

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Elections Commission

Special Meeting
Wednesday, August 31, 2022
9:00 A.M.

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

Zoom information:

When: Aug 31, 2022 09:00 AM Central Time (US and Canada)
Topic: Meeting of the Wisconsin Elections Commission

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/89436683947?pwd=cDQ4YlpuRGVCNDdUNjBORStCbVdLQT09>

Passcode: 257278

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US: +16465588656,,89436683947# or +16469313860,,89436683947#

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US: +1 646 558 8656 or +1 646 931 3860 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 719 359 4580 or +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or +1 386 347 5053 or +1 564 217 2000 or +1 669 444 9171

Webinar ID: 894 3668 3947

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AGENDA (Amended)

- A. Call to Order**
- B. Administrator's Report of Appropriate Meeting Notice**
- C. 2023-2025 Biennial Budget**
 - 1. Presentation and Approval of Base Budget** 1
 - 2. Presentation and Approval of Budget Request (DIN)** 4
 - 3. Presentation of Federal Grant Funding Update and Approval of Expenditures** 11
- D. Discussion of Election Observer Policy and Possible Action Concerning Related Guidance and/or Scope Statement**

NOTICE OF OPEN AND CLOSED MEETING

E. Closed Session *

- 1. Election Complaints**
- 2. Litigation Update**
- 3. Discussion of Potential Litigation**

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

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

F. Possible Action Concerning Voter Registration Forms

G. Adjourn

** The Elections Commission will convene in open session but may move to closed session under Wis. Stat. § 19.85(1)(g) and then reconvene into open session prior to adjournment of this meeting. This notice is intended to inform the public that this meeting will convene in open session, may move to closed session, and then reconvene in open session. Wis. Stat. § 19.85(2).*



Wisconsin Elections Commission

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

MEMORANDUM

DATE: For the August 31, 2022, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by:
Sharrie Hauge, Chief Administrative Officer

SUBJECT: 2023-2025 Biennial Budget Update/Request

Commission staff is in the midst of preparing the agency's 2023-25 Biennial Budget submission, which is due on September 15, 2022. As of the drafting of this memo, WEC had not yet received their final budget instructions from the State Budget Office as expected when the August 31, 2022, meeting was scheduled. 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 and outlines the staff's recommendations for submitting the budget request.

Overview and Budget Process

In June 2022 the Department of Administration issued its Major Budget Policies and Budget instructions for preparing agency 2023-25 biennial budget requests based on 100 percent of their fiscal year 2022-23 adjusted base. The instructions stated 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 are required to hold their overall GPR expenditures to the level of fiscal year 2023, the current fiscal year.

Sometime in the end of August the Department of Administration will issue its Technical Budget instructions. Before staff can finalize the 2023-25 Biennial Budget request there are several technical budget tasks that need to be completed. Staff has completed the base year reconciliation which ensures that agency program and appropriation structures that are defined in the budget system correctly 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.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

The WEC's total base budget for fiscal year 2022 after completion of the base year reconciliation is \$6,078,700. The total adjusted base budget consists of the following spending authority:

General Purpose Revenue (GPR) funds	\$4,869,500
Federal HAVA funds (SEG-F)	\$ 851,300
Program Revenue (PR) funds	<u>\$ 357,900</u>
Total Spending Authority	\$6,078,700

The WEC's program revenue primarily results from the sale of voter lists and includes a small amount of funds collected for providing other agency records under the Public Records Law.

Next, staff will work on completing a full salary and fringe benefit funding calculation under standard budget adjustments to determine salary and wage levels. After the reconciliation process is complete the agency budget request decision items can be developed in more specific detail.

Summary of Recommended Decision Items

The State's budget process requires agencies to identify Decision Items reflecting any proposed change from the base budget as determined by the Department of Administration. In addition to the primary Decision Item related to continuing the agency's base operations, staff is recommending two new Decision Items, which are 1) A statutory language change for the Voter Identification Training appropriation and 2) To create an office of Inspector General.

1. Statutory language change to appropriation 20.510 (1) (c) *Voter identification training*. The statutory language of the appropriation currently reads: "*Voter identification training*. The amounts in the schedule for training of county and municipal clerks concerning voter identification requirements provided in 2011 Wisconsin Act 23."

Currently, \$82,600 is appropriated annually for clerk voter identification training only. The voter photo ID law has been in effect for more than ten years, and photo ID training is rarely stand alone. Photo ID training is incorporated into the many training programs developed and conducted by WEC. The current statutory language makes these funds very difficult to access and utilize and the funds often go unspent because they cannot be used for training on other topics. Staff is proposing broader language in this statute to encompass any type of training of county and municipal clerks, not just voter identification training. The statutory language change would allow WEC to continue incorporating voter ID training into all types of training for county and municipal clerks.

2. To create an Office of Inspector General and to create 10.0 GPR FTE and to operate an Elections Inspector General program (see complete Decision Item under agenda item C2).

Recommended Motions:

- 1) Approve the overall approach of submitting a budget request for 2023-25 which will continue current agency operations and add two-decision items.
- 2) The Commission directs staff to request a statutory language for the Voter Identification Training Appropriation to read 20.510 (1)(d) *County and Municipal Clerk Training* to broaden the language so that the funds can be used for all training of municipal and county clerks. It is proposed that the language be

changed to the following: "~~Voter identification~~ *County and Municipal Clerk Training*. The amounts in the schedule for training of county and municipal clerks concerning the administration of Elections as outlined in Wis. Stats. Chapters 5-10 and 12 including voter identification requirements provided in 2011 Wisconsin Act 23.

- 3) The Commission directs staff to request the creation of an Office of Inspector General and to create 10 GPR FTE to operate an Inspector General Program.

Issue Paper

Funding for Elections Inspector General Program

DIN 4001

Request

The Wisconsin Elections Commission (WEC) requests \$1,343,100 GPR in its base funding for the 2023-25 biennium to create 10.0 GPR FTE and to operate an Elections Inspector General program. The program will increase the agency's ability to research public or legislative inquiries – especially those alleging unlawful or non-compliant behavior – in a more timely and effective manner. The Election Inspector General program will also promote best practices designed to increase accuracy of and confidence in election results. It also requests one-time funding of \$50,000 GPR in FY24 for computers and office supplies for the 10.0 GPR FTE.

Background

Elections put power in the hands of citizens by giving them the ability to select their leaders. The electoral franchise is a potent tool for holding leaders accountable and peaceably resolving political and societal conflict. And because elections determine political winners and losers, electoral processes have long been subject to scrutiny. Manipulation – or the threat of it – weakens public confidence in democratic processes, erodes the legitimacy of government, and undermines the will of the people.

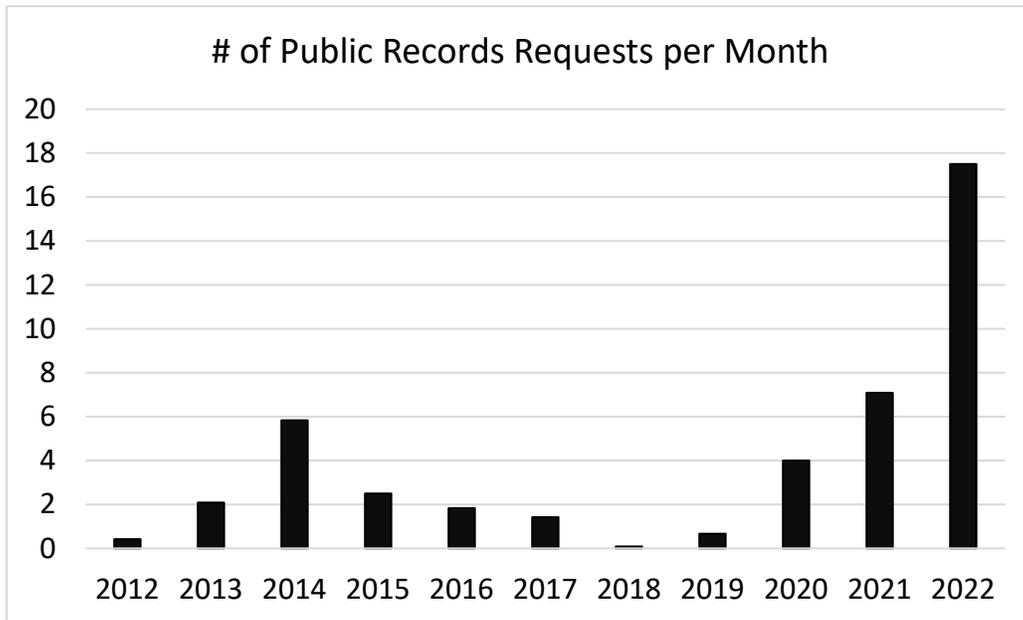
Warding off attempts of electoral manipulation – both real and perceived – remains the highest priority of the WEC. It must be in order to instill public confidence in Wisconsin's elections system and to ensure election integrity.

Since the WEC was established in 2016, the election landscape has become almost unrecognizable. Threats to American election infrastructure have not only changed but have compounded precipitously. American elections face threats from both domestic and foreign actors, and through both cyber and traditional means.

Public engagement with, and scrutiny of, the agency is higher than at any previous point in its seven-year history. While increased engagement presents a challenge to the WEC, it simultaneously presents an opportunity for the Commission to provide the public with helpful and accurate election information to build public confidence. Members of the public are indispensable allies in providing tips to election officials when they notice something worth investigating.

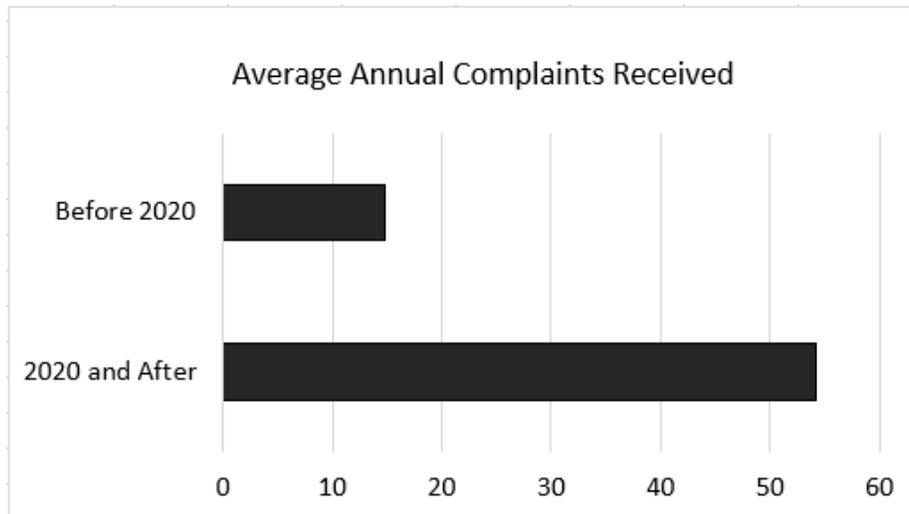
Since 2016, the average number of public records requests received per month by the WEC has increased nearly eight-fold, from about two per month in 2016 to more than 16 per month in 2022. The numbers continue to climb, creating a backlog of requests and lengthening the time each requestor must wait for a response.

TABLE 1



Formal Wis. Stat. § 5.05 and Wis. Stat. § 5.06 complaints filed with the agency have soared as well. Before 2020, the agency received an average of about 15 formal complaints annually. Since 2020, that number has increased to more than 50.

TABLE 2



Similarly, lawmaker requests for election-related information have greatly escalated. For example, the 2021-23 chair of the Assembly Committee on Campaigns and Elections made many time-intensive requests of the agency, such as for all changes in each registered elector's status, that could be more quickly fulfilled via the Office of the Inspector General.

Wisconsin needs an Office of the Inspector General to meet the challenges and expectations of this new era and to ensure the Commission delivers election integrity for another generation.

Wisconsin's election system is designed with checks and balances created to ensure accurate and reliable results. Nearly the entirety of Chapters 5 through 10 of the Wisconsin Statutes are dedicated to this purpose. Likewise, the WEC is almost entirely designed to administer the processes outlined in statute. Statutory post-election review processes consist of canvass and certification (Wis. Stats. §§ 7.50-7.70), equipment audits (Wis. Stat. § 7.08(6)), recounts (Wis. Stat. § 9.01), and complaints (Wis. Stats. §§ 5.05 and 5.06).

Except for complaints, the post-election processes referenced above are almost entirely performed by municipal and county workers. Until recently, the WEC had no staff fully dedicated to any of these processes and only a single attorney to process complaints. Likewise, the WEC had only a single Public Information Officer to handle public inquiries. Unfortunately, this structure has proved inadequate to address the hundreds of thousands of questions and concerns, along with hundreds of records requests and complaints the WEC received in recent years.

The inability to address public concerns promptly and completely frustrates citizens and harms public confidence in election processes. The staffing needs of our agency have evolved, in the same way that elections technology and the voting process itself has evolved.

The elections landscape in Wisconsin has changed and we are at a crossroads of public understanding, confidence, and support for elections administration. The WEC must adapt to meet the growing needs of our citizenry. Funding the Elections Inspector General program would be one clear and decisive step toward creating a more effective, efficient agency that will better address citizen concerns and requests and thus increase public confidence in our elections.

The public and lawmakers – crucial allies in helping keep our elections infrastructure secure – rightfully expect the Commission to provide them with timely responses and prompt action, if necessary, to address questions and allegations of election law violations as well as information about how Wisconsin's election system works.

While the Office of Inspector General may be a resource in the Commission's consideration of formal complaints, the intent is not to alter the current complaint process. The intent is that the Office of Inspector General will address concerns that may not represent formal complaints.

The Office of the Inspector General will be ready to address such requests.

Issue

The creation of an Elections Inspector General and staff will permit the timely and thorough examination of alleged unlawful or inefficient operations within Wisconsin elections and promote best practices that are designed to increase accuracy of and confidence in election results. The Inspector General will provide objective advice to the WEC through relevant, timely and thorough inspection, assistance, research, and training of election operations statewide. Objectives of the Inspector General Program are:

1. Ensure that questions about election processes and concerns over election law violations are taken seriously and researched to resolution
2. Improve the agency's overall ability to research and respond to complaints, questions, and concerns from the general public, elected officials, and other agencies
3. Improve agency's ability to handle public questions around elections and during other periods of high public interest

Essential functions to be performed by the Inspector General's staff include:

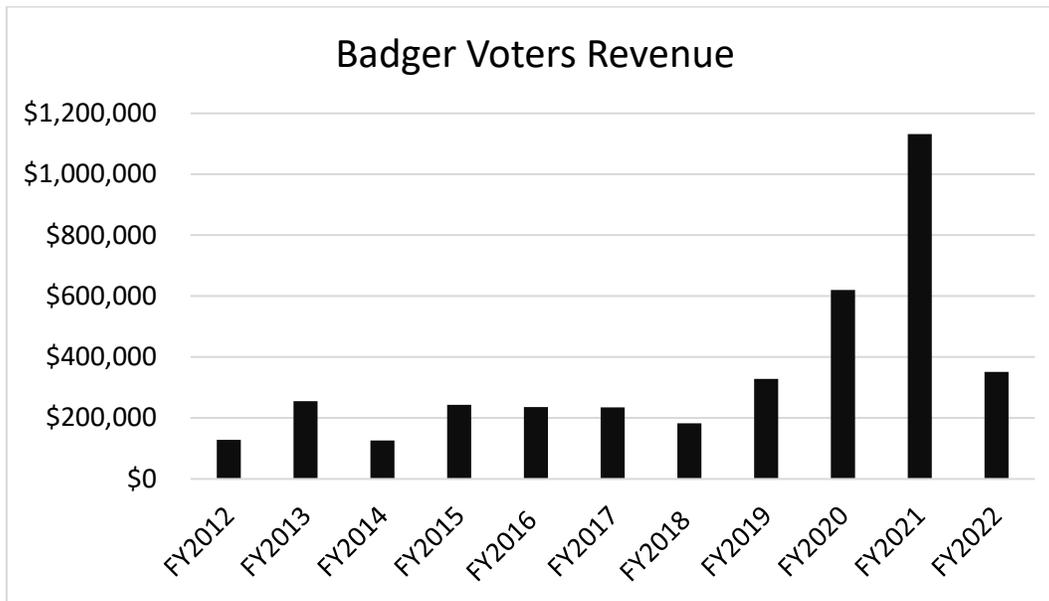
1. Research and provide assistance to the legal team in presenting information to the Commission regarding formal complaints of election law violations, including allegations of persons providing false or misleading information to an elected official during the registration or voting process, as directed by the Commission by resolution
2. Research and aid the legal team in presenting information to the Commission regarding alleged non-compliance of election officials as directed by the Commission
3. Provide research support regarding polling place procedures, elections processes, and elections systems in relation to with state and federal requirements for accessibility
4. Fulfill open records requests in accordance with Wisconsin law
5. Respond to legislative inquiries and requests for information and assistance
6. Respond to public inquiries

It is proposed that the position of the Election Inspector General would be an unclassified position, which is hired by, and serves at the pleasure of, the six-member Wisconsin Elections Commission. This would allow the six-member WEC, who is appointed by legislative leadership, more oversight and information as the office is implemented. The Inspector General and staff will consist of 10 people. The Inspector General will manage the review of election programs and initiatives, direct the preparation of reports, and supervise the nine other staff members. The Inspector General and staff may also complete special projects as needed. The Inspector General will report directly to the Administrator.

Staff assigned to the Inspector General will be required to develop and maintain proficiency in various program areas including, but not limited to: (1) Information Systems and Data Analysis; (2) Elections Law and Policy Analysis; (3) Accessibility and Accessible Voting; (4) Public Records and Records Management; (5) Legislative; (6) Public Communications; and (7) Audit/Testing/Certification.

In the last ten years, WEC staff have created several information systems for managing elections data including WisVote, the statewide voter registration system, Badger Voters, our self-service data request website, and Badger Books, an electronic poll book system in use in 150 municipalities. By creating and maintaining these products in house, staff can respond to legislative and environmental changes that must be reflected in these systems. For example, during the 2020 nomination paper cycle, WEC staff created a mechanism to make nomination paper filings available for download and review through Badger Voters where previously this transaction required an office visit and access to a copier. Interest in Badger Voters data has increased in recent years.

TABLE 3



When this data is purchased and analyzed, customers often have questions on how to interpret the data and may draw inaccurate conclusions when those questions are unanswered. Staff responsible for handling these questions are also responsible for the day-to-day customer support and maintenance of the applications and data in the statewide voter registration database. WEC staff have always prioritized clerk users as the individuals most requiring our support. To have information system data specialists on the inspector general’s team would provide the additional needed capacity in addressing questions on Wisconsin’s election data and information technology systems.

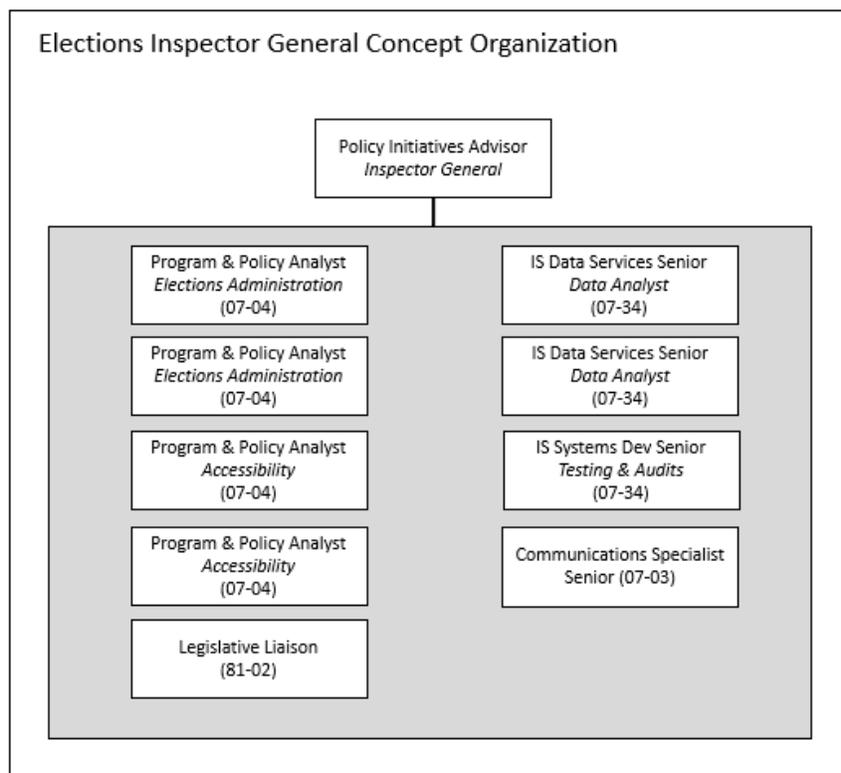
The election law and policy analysts’ positions will allow the other members of the program to better perform their assigned duties. A deep knowledge of election administration and the statutes that govern the voting process in Wisconsin will be necessary for the Inspector General program to maximize its efforts. The election law and policy analyst staff will assist other team members in knowing how the election statutes are reflected in clerk preparations before Election Day, the voting process, and certification of the election. The election law and policy analyst staff will also coordinate with other programs within the WEC to ensure that the perspective of the Inspector General program is reflected in other agency projects, and vice versa.

Staff assigned to the Inspector General will increase the ability of the WEC to audit election processes to ensure standardization and legal compliance across the state. Currently, two election specialists oversee the voting equipment audit program. The voting equipment audit has required at least 5% of all reporting units in the state to conduct a hand-count audit of their voting equipment to ensure that the reported results are correct and accurate. The Commission has recently required the number of reporting units to double to 10% of all reporting units statewide. Overseeing and training local election officials on the best ways to hand audit nearly 400 reporting units statewide will require additional staff to ensure accurate and timely completion of the audits prior to state certification.

Staff also audit polling places across the state for compliance with state and federal accessibility laws. The audit program is led by one election specialist, and currently can only audit polling places on Election Day through assistance from temporary staff. Having additional specialists dedicated to accessibility will allow the WEC to grow the program to include satellite in-person absentee voting before an election to ensure ADA compliance.

Finally, a legislative liaison and communications specialist will be vital in conveying the findings of the Elections Inspector General to lawmakers and to the public. These positions will allow WEC to provide more timely information in response to bill drafts, fiscal estimates, and constituent questions.

TABLE 4



Anticipated program costs are outlined in the charts below. The first chart shows costs for staffing and fringe benefits. The second chart shows costs related to the supplies and services of the new oversight entity. Costs include funds for the Office of Inspector General to engage contractors, such as a third party to audit the security and maintenance of the statewide voter registration database and voter registration records. The exact cost for these services is not yet known. Further, the cost estimate includes funding for increasing the number of post-election voting equipment audits and the number of polling place accessibility audits. In the last 5 years the Commission has increased the number of post-election voting equipment audits from 2% to 10% of equipment used statewide. Additional voluntary post-election audits are also an option for local jurisdictions, and it is expected that more jurisdictions will opt to conduct such audits in the future. The costs for such audits to local jurisdictions are reimbursed by the WEC. Likewise, the Commission has significantly increased the number of accessibility audits to ensure all voters are able

to access Wisconsin polling places. The WEC has expressed a desire to increase the number of polling place audits and to begin an in-person absentee site accessibility review program should funds become available.

TABLE 5

<u>Office of the Inspector General</u>	<u>FTE</u>	<u>Annual Salary</u>	<u>Annual Fringe</u>	<u>2023-2024</u>	<u>2024-2025</u>
POLICY INITIATIVES ADVISOR EXECUTIVE	1	\$ 66,726.40	\$ 24,688.77	\$ 91,400.00	\$ 91,400.00
PROGRAM AND POLICY ANALYST	1	\$ 39,665.60	\$ 14,676.27	\$ 54,300.00	\$ 54,300.00
PROGRAM AND POLICY ANALYST	1	\$ 39,665.60	\$ 14,676.27	\$ 54,300.00	\$ 54,300.00
PROGRAM AND POLICY ANALYST	1	\$ 39,665.60	\$ 14,676.27	\$ 54,300.00	\$ 54,300.00
PROGRAM AND POLICY ANALYST	1	\$ 39,665.60	\$ 14,676.27	\$ 54,300.00	\$ 54,300.00
LEGISLATIVE LIAISON	1	\$ 60,403.20	\$ 22,349.18	\$ 82,800.00	\$ 82,800.00
IS SYSTEMS DEVELOPMENT SERVICES SR	1	\$ 56,240.40	\$ 20,808.95	\$ 77,000.00	\$ 77,000.00
IS DATA SERVICES SENIOR	1	\$ 56,222.40	\$ 20,802.29	\$ 77,000.00	\$ 77,000.00
IS DATA SERVICES SENIOR	1	\$ 56,222.40	\$ 20,802.29	\$ 77,000.00	\$ 77,000.00
COMMUNICATIONS SPECIALIST ADVANCED	1	\$ 51,625.60	\$ 19,101.47	\$ 70,700.00	\$ 70,700.00
	10	\$ 506,102.80	\$ 187,258.04	\$ 693,100.00	\$ 693,100.00

TABLE 6

<u>Supplies and Services</u>	<u>FY24</u>	<u>FY25</u>	<u>TOTAL FY24 & FY25</u>
Computers/Office Supplies for 10 FTE*	\$ 50,000	\$ 0	\$ 50,000
Voting Equipment, Database Auditing & Accessibility Auditing	\$ 300,000	\$ 300,000	\$ 600,000
TOTAL COST	\$ 350,000	\$ 300,000	\$ 650,000

*one-time cost in FY 24



Wisconsin Elections Commission

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

MEMORANDUM

DATE: For the August 31, 2022, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by:

Sharrie Hauge, Chief Administrative Officer

Julia Billingham, Senior Accountant/Financial Manager

SUBJECT: 2018/2020 Election Security Fund Balance and Expenditure Proposal of Unencumbered Funds

In preparation for the 2023-25 biennial budget, staff prepared a summary of annual approved expenses for use of the 2018/2020 Elections Security funds as well as a proposal for usage of most of the unencumbered funds. In March of 2018 Congress passed the Omnibus Appropriations Act of 2018 which released \$380 million of Help America Vote Act (HAVA) grant funds to state elections agencies to be used to secure elections. Wisconsin's portion of that federal grant was \$6,978,318. Then in December of 2019, President Donald J. Trump signed the Consolidated Appropriations Act of 2020 into law. The Act included \$425 million in new Help America Vote Act (HAVA) funds, made available to states to improve the administration of elections for Federal office, including to enhance technology and make election security improvements. Wisconsin's portion of that federal grant was \$7,818,581.

Note that the 2018/2020 funds are separate from the 2022 HAVA disbursement. The Commission allocated the entire 2022 disbursement of the Election Security funds on 7/22/2022, directing \$1 million for the renewal of the municipal election security subgrant campaign and \$190,603 to increase the quantity of post-election audits.

For the 2018/2020 Election Security funds, as of July 1, 2022, the balance was approximately \$6,326,000. The most current federal budget, reflecting all previously approved expenditures, was submitted to the US Elections Assistance Commission (EAC) on 7/28/2022 and approved by the EAC on 7/29/2022. The EAC uses the federal budget to audit expenditures and ensure the proper use of the election security funds. Through a projected date of 11/30/2025, approximately \$4,952,000 of previously approved expenditures are budgeted for annual IT developer costs, 3.25 FTE, servers and data storage, and security software renewals. This leaves approximately \$1,374,000 unencumbered.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Of the \$1,374,000 unencumbered 2018/2020 balance, staff proposes extending the four 1-year project positions that were approved by the Commission on September 9, 2021, covering the balance of the CRM License renewal on 9/30/2024, and securing website support services to maintain our new WEC website.

The four project positions will expire November 11, 2022. They assist with the redistricting project to maintain the WisVote address data, provide election security Help Desk support, such as password resets and multi-factor authentication support, and help administer the domain .gov subgrant program to provide the clerks with a secure way to communicate with the WEC office and the public. These positions also support the Badger Book program by providing clerk support on the use of electronic poll books and will be trained to go into the field to assist users. These positions also provide support to the TTX Election Security program, which educates clerks on preparations for reporting a data breach and responding to an election security crisis. These project positions provide data maintenance for the WisVote system, not only in the field of GIS, but also by creating possible data matches for the clerks to inactivate voters and by updating voter records when voters are known to have moved out of state.

These positions also assist in tracking cyber security and election security clerk training and will assist with processing open records requests from legislators and the public concerned about suspected election fraud. Without the continued support of these four positions, existing staff will not be able to keep up with the sheer volume of election security communications and projects. More permanent solutions to this workload are proposed under DIN 4001 but would not come to fruition for at least a year.

At the Commission's September 9, 2021, meeting it approved the purchase of licensing renewal and software assurance for Microsoft Dynamics CRM 365 for 3,020 users at a total cost of \$417,316.20. The CRM License, 3-year renewal is due 9/30/2024. Currently, the Commission funds \$300,000 from GPR approved funds, and we are requesting the additional approximate \$120,000 from the unencumbered 2018/2020 Election Security funds.

These licenses are crucial to maintain so that users of WisVote, the statewide voter registration system, continue to be granted access to the WisVote user interface, through which they access voter, absentee, and other election-related data.

At the Commission's September 9, 2021, meeting, WEC staff informed the Commission of our intention to rebuild and redesign WEC's elections.wi.gov website by partnering with professional website hosting and development services. At its December 1, 2021 meeting, the Commission approved a one-time \$190,000 purchase of design and development services that was paid to Northern Commerce to create the new website using Drupal, a content management system written in the web development language PHP. The website launched on July 19, 2022, on time and within the approved budget. No major issues or problems occurred with the launch of the site; however, staff continue to collect feedback and identify areas of improvement for the site.

The site will continue to require maintenance as modules utilized in features of the site need to be upgraded and tweaked to function with our custom development. As reported in previous Commission meetings, WEC does not currently work with an existing developer with the necessary skills and experience with Drupal to maintain the WEC website. Instead of contracting with one or a few contractors to support the website, WEC staff requests the Commission's approval to purchase Northern's premium maintenance package at a cost of \$75,000 a year. This package includes 180 hours a year of development hours, in addition to site performance monitoring, after business hours support,

and additional hours for investigation of issues. This purchase will ensure the site remains version current and can continue to evolve to meet the needs of the public seeking information on the security of elections in Wisconsin.

MOTION 1: The Commission grants authority to request the extension of up to four §16.54 project positions for an additional three years (November 11, 2022 – November 11, 2025) at a cost not to exceed \$300,000 annually.

MOTION 2: The Commission approves the staff recommendation to appropriate \$120,000 of the Election Security funds for the renewal of Microsoft Dynamics CRM licenses or a slightly higher amount that reflects the actual cost of the renewal.

MOTION 3: The Commission approves the staff recommendation to budget \$75,000 annually for website support services to maintain our new WEC website.

**2018-2020 Election Security Grant Current Balance, Encumbered Funds, and Projected Balance
Based on Commission-Approved Federal Budget, last submitted to EAC 7/28/2022**

As of 8/26/2022

2018/2020 ES Grant Balance, as of 6/30/2022 6,325,517.91

Approved ES Projects, as of 7/28/2022	Annual Expense	Total Expense thru 11/30/2025	
IT Developer Services, annual	450,000.00	1,537,500.00	
Monitor End-User Devices (OPSWAT), annual	79,000.00	270,180.00	
Three WEC staff positions, annual	300,000.00	1,026,000.00	
Four project postions for redistricting, 12 months	200,000.00	75,000.00	<i>Positions not yet Commission-approved beyond 11/11/2022</i>
CRM License, 3-year license due 9/30/2024	120,000.00		<i>Software not yet Commission-approved for 9/30/2024</i>
Servers and Data Storage	270,000.00	923,400.00	
4-Year Voter Maintenance, annual	45,000.00	153,900.00	
Rent, annual	52,000.00	177,840.00	
Website Hosting Upgrade, annual	93,000.00	318,060.00	
.25 of Public Information Officer's Salary & Fringe	16,000.00	54,720.00	
New Relic Software, annual	36,000.00	123,120.00	
ElasticSearch Software, annual	79,000.00	270,180.00	
RAVE Communication System, annual	3,750.00	12,825.00	
LastPass Password Manager, annual	2,700.00	9,234.00	
	1,746,450.00	4,951,959.00	Total Projected Expenditures, Approved by Commission
		1,373,558.91	Projected Unencumbered 2018/2020 ES Grant Balance

Proposed Continuation of ES Projects - not yet approved	Annual Expense	Total Expense thru 11/30/2025	
Four project postions for redistricting, annual	300,000.00	600,000.00	<i>Positions not yet Commission-approved beyond 11/11/2022 and increased from \$200,000 to \$3000,000 annual</i>
CRM License, 3-year license due 9/30/2024	120,000.00	120,000.00	<i>Software not yet Commission-approved for 9/30/2024</i>
Drupal Development Services Support Website, annual	75,000.00	300,000.00	<i>Support Services not yet Commission-approved for 2022 and forward</i>
		1,020,000.00	Total Requested Expenditures for Continuation of Projects
		353,558.91	Projected Unencumbered 2018/2020 ES Grant Balance with Approval of Motion

2022 Election Security Grant Current Balance and Encumbered Funds

As of 8/22/2022

2022 ES Grant Awarded (still unspent)	1,190,603.00	
Renewal of Municipal ES Subgrant	1,000,000.00	
Increase Quantity of Post-Election Audits	190,603.00	
Unencumbered Balance	-	<i>2022 funds fully encumbered</i>

WISCONSIN ELECTIONS COMMISSION

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INTERIM ADMINISTRATOR MEAGAN WOLFE

In March of 2018 Congress passed the Omnibus Appropriations Act of 2018 which released \$380 million of Help America Vote Act (HAVA) grant funds to state elections agencies to be used to secure elections. On March 30, the Election Assistance Commission (EAC) sent a letter to the State of Wisconsin Elections Commission (WEC) announcing Wisconsin's portion of the election security HAVA grant award of \$6,978,318 with a state match of \$348,916 for a total of \$7,327,234. The funds can be used for purposes such as purchasing hardware and software as well as funding staff positions in relation to the implementation of election security measures.

In response, the WEC has developed a two-phase plan to utilize the new HAVA funds. The first phase will involve addressing immediate security needs of the WEC such as purchasing software, implementation of security measure into the statewide voter registration system, the creation of federally funded staff positions, and hiring additional IT developers. The second phase involves collecting feedback from Wisconsin election partners such as local election officials and the public to determine long-term election security needs. The second phase will also allow for the reservation of some security funding to address future security threats that may develop.

Immediate Security Expenditure Needs

While WEC staff takes the time necessary to collect feedback and develop a dynamic plan to spend the new HAVA security funds over the next five years, there are some immediate needs that can be anticipated. The WEC has identified security measures that can be implemented more immediately in the following program areas:

Implementation of Multi Factor Authentication. One of the priorities that WEC staff has identified for elections security is implementing Multi-Factor Authentication (MFA) into elections applications. MFA would require users of the state election systems to enter a password and then a second factor, like a randomly generated number sent by email or on a token, when logging in. The second factor ensures that even if a user's password is compromised, the malicious actor would not have the second factor needed to gain access. The WEC is in the process of incorporating a MFA solution into elections systems which includes training for state system users on the use of MFA.

Additional IT Contractor Positions. To implement Wisconsin's election security plan, the WEC is hiring additional contract IT development staff. WEC staff is exploring hiring two additional IT contract developers, one who can focus on technical implementation of security measures, like MFA, and another who can focus on quality assurance and IT architecture. Both positions will help to ensure the WEC is able to implement security best practices using the new HAVA funds.

Additional Servers and Database Environments. The WEC is working closely with state and federal security partners to determine the appropriate system recovery tiers and to create backup/duplicate server environments for elections applications. Implementation of these measures

will incur costs for increased server capacity, hardware purchases, and infrastructure maintenance and management.

Additional Security Training for Clerks. WEC staff continues to develop in-house, interactive training tutorials for municipal clerks on election and cyber security topics. These trainings will be incorporated into Wisconsin's online elections learning center and will be required for new users prior to gaining access to the election management system. WEC staff will also be developing in-person cybersecurity events for municipal and county clerks that will incorporate a table top exercise model. WEC staff would also like to explore purchasing additional cybersecurity training from federal partners that can be made available to municipal and county clerks.

Applications Management Software. WEC is exploring options to purchase database behavioral analysis, configuration management, and activity logging software. These tools will help to establish baseline activity in the WisVote and related applications and can automate a process to flag unusual activity. WEC staff is currently working with elections security partners to determine the best solutions to meet agency needs.

Creation of IT Project Manager Position. WEC would like to create a position to manage the implementation and scheduling of agency IT projects as they relate to elections security. With the addition of security IT project implementation into an already aggressive IT development and maintenance schedule, it will be critical to have a staff member dedicated to coordinating implementation and testing efforts of agency IT to ensure the WEC is able to meet all security objectives as well as general maintenance of systems.

Creation of Security Trainer Position. With 1,853 local election officials, the WEC believes it is also critical to create a position focused on elections security training. A dedicated election security trainer will focus on integrating security training into existing training curriculum both at in-person training events and through the online learning center, as well as the organization of security training events such as table top exercises.

Creation of Data Specialist Position. It is equally important for the agency to have an adequate number of staff members to monitor the data quality and activity in election systems and applications. The WEC will create an additional data specialist position to monitor the activity of election system users, conduct follow-up with non-compliant users, and monitor and detect erroneous information entered into the system. Having a dedicated data specialist helps to ensure anomalies in the election systems are detected, mitigated, and remedied.

Creation of Grants Accountant/Grants Manager Position. Accepting and maintaining federal grant money can be a complicated process. Federal funds are subject to strict compliance with federal rules and regulations and are also subject to regular auditing of compliance with those standards. Therefore, WEC staff would like to explore options to create a position focused on the management of federal grant funds.

Creation of Technical Services Position. The WEC believes that it is critical to create a position that is focused on implementing security best practices with agency technology. Having a position dedicated to managing the implementation of election security as well as serving as a liaison

between WEC and state/federal election security partners is critical. This position would also serve as the leader of the WEC election security team as well as the main point of contact for collecting feedback and best practices from elections security partners.

Creation of Voting Equipment Specialist Position. WEC staff also believes that the voting equipment elections specialist position is critical to meeting the agency's developing election security needs. This position would focus on working with vendors and clerks to develop and monitor compliance with the certification and testing standards. This position would also serve as the lead for exploring options for expanded post-election audit and risk limiting audit processes.

Second Phase- Collecting Feedback, Long Term Needs, and Developing Needs

While the immediate security needs are being implemented utilizing new HAVA funds, it will give the WEC an opportunity to seek input from other key election security partners. The next step in developing a comprehensive plan to utilize the new HAVA security funds is for the WEC to create mechanisms to collect feedback from municipalities and counties on how to best use the HAVA funds to secure elections at the state and local level. Making sure that counties, municipalities, and the public have an opportunity to contribute to the election security discussion is paramount to developing a comprehensive security strategy as well as to building public confidence in election integrity. As actionable feedback is received, the WEC will adapt the spending plan as necessary.

The WEC has already received some feedback from clerk and public stakeholders. This feedback is being logged and analyzed as the WEC considers items for the second phase of the election security plan. One of the more prominent items being brought to the WEC's attention is the expansion of post-election audits. The WEC is in the process of researching and conceptualizing ways to expand the current post election audit process for future elections. Both local election officials as well as the public have expressed a desire for a mechanism to prove the integrity of elections and election systems in Wisconsin that will increase public confidence in the process. The WEC will continue to explore ways to incorporate expanded post-election audit processes into the second phase of election security implementation.

In addition to the feedback that has already been collected, the WEC is developing tools and approaches for soliciting comment from election security partners in a way that can continue to drive decision making for the expenditure of the new funds. It is also important that the WEC's approach to elections security remain flexible and dynamic to incorporate new feedback, and resources should be added to the plan as they become available. New resources and threats may require WEC to adjust the security approach over the course of the five-year grant. WEC staff plans to develop a process to collect feedback that reserves funds that can be used to adapt the plan to new challenges through the entirety of the grant and well in to the future.



Wisconsin Elections Commission

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State of Wisconsin 2020 HAVA Election Security Grant Program Narrative

On December 20, 2019, President Donald J. Trump signed the Consolidated Appropriations Act of 2020 into law. The Act includes \$425 million in new Help America Vote Act (HAVA) funds, made available to states to improve the administration of elections for Federal office, including to enhance technology and make election security improvements. On January 17, 2020, the U.S. Elections Assistance Commission (EAC) sent the State of Wisconsin Elections Commission (WEC) a notice of grant award announcing Wisconsin's portion of the Appropriations Act of 2020 of \$7,818,581 with a state match requirement of \$1,563,716 for a total of \$9,382,297. The WEC has successfully met our required state match for this grant.

In response, the WEC has developed a two-phase plan to utilize the new HAVA funds. The first phase includes spending necessary to address immediate election security needs prior to November 2020. The second phase involves reserving funds to address future security needs after November 2020.

Immediate Security Expenditure Needs

Based on discussions with agency partners and clerk feedback, the Commission determined the most immediate expenditure needs are to assist our local election partners to improve their overall elections security posture as they prepare for the remainder of the 2020 election year and head into future election cycles.

County Subgrant Program

The Wisconsin Elections Commission has earmarked \$3.9M for the County Subgrant Program. The purpose of this subgrant is to make funds available to Wisconsin counties to help address 2020 election security needs. The intent is to allow counties to apply for subgrant funds on an "individual needs basis" instead of a one-size-fits-all approach. Funds may be used to make payments for activities that enhance election technology and make election security improvements, as authorized under sections 101, 103, and 104 of HAVA and under the Consolidated Appropriations Act, 2020 (Public Law 116-93), which include personnel, equipment, and training costs associated with cyber vulnerabilities, physical security, voter registration systems and management, election auditing, staff training and communications. Because counties may have different election security needs, this subgrant is designed to allow counties to assess their unique security environment.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Renewal of Municipal Election Security Subgrant

The Wisconsin Elections Commission has earmarked \$1,206,000 for the renewal of the Municipal Election Security Subgrant. The purpose of the local election security subgrant is to help improve overall election security statewide by providing cities, villages, and towns across the State of Wisconsin with federal election security funds to implement baseline security measures based on specific needs of the jurisdiction.

The Wisconsin Elections Commission requires all jurisdictions meet certain baseline security measures to receive subgrant funds which includes:

- 1) computer hardware and/or software to meet minimum security recommendations
- 2) Professional IT support
- 3) Security Training (cyber or physical)

Second Phase- Collecting Feedback, Long Term Needs, and Developing Needs

While the immediate security needs are being implemented utilizing new HAVA funds, the Wisconsin Elections Commission will continue to monitor and evaluate future needs. The COVID-19 crisis demonstrated that unanticipated challenges could arise quickly and produce unexpected and urgent needs. The reserve of approximately \$2.7 million will allow Wisconsin to take advantage of new technologies and react to the unexpected. Having funds in reserve will ensure that the state is able to continue to address evolving security needs before and after the November 2020 Presidential Election.