommend that it include explicit requirements for testing accessible voting equipment as part of the public pre-election logic and accuracy testing. At its June 2019 meeting, the Commission mandated including ballot marking devices in logic and accuracy testing. Formalizing this requirement in administrative rule is an important next step. The use of ballot marking devices as an accessible voting solution for Wisconsin voters has grown significantly over the past ten years, and it is crucial that pre-election procedures adequately provide for their testing.

Respectfully submitted,

Chrissa LaPorte
Senior Policy Associate

¹ U.S. Election Assistance Commission, "Best Practices: Chain of Custody," July 13, 2021.
https://www.eac.gov/sites/default/files/bestpractices/Chain_of_Custody_Best_Practices.pdf



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: For the July 22, 2022, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Prepared by: Riley Vetterkind, John Smalley

SUBJECT: Elections education campaign for September/October 2022

Background

Educating citizens on how election administration works in Wisconsin has long been a goal and a priority of Wisconsin Elections Commission staff. This agency and its earlier iterations have used public campaigns small and large to create public awareness about new initiatives and to remind voters of things they need to know when heading to the polls. For instance, the marketing and public relations effort around Wisconsin's photo ID law is a notable example of bringing significant agency resources to bear in a needed public education campaign. More recently, in the 2020 election cycle the WEC executed an election security public information program.

With the agency continuing to see heightened public interest in election administration, the need for a comprehensive, concerted education campaign around this topic has never been greater.

A new election administration campaign will launch in September and carry into October. It will be a two-phase video campaign, with the first prong dedicated to reaching high school students via social studies and civics classrooms, and the second prong intended to engage the general public through print and broadcast media in the state.

The project will cover the mechanics of elections in Wisconsin, including basics, such as how to register to vote, what a ballot looks like, absentee voting, what happens at polling places on Election Day, and how to become a poll worker. The project will also help people better understand our highly decentralized system.

Campaign goals

Our intention with this campaign is to a) create better awareness and understanding of how election administration works in Wisconsin and b) through that understanding, establish more trust in the process. Election education is a key part of establishing election security and integrity.

The campaign targets both high school students and the general public in order to increase the program's reach. Regarding the high school program, this campaign will help students understand the mechanics of Wisconsin elections, even before most of them are eligible to vote. Increasing

Wisconsin Elections Commissioners

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Administrator
Meagan Wolfe

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awareness and understanding of the electoral process now will help students become well-informed and well-rounded citizens as they move from high school into adulthood.

Campaign organizers also hope that by engaging students, the campaign will simultaneously engage their parents and other family members. Staff hope that those connections, along with a steady dose of media “spots” in newspapers and on radio and television, will increase overall awareness and knowledge about election administration in Wisconsin.

This campaign will not be a get-out-the-vote drive. Rather, this effort is about education and sharing fact-based materials with students and the general public. The project is nonpartisan, and all content associated with it will focus on how things work, why they work that way, and what it means for voters.

Campaign basics

Think of this campaign as a four-part primer on Wisconsin elections and how they really work. This summer, staff and a video production vendor will create a series of four five-minute videos, with each video exploring several aspects of election administration. Staff plan for the videos to be fun, fast, and engaging for both high school students and the general public.

Staff and the video vendor have cast a young woman in the role of narrator/host for each video, with her serving to both guide viewers through each individual video and connect the four videos together as a set. The narrator/host will engage with students in the videos, along with clerks and other elections officials.

Once the videos are produced, the Department of Public Instruction will assist in making the content available to teachers and students. Staff will also provide teachers with some curriculum materials, mostly in the form of discussion points and prompts for teachers to use to engage students. The goal is for teachers to play a video during one social studies class per week for four weeks, and then to discuss that week’s topics.

Meanwhile, simultaneous to the high school project, through support from the Wisconsin Newspaper Association (WNA) and Wisconsin Broadcasters Association (WBA), newspapers and broadcasters around the state will provide print space and airtime to a) share a few election-related facts each week and b) promote the video project. While the associations cannot force their members to donate space and time, the WNA and WBA leaders are confident their members will view this project as worthy and thus offer their support.

The content has yet to be fully shaped, but the working plans for the four videos look like this:

- Week 1 – A general overview of election administration in Wisconsin. This video will touch briefly on multiple topics, many of which will be explored deeper in subsequent videos.
- Week 2 – A “nuts and bolts” session about voter registration, voting absentee, voting at the polling place, becoming a poll worker, and so forth.
- Week 3 – A look at how officials maintain election security and integrity, from voting machine testing and certification to maintaining an accurate voter registration database.
- Week 4 – A Day at the Polls. The video will explore what happens from the time a voter enters the polling place to when he or she leaves. It will also trace the path of a ballot, from the voter’s hands to secure storage after an election.

Partnerships established

Public Information Office staff and others in the agency have worked since early this year to build partnerships with like-minded stakeholders. To date, staff have presented the project outline to the Department of Public Instruction, Wisconsin Council for the Social Studies, Wisconsin Library Association, Wisconsin Newspaper Association, Wisconsin Broadcasters Association, Wisconsin Towns Association, Wisconsin County Clerks Association, and the Wisconsin Municipal Clerks Association.

Staff conducted a focus group with high school students both to engage them on their knowledge of elections and on the ways they like to consume information. The session was highly informative. Staff also met with teachers at a conference for social studies teachers, and thus have a list of teachers willing to provide input and feedback on the project.

Finally, the WEC recently partnered with Tack Video Productions, a Madison-based company that will produce the videos. Tack has a strong portfolio of work and its founders have produced content for WEDC and the UW-Madison Union among many other clients. The WEC used a simplified bid process to seek proposals for the project. The agency received four bids in all, and Tack Video Productions won the contract with a low bid of \$22,800.

Project timeline

After weeks of planning and brainstorming, in early May staff entered “production preparation” mode with Tack Video. That led to an audition process to select the host/narrator, along with the continued development of ideas for each video.

Script writing for the videos began in earnest in May and production began in mid-June, with several on-location shoots scheduled in July. Ideally, the schedule will include portions filmed at four separate locations to give the videos variety and an active feel. In mid-June Tack Video traveled to UW-Eau Claire for a video shoot at Badger Boys State, a week-long high school civics and leadership program. Staff had reached out to include students from Badger Girls State at UW-Oshkosh, but the program’s organizers weren’t able to accommodate the timing.

Upon completion of filming, the “postproduction” phase will commence, whereby Tack will edit and prepare numerous clips for review.

The goal is to have all four videos produced and ready for distribution by August 15. As part of their work, Tack will also develop and produce a short video “promo” for each of the main videos.

No Commission action required

Staff do not seek any Commission action regarding the education campaign at this time but want to ensure that Commissioners are fully up to speed on the project. Staff would be happy to answer any questions or talk further about any aspects of the campaign at the July 22 Commission meeting.



Wisconsin Elections Commission

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DATE: For the July 22, 2022 Commission 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

Spring Election

At the Spring Election on April 5, 2022, voters participated in an election for Court of Appeals Districts II, III, and IV, and 46 different circuit court offices in 24 different counties, and various local offices. The canvassed results were certified by Chairperson Jacobs on May 13, 2022.

Staff offered extended hours in support of clerks completing their preparations for the Spring Election beginning on Friday, April 1 and continuing through the following Wednesday.

Friday, April 1, 2022 4:30 p.m. – 6:00 p.m.
Saturday, April 2, 2022 10:00 a.m. – 2:00 p.m.
Monday, April 4, 2022 4:30 p.m. – 6:00 p.m.
Tuesday, April 5, 2022 6:00 a.m. – 10:00 p.m.
Wednesday, April 6, 2022 4:30pm – 6:00p.m.

The Spring Election did not feature a statewide contest. Overall call and email volume was steady as many new municipal clerks and new election inspectors were experiencing their first election. No major issues were reported to the WEC.

Fall 2022 Filing Period

The nomination paper filing deadline for the 2022 General Election for congressional, legislative, state and county partisan offices was 5:00 p.m. on Wednesday, June 1, 2022. 411

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

candidates applied to run for 130 state and federal offices, and a total of 337 candidates filed nomination papers with the Wisconsin Elections Commission.

In total, staff reviewed roughly 260,839 signatures as part of the 337 submitted petitions. By the deadline for filing nomination papers, 136 candidates had also filed additional nomination papers or correcting affidavits to supplement their original filings. Elections Administration staff made use of personnel from other WEC teams to provide the necessary capacity to review the influx of nomination papers and timely determine sufficiency.

Staff continued to implement the changes put in place by staff in 2020 for conducting candidate meetings and facilitating paperwork filings. Additionally, staff have met to discuss ways to improve the candidate filing process for all parties involved for future elections.

Election Administration Project Planning

To prepare for the remainder of 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 and rolled out 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 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.

Staff is also focusing on the agency website and improvements that can be made. Over the years, clerks, voters, candidates, elected officials, and others have provided suggested edits and improvements to the agency website. Staff has closely worked with Northern Commerce to create, design, and usability test a new website that is expected to debut this summer. Staff discusses this project in a stand-alone memo and will update the Commission as it progresses.

2. WisVote Staff Report

Addressing

Staff has completed local and legislative redistricting updates in WisVote for all 72 counties in Wisconsin. State legislative districts (Assembly and Senate) were updated on April 28 with temporary ward labels to facilitate nomination paper review and voter list requests, and again updated on June 2 with permanent ward labels from county and municipal offices. WEC staff assisted clerks in reviewing areas where legislative districts split existing wards. Wards may not contain more than one assembly district, which resulted in municipalities creating new wards to accommodate the legislative boundaries.

Staff also assisted clerks in updating their Election Plans, which match polling places with reporting units, for the upcoming Fall elections. Staff will continue to notify clerks where polling places or wards are not assigned within the election plan. WEC staff also updated ballot styles for all municipalities for the 2022 Partisan Primary and General Election to account for new district assignments.

Voter Records

Several small improvements were implemented to the voter records module.

Long-time voters in Wisconsin may have registered to vote before a driver's license number was required. These records had a placeholder number (ex. W111-1111-111-11) but this number caused confusion and led people to believe that invalid driver's licenses were being submitted to register. These numbers were removed to more accurately reflect the fact that the state does not have driver's license numbers for these individuals.

Adjudicated incompetent records have been adjusted so that clerks may search statewide for records instead of only in their jurisdiction. Additionally, WEC staff have added fields to record when the notification of incompetency was received by WEC, an optional field to indicate if the notification was incomplete upon receipt, and what information (if any) was missing in that case. The additional information will provide a more complete picture of what data was received by the WEC.

WEC staff adjusted how DHS death records are processed for voter record matching. New death records are compared against all voter records for a potential match on a monthly basis. In addition to this process, the system will now on a daily basis send any newly created or updated voter records for matching against the entire list of death records contained in WisVote. This will ensure that a new record created after the death notice is identified immediately.

Absentee

When a Home Address is updated on a voter record where the address is still within the municipality, such as for a care facility move between rooms, the address automatically updates current absentee applications for future elections. A ballot delivery method of "email" or "fax" can no longer be selected by a clerk entering an absentee application into WisVote, unless the voter is Temporarily Overseas, Military, or Permanently Overseas. Pending absentee applications (applications requiring photo ID review) for elections before 2022 have been marked inactive/expired – it's still very common for clerks to manually enter these applications instead of checking the Pending view. The email notification a clerk receives when an absentee application is submitted through MyVote with photo ID has been updated to point clerks to the WisVote Pending Absentee Applications view, which will save them time on data entry.

Election Security

The Election Security .gov Email Domain Subgrant was approved by the Commission on January 11, 2022 and announced on February 10, 2022. Municipalities that have transitioned to a wi.gov or

.gov domain during the grant period (August 24, 2021, to August 15, 2022) are eligible for reimbursement of up to \$600 in related expenses.

WEC has received over 150 new .gov domain and subgrant inquiries since the subgrant was announced. Staff have approved and processed 108 subgrant requests to date, averaging over \$500 per request. At this time, approximately \$55,000 of the approved subgrant amount of \$300,000 has been requested and reimbursed to subgrantees. Interest in the program continues to remain high with staff receiving daily contacts regarding changing to a .gov domain. Updated program materials have assisted municipalities by having standardized documentation to navigate the domain platform changes. Subgrant information, up-to-date procedures, forms, and answers to frequently asked questions are all available in one easy to use location on the Clerks webpage.

3. Reconciliation and Statistical Reporting

Commission staff continuously work with municipal and county clerks to meet reporting requirements following all state and federal elections.

Initial reporting of the Election Administration and Voting Statistics Report data is due to be reported to the state no later than 30 days after an election, or 45 after a General Election. Managing and reconciling the additional data proves challenging for some municipalities and generally requires WEC staff assistance. In cases where a jurisdiction cannot reconcile voting statistics, Commission staff work with individual clerks to ensure all reasonable efforts are applied to ensure the accuracy of their data.

The Election Administration and Voting Statistics Report deadline for the 2022 Spring Primary was March 17, 2022. This report only includes those municipalities in Kewaunee County because no other municipalities had a state or federal level contest on their ballots in the primary. As of that deadline, all municipalities in Kewaunee County had successfully completed their reconciliations and all data was able to be pulled for this report for that election. The deadline for the 2022 Spring Election was May 5, 2022. The most recent report for this election was posted to the website on June 30, 2022, and at that time there were 31 municipalities who still had at least one reporting unit pending.

The Election Day Registration (EDR) Postcard Statistics reporting is required to be initially reported within 90 days after an election and then updated monthly until there is a full accounting of all EDR postcards. As of February 24, 2022, Commission staff are monitoring the following elections for this reporting: 2021 Special Assembly District 37 Election and 2022 Spring Primary. All municipalities involved in these elections have reported initial data on the postcards for those elections. The initial reporting of the EDR Postcard Statistics for the 2022 Spring Election was due on July 4, 2022.

4. Education/Training/Outreach/Technical Assistance

Following this memorandum as Attachment 1 is a summary of initial certification and focused election administration and WisVote training conducted by WEC staff since the last Commission meeting in March.

Staff provided specialized election training through its election administration and WisVote webinar training series, including respective wrap-ups of the spring elections. The election administration webinar looked at the spring elections and discussed with election officials take aways from them, the good and the “needs work.” The WisVote webinar addressed post-election absentee maintenance in the system, such as indefinitely confined maintenance letters and recording statuses, reconciliation, and data quality.

Commission staff attended a variety of clerk meetings, including statewide and regional conferences and classes. The schedule is outlined in Attachment I. Staff updated clerks on agency news, elections security and provided training on election administration topics such as absentee voting procedures for the fall elections.

Commission staff developed additional training videos on in-person absentee voting procedures and UOCAVA voting requirements and deadlines. Staff is developing additional recordings outlining special voting deputy procedures and election materials retention requirements.

The election administration and WisVote webinar training schedules for the next election cycle were released and kicked off with training on UOCAVA voting procedures and preparations for the August Partisan Primary. As part of the WEC website revamp, all webinar recordings moved to The Learning Center to better track and document training taken by clerks and their election officials. Additionally, the WisVote User Manual update was published and posted to TLC.

WEC Newsletter

Last year Administrator Wolfe requested WEC staff begin publishing a bi-weekly email newsletter geared toward clerks. Volume I Issue I of this newsletter was published on Thursday, July 29, 2021.

In the months that followed it became apparent that the Microsoft Publisher software the HTML editor staff had been using was ill-suited to meet our agency needs, as it could not ensure consistent formatting across devices and email platforms. As a result, much effort was expended by staff prior to publishing to try to ensure formatting consistency. Given the inefficiency of this process it led to publishing complications. Some newsletter publications were late and there were some weeks where no newsletter was published.

All issues of the WEC Newsletter are available to view as recent clerk communications on the WEC’s agency website.

5. Accessible Voting Program

Accessibility Advisory Committee

The Accessibility Advisory Committee met on Friday, May 20th from 9 a.m. to 12 p.m. via video conference. The Committee discussed the 2022 Polling Place Site Reviews, edits to the Review

Survey, Access Elections updates, accessibility concern form responses, braille ballots, and a partnership opportunity for a clerk training webinar.

Accessibility Budget and Supply Program

WEC staff are restocking the Supply Program to prepare for the anticipated increase in orders as we continue through the 2022 election cycle. In FY22 WEC staff has sent 37 supply orders to 35 municipalities containing a total of 518 items. Of the \$82,600 annual accessibility budget there is an approximate fund balance of \$27,362.

Polling Place Reviews

WEC staff is executing the 2022 Accessibility Site Review Plan approved by the Commission. On April 5 a combination of five temporary staff and three volunteers from the Advisory Committee member organization Disability Rights Wisconsin visited 77 polling places across Portage, Marathon, Marquette, Outagamie, Sauk, Iowa, Dane, and Milwaukee counties. Clerks whose polling places were visited at the Spring Primary in February had until June 15 to submit their Plans of Action. Clerks whose polling places were visited at the Spring Election in April will have until July 20 to submit their Plans of Action. WEC staff is continuing to foster partnerships with Accessibility Advisory Committee members to increase the scope of the remaining site reviews in August and November.

Braille Ballots

To fill the gap in access left by no longer permitting voters to use assistive technology like screen readers to complete absentee ballots, many local disability advocacy organizations recommended creating a braille ballot for voters to request. WEC staff has met with staff of Audio Braille Literary Enhancement to discuss their service printing braille ballots for voters in Milwaukee County and the opportunity to use them as a vendor for braille ballots statewide. WEC staff have ordered braille ballots from ABLE with the intention of receiving feedback from the Accessibility Advisory Committee's representatives from the National Federation of the Blind of Wisconsin and the Wisconsin Council for the Blind and Visually Impaired. WEC staff are working with disability advocates to design a braille ballot program and plan to promote the program to voters when completed on the Elections website.

Accessibility Concern Form Submissions

Since February of this year, we have received 9 submissions about the Accessibility Concern Form on the elections website. Five submissions were related to the January 20, 2022, Waukesha County Circuit Court Order. In two submissions voters voiced concern about improper election procedures, but upon follow-up with clerks it was found that proper election procedures had been followed and the situations were explained to the voters. One submission was an issue of election inspectors violating voter privacy when using accessible voting equipment. The clerk will address this with increased election inspector training on how to assist voters with technology without compromising their privacy and installing additional privacy shields between machines. One submission was an issue of accessible parking spaces located far from the entrance to the polling

place. This issue is being resolved by the municipality no longer using this facility as a polling place.

6. Website Redesign

Since the Commission's approval of the website redesign project at the December 2021 meeting, the purchase order was written and provided to Carahsoft in late December, signed by WEC and Northern in January 2022 and finalized by Carahsoft in February. The Statement of Work was signed in February 2022 and was updated in May to include a calendar and events feature. The total cost came to \$190,000 with the new addition and covers the website design, development, content migration, user testing, along with post-launch support. The website went live on Tuesday, July 19.

Project Initiation and Website Setup

As previously reported, the project has been driven by a core strategy agreed upon by WEC staff and our key stakeholders, municipal and county clerks.

"WEC's website will provide election officials/clerks, candidates, voters, and the general public with information that they need to know about elections that is current, trusted, accurate, and relevant in a format that is accessible, usable, and compliant with state statutes"

By working with Northern, WEC staff have been able to focus entirely on adhering to this mission statement in our organization and presentation of information on the website. Northern Commerce provided development services with a key task of setting up for the infrastructure for the website on our website hosting platform, Acquia. Northern configured Site Studio, an Acquia product which allows business users to create rich webpages without the need for a developer post-configuration. Northern also built and developed different content types that make up what is presented on the website including memos, news, resources, forms, events, basic pages, and landing pages. Northern's expertise in determining what changes to the information architecture to our website were critical to a successful project. This work was completed between February and July 2022. This included reviewing content on the existing site and agreeing on a migration plan so that all existing, relevant content would be available on the new site. Overall, WEC staff anticipate a reduction in the number of distinct pages, increased tagging of content as relevant to specific topics or audiences, and easier maintenance of information on the site.

Content migration began in mid-April and continued through the end of June. As a part of the migration, clean-up of the existing website was required, and many older items were removed and archived internally or with Wisconsin Historical Society. WEC has provided links to specific collections, like Election Results, at the WHS digital archive and those links are included on the associated pages on the new website so that users who need to view that information are still able to access it. Additionally, training content such as webinars will be moved accessible from the Learning Center (TLC). This was done at the request of the clerks who wish to be able to access all training materials in one location.

Design and User Feedback

To design the front-end user interface, Northern collaborated with WEC staff in December 2021 through January 2022 to hold listening sessions with small groups of stakeholders including clerks, voters, election workers, and staff. Following those conversations and an examination of the existing website, Northern put together an activity to determine the appropriate menu structure for the new website. Participants were given an assortment of content from the existing WEC site and were asked to group it as they saw fit, and then to name the groupings they identified.

The groupings that were identified by the respondents are: Candidate Information, Poll Worker Information, WEC Information, Clerk’s Page, Voting Information, WEC News, Election Results, and Upcoming Elections (see Figure 1). Through additional conversations with staff, those titles were refined to become the headings for the primary and secondary menus on the new website.

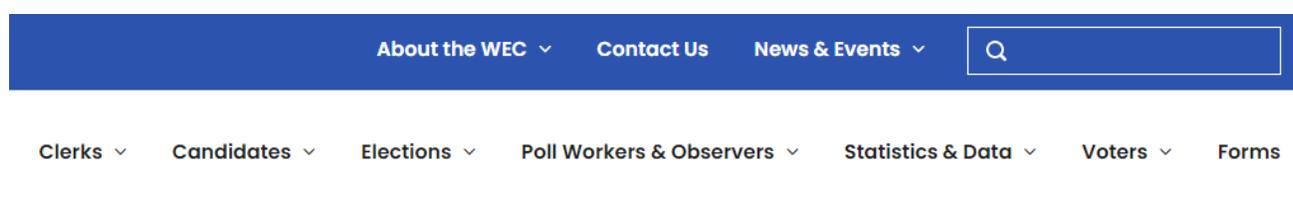


Figure 1. Primary and Secondary Menus of new Homepage

To further assess the success of the menu structure, Northern facilitated another activity called “tree testing”. Tree testing asked users what path they would take through the given the menu and its sub-pages to find a particular piece of information. A total of 453 users completed the testing, 82.4% of whom were clerks.

Two changes were made to the navigational structure of the website based on these results. The first is that Elections & Process became a more focused content area and is now called Elections. The second is that “Resources” will not be public-facing term used but rather the website will identify resources by type, using language like “Manuals, Guidance, and Toolkits” or “Voter Information Guides”.

To test the new layout and look of the website, Northern facilitated “first click testing”, which again assigned participants tasks or information to find on the website by interacting with static versions of the home page and the clerk’s home page. The activity captured where participants clicked on a page to look for that information, generating “heat maps” of user activity.

In this exercise, the majority of respondents were clerks (65%), however there was more representation from some other audiences.

In the past 10 years, have you identified as any of the following (please check all that apply)

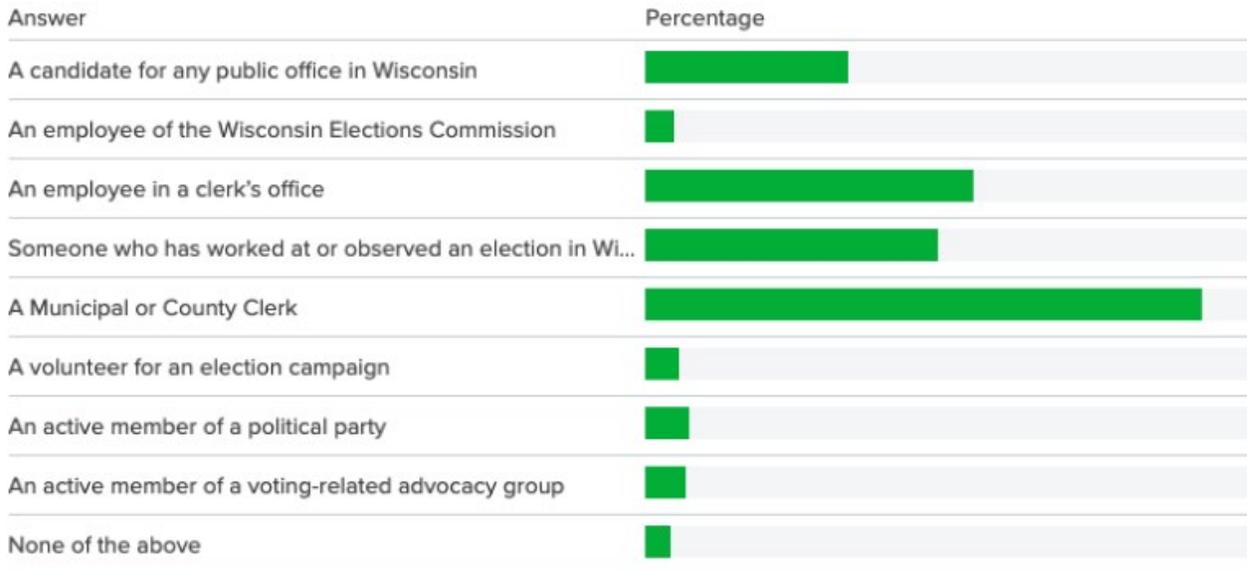


Figure 2: Activity participants by role.

The activities were overwhelmingly completed successfully with a few key takeaways:

1. It was reaffirmed that “Elections & Process” creates confusion.
2. The overall structure as presented is working as most users were able to deduce where to click to find what they were looking for.
3. Based on the anecdotal feedback submitted, the appearance of the site is well-liked, there is some concern but not reticence about the change, and participants in the testing are generally optimistic about the usability and organization of the new website.

There will need to be a concerted effort to continue to refine terms and headers (“Directory” to “Clerk Directory”, for example) as issues are identified, but there were no major structural or design traps identified in this testing. While this testing did not identify major defects in the proposed design or layout, WEC staff will continue to review feedback and adjust the site to meet the needs of website visitors. There is a great deal of information on the website, so not every page or piece of content can be tested before the website launch.

Content Build Out

Once the design, menu structure, and initial migration were completed in May, WEC staff reviewed all migrated content to ensure that the information published to the website aligned with the core strategy of the redesign. Ensuring information on the website is current and easily accessible meant unpublishing content deemed no longer relevant, including clerk communications from before 2017, press releases released under the Government Accountability Board, and event records dated back to 2010. By unpublishing this content, we’re preventing outdated information from coming up in search results for users who need quick, timely answers.

WEC staff organized into groups to review and design the presentation of content under each main menu tab. Groups began meeting in May 2022 and finalized their tabs in mid to late June. Through

this process, much of the “basic page” content included in the migration was rebuilt in a “landing page” format, which allowed for a usable presentation of information and for different types of content to be accessed on the same page. Landing pages are where users land when selecting main menu headers and most options in the sub-menus. For example, the clerk landing page includes link to recent clerk memos, links to election websites like WisVote, and easy access to manuals, information about clerk training, etc. (see Figure 3).

The screenshot displays the 'Clerks' landing page. On the left, there is a blue header 'Clerks' with a dropdown menu containing: Clerk Directory, Clerk Training, Election Notices, Forms and Ballot Templates, Manuals, New Clerk Checklist, Clerk Communications (with a dropdown arrow), and Election Topics A - Z (with a dropdown arrow). Below this is a 'Quick Links' section with: Calendar, Contact Us, FAQs, and Manuals.

The main content area is titled 'Clerks' and includes an introductory paragraph: 'There are 1,850 Municipal clerks and 72 County clerks in the State of Wisconsin. The Wisconsin Elections Commission considers each of these clerks to be a partner in the process of carrying out open, fair and transparent elections. This page is a resource for clerks and other local election officials.'

Below the introduction are three main sections:

- Recent Clerk Communications:** A list of five items with a 'View More' button at the bottom right.
 - 2022 ERIC Movers Review Process - Quarter 2
 - Reports of Ballot Printing Delays for the August 2022 Partisan Primary
 - 2022 August Partisan Primary Pronunciation Guide
 - Election Administration Training Webinar Series Schedule (June 2022 - March 2023) See new date for Polling Place Set-Up!
 - ID Petition Process Reminders
- Election Tools Links:** A grid of six links, each with a logo and text below it:
 - WisVote (with logo)
 - Canvass (with logo)
 - The Learning Center (TLC) (with logo)
 - MyVote (with logo)
 - Badger Voters (with logo)
 - AccessElections (with logo)
- Recent Newsletters:** A list of five newsletter issues:
 - WEC Newsletter Volume II, Issues VII and VIII
 - WEC Newsletter Volume II, Issue VI
 - WEC Newsletter Vol. II Issues III, IV, & V
 - WEC Newsletter Volume II Issue II
 - WEC Newsletter Volume II Issue I

At the bottom right, there are three descriptive text blocks:

- Wisvote:** Election management system used to manage the voter list, absentee applications and ballots, candidates, ballot styles, polling places and more.
- Canvass:** Election results reporting system used by clerks to create reports and share election results with WEC.
- The Learning Center (TLC):** One stop shop for all elections training materials including webinars, manuals, and interactive WisVote training videos and activities.

Figure 3. Clerk Landing Page

In addition to pulling different types of information into one page, landing pages also allow staff to present information in a way that users prefer to interact with. For example, accordion style containers (see Figure 4) allow a user to review the topics of a page and select where they want to see more information, without overwhelming them with too much text. These benefits were apparent in moderated user testing, which we’ll discuss next.

Voter Registration

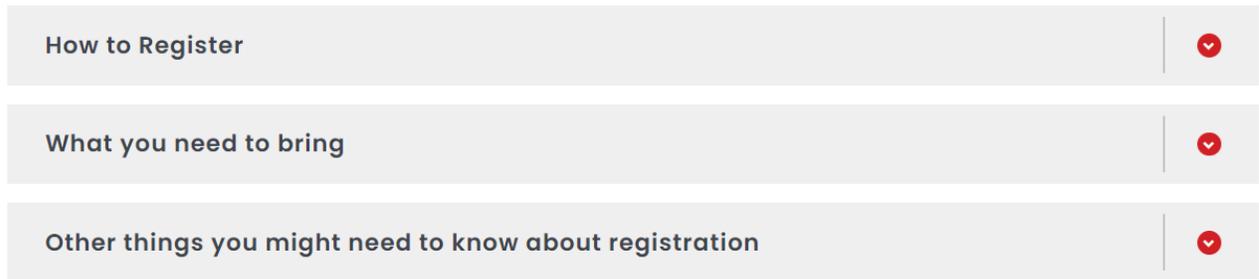


Figure 4. Expandable accordion containers.

Moderated Usability Testing

In addition to the two activity-based usability tools administered by Northern, WEC staff conducted usability testing on the website from Tuesday, June 14 through Thursday, June 23. Usability testing was conducted primarily with municipal and county clerks, but also included a representative from the Council for Blind and Visually Impaired. This allowed WEC staff the opportunity to observe website visitors completing tasks and ask them questions based on their behavior that could not be captured in a survey. WEC staff regularly complete this sort of testing and adjust content and designs based on the results of moderated usability testing.

Over the course of two weeks of usability, issues were identified in a few areas and then remedied:

Issue	Solution
Attachments were not recognized as attachments. Users glossed over them as regular text.	Added an attachment icon next to every attachment, made the text blue and underlined, and labeled the field as "File Downloads"
The placement content tags that look like buttons were more distracting and users didn't understand what they are	Drop tags and buttons to the bottom of the page.
Users would love to use search but have leftover mistrust from the old website.	Remove out of date content wherever possible. Add last updated to content so that users can reference before opening a page. Sort search results so that recently updated content shows up first in addition to title and body search text matching. Create a policy to ensure content is kept up to date beyond site launch.

Links should be descriptive about where they are taking the user.	Replace “Learn More” or “Find out More” with “Learn more about [topic]” statements or “Continue to MyVote”
Contact Us was the expected location to file a complaint	Added a link to the form to file a complaint to general contact us page.
The back to homepage button, the WEC logo, was buried in the middle of the menu options when read by an assistive screen-reader.	Adjusted back-end placement of homepage link to be the first option when reviewing a menu.

Website Launch

At the time this update was written in early July, WEC staff were busy finishing testing the website features Northern created for WEC staff to maintain the website long-term. The website launch date is Tuesday, July 19. Notice of the change was shared with municipal and county clerks through two newsletter spotlights on June 30 and July 14, and a final reminder through a clerk communication on Monday, July 13. A message at the top of the homepage is included to inform users that the website is new and provides instructions on how to report missing content, broken links, or other website feedback.

It's important to note that while WEC staff will be able to quickly respond to issues with presentation of content and to fill in gaps where information is missing, there are potential changes and fixes that will require technical expertise that does not exist on staff. WEC staff are working with Northern to determine if there are longer terms options to maintain our working relationship so that issues that require developer intervention can be remedied quickly. This would also include support in Drupal upgrades or build for new features like scheduling content to be published.

User feedback will continue to drive website design through the project and post-launch, so what is now live will only be the first iteration of the new site. It is expected that there will be some growing pains as users learn to navigate the new site, so staff will collect their feedback and use it to inform changes that may need to be made. Staff will also use site traffic and user behavior information collected through Google Analytics and New Relic to inform changes to the website. Those tools provide WEC with valuable quantitative that informs the performance and success of the new website. WEC staff are excited to report back to you in September on what we’ve learned from a few months of use of the new website.

7. Badger Voters

Badger Voters is a website established by the Wisconsin Elections Commission to provide a simple and automated way for the public to request voter data lists and candidate nomination papers.

FY22 figures include requests and net revenue received through May 20, 2022. While FY21 revenue showed an increase of 83% over FY20 due to an increase in requests, FY22 revenue is more aligned with previous fiscal years.

Fiscal Year	Requests	Purchased	% Purchased	Net Revenue	Nomination Papers
FY2022	951	869	91.3%	\$350,895	131
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: Prior to FY2020 the Net Revenue figure is for gross sales and does not account for any refunds.

8. Voting Equipment

During the current reporting period, voting equipment specialists worked closely with staff counsel to assist with the review of and response to various public records requests. Staff also worked with equipment vendors to compile an updated list of voting equipment used in municipalities throughout Wisconsin. This list is updated routinely so that the WEC website has equipment usage correctly listed for interested parties. The updated list, which is current as of June 2022, has been posted to the website. Staff also responded to an inquiry from ES&S regarding a potential certification test campaign in 2022. Given the time required to conduct a full test campaign, approximately two months, and the competing agency priorities in 2022, ES&S was informed that the testing could occur no earlier than April 2023.

9. Badger Books

Badger Books were successfully used by 89 municipalities during the April 5, 2022, Spring Election. Following the February Spring Primary, staff was made aware of minor software bugs and functional issues with both the Badger Book application and its associated WisVote processes. In response, staff developed, tested, and released a software update 4 weeks prior to the Spring Election that addressed all reported issues. It is important to stress that none of these issues impacted the ability of participating municipalities to correctly administer elections in their respective jurisdictions and were primarily cosmetic in nature.

Staff continue to leverage and work with the Train-the-Trainer network of experienced Badger Book clerks to offer introductory training to new onboarding municipalities across the state. At present, the summer training plan includes eight regional staff-led trainings and several training sessions led by Badger Book clerk trainers.

Global supply chain issues continue to impact the Badger Book program. Currently, the largest impact to the program is the lack of available receipt printers. Each Badger Book unit uses a receipt printer to issue voter numbers in the polling place. However, virtually no stock remains of either iteration of printer currently used by Badger Book municipalities. Staff continue to work with PDS, the third-party hardware vendor, to test possible replacement or transitional printer models to keep the shipping dates for municipalities onboarding prior to the fall election cycle on track. Additionally, PDS has been purchased by Converge Technology Solutions Corporation. Staff does not believe this change of ownership will impact the Badger Book program in its current iteration.

As the projected shipping dates continue to be delayed in response to worsening supply chain conditions, the ability of these municipalities to successfully obtain their equipment and train their election officials on its use prior to the August Partisan Primary is now in question. Staff will continue to do whatever possible to meet existing demand. Outreach is currently being conducted to municipal clerks to communicate the issue and identify feasible solutions.

10. 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 is assisting with candidate nomination paper processing and digitizing historical elections agency documents.

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

May 2022	1,403
June 2022	2,075
Total for Reporting Period	3,478

Customer Service Email Volume
elections@wi.gov

May 2022	2,394
June 2022	2,736
Total for Reporting Period	5,130

Address Verification Postcards Mailed

May 2022	6,645
June 20, 2022	4,529
Total for Reporting Period	11,174

11. Communications Report

Since the Commission’s last regular meeting on March 9, 2022, staff has seen a sustained level of public inquiry, particularly questions fueled by public debate and ongoing reviews of the administration of the 2020 general election, and those regarding drop boxes and how to vote in the April 2022 Spring Election.

The volume of inquiries, along with the spread of false information about the agency and Wisconsin elections, present significant and ongoing communications challenges. Agency staff treat these public inquiries as a priority and take the position that circulating accurate information about Wisconsin elections and the agency is indispensable to election security and trust.

Voter Communications:

Media availabilities: The PIO, in consultation with a newly formed communications advisory team consisting of select agency staff, organized a series of six media availabilities this summer taking place from June 21 to August 10. The media availabilities feature Administrator Wolfe alongside a municipal or county clerk. Administrator Wolfe and/or the clerk answer media questions, but first present on an elections-related topic to inform and educate the media and public on how various aspects of Wisconsin’s elections systems work.

Topics include:

- How Wisconsin’s elections are unique, and a review of the key dates and deadlines for the upcoming election cycle.
- Voter registration and voter record maintenance.
- How the WEC and clerks ensure Wisconsin’s elections are secure and accurate.
- How election officials count ballots, and what election certification looks like.
- How the public can prepare for the upcoming elections.
- How recounts work.

Social media plan: The PIO created a social media plan that provides suggested posts for both the agency and local clerks to use this summer. The plan was released to clerks in late June. The social media plan incorporate posts that advertising agency KW2 created for the WEC in 2020 that agency staff have updated, alongside newly created posts that reflect current communications challenges and opportunities. The plan includes posts about important election dates and deadlines,

along with facts about the election to increase public awareness about how elections are run in Wisconsin.

The PIO also produced a brief webinar to provide an overview of the resource to clerks.

The PIO is also creating another social media plan for the agency and clerks to use before the November General Election.

Clerk media toolkit: The PIO is working to revise and update for the 2022 election cycle a communications toolkit for local election officials that KW2 produced for the agency in 2020. The toolkit includes fact sheets, sample press releases, a guide on communicating in crisis situations, how to pitch stories to media, and how to effectively communicate with the public.

Elections education campaign: PIO staff and other agency staff are working with Tack Video Productions, the agency's selected vendor, to produce a series of educational videos about the mechanics of Wisconsin elections to be shown in high school classrooms and made available for viewing by the general public. Staff are also anticipating newspapers and broadcasters around the state will provide print space and airtime to share election-related facts each week and promote the video project. More information about the project can be found in a separate memo on the project included in the meeting materials.

Communication with Local Election Officials:

PIO staff have coordinated meetings with local election officials to discuss the elections education campaign and the idea of clerks and others participating in media availabilities. The PIO has also solicited feedback from municipal and county clerks regarding communications resources they would like to see produced for the upcoming primary and general elections.

Media Engagement:

The WEC continues to receive numerous inquiries from local, state, and national media regarding administration of upcoming elections, as well as questions prompted by ongoing public discussion of the 2020 presidential election. Administrator Wolfe has done numerous interviews with TV and print publications over the past several months.

Public Records:

Between the March 9 Commission meeting and June 29, the agency received 59 public records requests. Of these, 15 are still active. There are also a number of older requests that are still active.

12. Financial Services Activity

The WEC financial staff has performed the following financial services activities since the March 9, 2022, Staff Update to the Commission:

- On March 7, 2022, staff met with the Audit Supervisor from the WI State Controller's Office (SCO) to obtain approval to treat voting equipment testing expenditures received under WI

Admin Code EL 7 as a refund of expenditure transaction going forward. That same day, SCO approval was granted.

- On March 11, 2022, staff completed the annual STAR Finance Security Role attestations, updating then attesting that all given security roles are necessary for the work being performed.
- On March 16 & 17, 2022, staff contacted then worked with the Election Assistance Commission (EAC) to post our final 2020 CARES Federal Financial Report (FFR) and Progress Report posted to their website, as they were mistakenly absent.
- On March 22, 2022, staff worked with US Bank to close and reissue an agency Purchasing Card (PCard).
- On March 22, 2022, staff submitted our updated Internal Control Plan to the SCO's Audit Services division.
- On March 22 & 23, 2022, staff attended the EAC's webinars on mid-year federal reporting.
- On March 30, 2022, staff submitted to the SCO edits to the Records Disposition Authorization (RDA) default values and available RDAs for financial attachments in STAR Finance.
- On March 30, 2022, staff was notified by the EAC that the WEC would be receiving an additional \$1,190,603 disbursement of our Election Security grant, authorized by the March 14 Consolidated Appropriations Act of 2022.
- On March 31, 2022, staff attended WI Department of Enterprise Technology's (DET's) virtual meeting on the new cloud brokerage process, created to increase the state's cyber security.
- On April 6, 2022, staff attended the EAC's webinar to discuss detail of the 2022 Election Security grant disbursement.
- On April 8, 2022, staff submitted to the SCO our preference for loading our FY23 operating budget into STAR Finance.
- On April 8, 2022, staff completed the reorganization and application of record retention laws to our shared financial computer files.
- On April 12, 2022, staff met with other internal agency staff to discuss SCO's new cloud brokerage process and our changing processes in response to this new directive.
- On April 18 & May 3, 2022, staff met with the EAC team to discuss their change in guidance about the state match requirement for our Election Security grant and how it necessitates the WEC to revise previous Federal Financial Reports (FFR) and previous Progress Reports.

- On April 19, May 17, and June 21, 2022, staff attended virtual meetings to discuss end-of-year procurement issues in anticipation of the state fiscal close on June 30, 2022.
- On April 25, 2022, staff submitted to the EAC our completed federal FY2022 midyear FFR and both the narrative and financial portions of our Progress Report covering the period of October 1, 2021, through March 30, 2022.
- On April 27, 2022, staff received from the EAC a revised award letter for the 2022 disbursement with a corrected project start date and budget period.
- On April 29, 2022, staff submitted to the EAC our state request letter and standard certifications to accept the current disbursement of our Election Security grant.
- On May 2, 2022, staff met with members of the SCO, State Budget Office, and STAR teams to resolve issues in the coding of the 2022 disbursement of our Election Security grant.
- On May 9, 2022, the WEC received \$1,190,603.00, the 2022 disbursement of our Election Security grant.
- On May 9 & May 11, 2022, staff attended SCO STAR training for incorporating RDA designations into STAR Finance attachments.
- On May 11, 2022, staff submitted to the EAC our revised midyear and annual Federal Financial Reports (FFRs) and both the financial and narrative sections of our Progress Reports for federal fiscal years 2020, 2021, and 2022, following the EAC's changed guidance on the required state match funds for our Election Security grant.
- On May 13, 2022, and pursuant to s.16.423, Wis. Stats., staff submitted its Base Budget Review Report. This report is required to be submitted no later than May 15 in even-numbered years. The report included quarterly expenditures for fiscal years 2019, 2020 and 2021 along with an analysis of each appropriation and whether it contributes to the mission of the agency.
- On May 16, 2022, the new procedures for adding Records Disposition Authorization (RDA) designations to STAR Finance's transition attachments began, and staff immediately began following those new procedures.
- On May 17, 2022, staff received from the EAC a further revised award letter for the 2022 disbursement with a corrected state required match amount of \$238,121.
- On June 3, 2022, staff received EAC approval of our revised midyear and annual 2020, 2021, and 2022 Federal Financial Reports and Progress Reports for our federal Election Security grant.

- On June 27, 2022, for the first disposition period in the new STAR Finance RDA procedure, staff completed over 400 transaction reviews, disposition designations, bundling, and approvals.
- Staff has continued to process the disbursement of the .gov municipal subgrant of federal Election Security grant funds and follow each disbursement with an email confirmation of expected funds and an award letter.
- Over the past month, the financial staff has been working to perform all procurement and financial year-end activities for the state fiscal year 2022 (FY22) June 30 close, running queries, inquiries, and reports, completing transaction and account reviews, and creating adjusting journal entries and budget journal entries when appropriate.
- 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 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 PCard Administrators Group to discuss issues pertaining to the Wisconsin Purchasing Card (PCard) and the State Agencies Purchasing Council (SAPC) to discuss procurement topics and updates.
 - Staff has continued to participate in the virtual Financial Leadership Council meetings at SCO.

13. Procurements

The following 19 Purchase Orders totaling \$907,487.32 have been processed since the March 9, 2022, Staff Update to the Commission:

- A \$1,706.50 Purchase Order was written to Badgerland Disposal LLC for waste disposal following our vacating our previous office location.
- A \$12.18 Purchase Order was written to SHI International Corp. for two months of Acrobat Pro DC subscriptions.
- A \$925.81 Purchase Order was written to the Department of Corrections for sit-to-stand desks.

- A \$4,000.00 Purchase Order was written to Environment Systems Resource Institute for ArcGIS Desktop Standard and Online Creator.
- A \$6.09 Purchase Order was written to SHI International Corp. for two months of Acrobat Pro DC subscription.
- A \$4,203.96 Purchase Order was written to Thomson Reuters for three Westlaw Next attorney online access subscriptions.
- A \$22,800.00 Purchase Order was written to Tack Video Production LLC for the production of videos that will explain the WI election process to students & the public.
- A \$630.20 Purchase Order was written to the Department of Corrections for a staff office chair.
- A \$15,069.00 Purchase Order was written to Paragon Development Systems for HP workstations and mini desktops.
- A \$8,495.50 Purchase Order was written to the Department of Corrections for accessibility polling supplies.
- A \$675.84 Purchase Order was written to SHI International for Illustrator and InDesign software subscriptions.
- A \$3,750.00 Purchase Order was written to AT&T for renewal of the RAVE Alert communication system.
- A total of \$840,320.00 was written via five Purchase Orders to Knowledge Services for the FY2023 service of the IT Developers.
- A \$3,958.02 Purchase Order was written to SHI International for Photoshop, InDesign, and Acrobat Pro software subscriptions.
- A \$934.22 Purchase Order was written to Insight Public Sector for headsets for WEC staff.

All purchases accurately followed the Wisconsin State Procurement Process.

14. Meetings and Presentations

WEC staff attended the following events since the March 9, 2022, Commission meeting.

March 9, 2022 Badger Book Training, Dane County

March 12, 2022 Wisconsin Council for the Social Studies annual conference

March 15, 2022	Meeting with the USPS
March 17, 2022	Badger Book Training, Racine County
March 18, 2022	ERIC Board Meeting
March 21, 2022	NASED Meeting
March 23, 2022	Enterprise IT Meeting with DET Public Hearing and Comment Period on Admin Rules
March 28, 2022	Wisconsin Homeland Security Council Meeting
March 29, 2022	EI/MS-ISAC Monthly Meeting Badger Book Training, Milwaukee County
March 31 – April 1, 2022	Polling Place Accessibility Site Review Training
April 4, 2022	Cybersecurity Policy Academy Meeting
April 6, 2022	State IT Director’s Council Meeting
April 12, 2022	Meeting with the USPS
April 13, 2022	Wisconsin Homeland Security Council Meeting
April 21, 2022	Meeting with the Wisconsin Registers in Probate Association
April 26, 2022	EI/MS-ISAC Monthly Meeting DOA Supported IT Meeting
April 29, 2022	Public Hearing and Comment Period on Admin Rules
May 4, 2022	State IT Director’s Council Meeting
May 10, 2022	Meeting with USPS Wisconsin Homeland Security Council Meeting
May 11, 2022	Elections Presentation to Dane County Municipal Clerks
May 12, 2022	Elections Presentation to Marathon County Area Municipal Clerks Wisconsin Council for the Social Studies annual conference
May 17, 2022	WI-ISAC Cybersecurity Meeting

May 20, 2022	Accessibility Advisory Committee Meeting
May 24, 2022	Meeting with USPS
May 25, 2022	Meeting of the National Association of Secretaries of State
June 1, 2022	State IT Director's Council Meeting
June 3, 2022	ERIC Board of Directors Meeting
June 9, 2022	Clerk, Treasurers, Finance Conference in Winnebago County
June 10, 2022	Badger Book Training in Waupaca County
June 11, 2022	League of Women Voters Annual Meeting in Outagamie County
June 14, 2022	Wisconsin Municipal Clerks Association District Meeting in Oneida County
June 15, 2022	Badger Book Training in Sawyer County
June 16, 2022	Badger Book Training in Polk County
June 17, 2022	Wisconsin Municipal Clerks Association District Meeting in Barron County
June 20, 2022	Badger Book Training in Dane County
June 22, 2022	Wisconsin Homeland Security Council Meeting
June 28, 2022	Wisconsin County Clerks Association Meeting in Chippewa County
June 29, 2022	Badger Book Training in Waukesha County Wisconsin Cybersecurity Workshop
June 30, 2022	Badger Book Training in Manitowoc County
July 1, 2022	Badger Book Training in Jefferson County
July 6, 2022	State IT Director's Council Meeting

ATTACHMENT #1

Wisconsin Elections Commission’s Training Initiatives
3/10/2022 – 7/22/2022

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Municipal Clerk	<p>2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.</p> <p>MCT Core class is available in the WisVote Learning Center and in-person training classes with certified clerk-trainers.</p>	3 hours	All municipal clerks are required to take the training; other staff may attend. Clerks may attend refresher once per 2-year term.	<p>In-Person: 1</p> <p>16-section online presentation with quizzes</p>	<p>10</p> <p>67</p>
Chief Inspector	<p>Required training for new Chief Inspectors before they can serve as an election official for a municipality during an election.</p> <p>CIT Baseline class is available in the WisVote Learning Center and in-person with certified clerk-trainers.</p>	2-3 hours	Election workers for a municipality. Current chiefs and clerks may attend refresher once per 2-year term.	<p>In-Person: 5</p> <p>7-section online presentation with self-evaluation</p>	<p>195</p> <p>265</p>
Election Administration and WisVote Training Webinar Series	Series of programs designed to keep local government officials up to date on the administration of elections in Wisconsin.	60 + minute webinar training sessions hosted and conducted by Commission staff.	County and municipal clerks, chief inspectors, poll workers, election registration officials, and school district clerks.	<p>5/8/2022: UOCAVA;</p> <p>5/6/2022: WisVote Redistricting Final;</p> <p>5/4/2022: Spring Election Wrap-Up; 4/15/2022: WisVote Grab Bag;</p> <p>3/15/2022: WisVote Spring Prep</p>	50 – 500 per live webinar; posted to website for clerks to use on-demand.

ATTACHMENT #1

Wisconsin Elections Commission's Training Initiatives
3/10/2022 – 7/22/2022

WisVote Training	Online training in core WisVote functions – how to navigate the system, how to add voters, how to set up elections and print poll books.	Varies	New users of the WisVote application software. Two user types, Clerk Role for full access and Data Entry Role for certain tasks.	Online	Not tracked
Clerk Conferences:	<p>May 11, 2022: Dane County Clerks Training May 12, 2022: Northern Wisconsin Training for New Clerks June 9, 2022: Clerks, Treasurers & Finance Officers Conference June 14, 2022: WMCA District 8 Meeting June 17, 2022: WMCA Districts 1 & 2 Meeting June 28, 2022: WCCA Summer Conference July 11, 2022: Clerks' Institute Ballot Access Class</p>				