Wisconsin Elections Commission

Meeting of the Commission
Tuesday, December 12, 2017
10:00 A.M.

Agenda
Open Session

Wisconsin Elections Commission Offices
212 E. Washington Avenue, Third Floor
Madison, Wisconsin

A.	**Call to Order**	
B.	**Administrator's Report of Appropriate Meeting Notice**	
C.	**Personal Appearances (Time reserved for personal appearances may be limited at the discretion of the Chair)**	
D.	**Minutes of Previous Meeting – November 20, 2017**	**3**
E.	**Clear Ballot Voting Equipment Testing and Approval**	Supplemental Materials
F.	**Agency Staffing Update**	Oral Report
G.	**IT Contract Reallocation**	**7**
H.	**Proposed 2018 Ballot Designs**	**9**
I.	**Administrative Rules**	**16**
J.	**Legislative Agenda**	**21**
K.	**Legislative Update**	**35**
L.	**Operations and Management Policies and Procedures**	**45**
M.	**Commission Staff Update**	**69**

N. UW Study Regarding Photo ID Requirement 83

O. Closed Session

1. Litigation Update

2. Personnel Matter

19.85 (1) (g)	The Commission may confer with legal counsel concerning litigation strategy.
19.851	The Commission's deliberations concerning investigations of any violation of the election laws shall be in closed session.
19.85(1)(c)	The Commission may consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

The Elections Commission will convene in open session but may move to closed session under Wis. Stat. §§ 19.85 (1)(g) and 19.851, 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

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ADMINISTRATOR MICHAEL HAAS

COMMISSIONERS

BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
JODI JENSEN
DEAN KNUDSON
MARK L. THOMSEN, CHAIR

Wisconsin Elections Commission
Wisconsin Elections Commission Offices
212 E. Washington Avenue, Third Floor
Madison, Wisconsin
1:00 p.m. Monday, November 20, 2017

Open Session Minutes

Present: Commissioner Mark Thomsen and Commissioner Jodi Jensen (in person), Commissioner Ann Jacobs, Commissioner Beverly Gill, Commissioner Julie Glancey and Commissioner Dean Knudson (by teleconference)

Staff present: Michael Haas, Meagan Wolfe, Sharrie Hauge, Reid Magney and Richard Rydecki

A. Call to Order

Commission Chair Mark Thomsen called the meeting to order at 1:01 p.m.

B. Administrator's Report of Appropriate Meeting Notice

Administrator Michael Haas informed the Commissioners that proper notice was given for the meeting.

C. Personal Appearances

Karen McKim of Waunakee appeared on behalf of Wisconsin Election Integrity to discuss county board of canvassers' procedures and post-election audits as a means to catch miscounts by voting equipment.

Andrea Kaminski of Madison appeared on behalf of the League of Women Voters of Wisconsin to discuss the League's support for additional WEC staff resources.

D. Minutes of Previous Meeting

September 26, 2017

MOTION: Approve minutes of the September 26, 2017 open session meetings as submitted by staff. Moved by Commissioner Jensen, seconded by Commissioner Glancey. Motion carried unanimously.

E. Election Security Planning

Administrator Haas introduced two guests: David Cagigal, Administrator of the Division of Enterprise Technology (DET) and Wisconsin's Chief Information Officer; and Bill Nash, Director of the Bureau of Security and Wisconsin's Chief Information Security Officer.

Mr. Cagigal gave commissioners an oral report about the application hosting and security services DET provides to WEC and discussed the millions of events DET handles each year to keep Wisconsin's information systems secure. He described his concerns about the "human element" of security regarding state systems and the need for users to be vigilant.

Mr. Cagigal discussed DET's communications and relationships with the U.S. Department of Homeland Security, and said the earlier miscommunications about whether Wisconsin was targeted (unsuccessfully) by Russian government cyber actors in 2016 has opened the lines of communication between Wisconsin agencies and Homeland Security and put all agencies on a better footing going forward.

Mr. Cagigal, Mr. Nash and Administrator Haas answered questions from commissioners about the Russian targeting and the security measures being considered to strengthen the system, including multi-factor authentication for WisVote users.

Assistant Administrator Meagan Wolfe made an oral presentation based on the draft election security plan beginning on page 12 of the November special meeting materials. She highlighted changes to the draft plan since staff first presented it to the Commission in September. Building on the presentation by the DET officials, she described efforts by the WEC staff to make systems more secure, including training of local election officials. She discussed staff's analysis of different multi-factor authentication methods for WisVote users, noting that one solution may not work for everyone because of technological capabilities. Finally, she discussed testing of WEC applications, including the use of ethical hacking, to ensure security.

F. Agency Staffing Plan

Administrator Haas made an oral presentation based on a memorandum on page 66 of the November 20 meeting materials regarding recommendations to deal with the Governor's line-item vetoes of five FTE positions in the Commission's 2017-2019 biennial budget. Staff recommends the Commission direct staff to seek authorization to add three positions, along with funding to support the positions through the remainder of the biennium. One would be an IS Technical Services Professional to help with elections security, the second would be an Elections Specialist focused on voting equipment certification and security, and the third would be an Elections Specialist focused on voter services and outreach.

Commissioners and staff discussed potential funding sources for the positions, whether to pursue stand-alone legislation, make a request under §13.10 Wis. Stats. to the Joint Committee on Finance or seek an administrative solution through the Department of Administration. They discussed challenges the agency has had attracting and retaining qualified staff members due to compensation issues and the uncertainty related to whether staff positions would be permanent.

Administrator Haas indicated that staff projects that the Commission can absorb the funding for the additional positions within the existing budget through the 2019 fiscal year.

MOTION: Direct staff to seek authorization for an additional 3.0 FTE positions along with necessary funding to support the positions through the remainder of the 2017 – 2019 biennium. The Commission also approves the use of additional limited term employees and temporary services staff, where feasible, as described in the staff memorandum and as necessary to support WEC staff in completing agency projects and initiatives. Moved by Commissioner Jensen, seconded by Commissioner Glancey.

Discussion. Chair Thomsen called the question.

Motion carried unanimously.

Commissioners and staff discussed next steps, including approaching DOA and legislative leaders regarding their thoughts about seeking general purpose revenue to fund the positions after the federal HAVA funds are expired. Administrator Haas said staff will research options and report to the Commission at its next meeting on December 12.

G. IT Contract Renewals

Assistant Administrator Wolfe made a brief oral presentation based on a memorandum starting on page 94 of the November 20 meeting materials regarding renewing the contract for an Applications Architect 1. Staff will bring a request for a second contract to the Commission's December 12 meeting.

MOTION: Approve the execution of a three-year IT contract for the position of Applications Architect I not to exceed $210,000 annually, effective December 1, 2017. Moved by Commissioner Jensen, seconded by Commissioner Jacobs. Motion carried unanimously.

H. Commission Staff Update

Administrator Haas directed Commissioners to a memorandum starting on page 96 of the November 20 meeting materials regarding the Staff Update document which was not taken up at the September 2017 meeting because of time constraints. He directed Commissioners to addendums regarding the felon audit process, the ERIC mailing and screen revisions to voting equipment.

Chair Thomsen and staff discussed the ERIC mailing, which staff has learned also went out to some people who had not moved, but had registered a motor vehicle at another location. Ms. Wolfe assured him staff would identify those individuals and make sure they remain active on the voter list.

I. 2018 Commission Meeting Schedule

Administrator Haas directed Commissioners to a memorandum starting on page 122 of the November 20 meeting materials regarding proposed dates for Commission meetings in 2018. Commissioners and staff discussed adjustments to the meeting schedule based on scheduling conflicts. By consensus, Commissioners agreed to the following regular meeting dates:

- Tuesday, January 9, 2018 (Teleconference, starting at 8 a.m.)
- Tuesday, March 13, 2018
- Monday, June 11, 2018
- Tuesday, September 25, 2018
- Tuesday, December 4, 2018

Commissioner Jacobs asked that staff advise the Commission of meeting dates that are required so that Commissioners can reserve time on their calendars.

T. Adjourn

MOTION: To adjourn. Moved by Commissioner Jensen, seconded by Commissioner Glancey. Motion carried unanimously.

The Commission adjourned at 2:55 p.m.

####

The next regular meeting of the Wisconsin Elections Commission is scheduled for Tuesday, December 12, 2017, at the Commission's offices in Madison, Wisconsin beginning at 10:00 a.m.

November 20, 2017 Wisconsin Elections Commission special meeting minutes prepared by:

_____

Reid Magney, Public Information Officer December 1, 2017

November 20, 2017 Wisconsin Elections Commission meeting minutes certified by:

_____

Beverly Gill, Commission Secretary December 12, 2017

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DEAN KNUDSON
MARK L. THOMSEN, CHAIR

DATE: For the December 12, 2017 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas, Administrator

Prepared and Presented by:
Meagan McCord Wolfe
Assistant Administrator

SUBJECT: Request for Approval of IT Related Contract

The following purchasing request is submitted for the Commission's consideration and approval:

Approval to Enter into Contract

WEC staff is requesting Commission approval to enter into one, three-year contract for an IT contractor position for the term of December 18, 2017 through December 17, 2020. The annual cost of the contract will not exceed $210,000. The Commission's delegation of contract authority requires pre-approval from the Commission for procurement contracts exceeding $100,000.

For the past seven years, agency IT application development positions have been filled by IT contractors. These contractors have made significant contributions to agency IT applications including: development and maintenance of the WisVote system, MyVote, Badger Voters, Canvas Reporting, Wisconsin Election Data Collection System, and overall elections cyber security.

The WEC currently employs three IT development contractors. This is a reduction from more than seven IT developers in 2011-2014 and four IT developers from 2014-2016. There has also been a major shift in priorities for WEC IT contract staff over the last year. IT contract staff has been asked to devote more time to the development and security of WEC in-house applications. The WEC does not utilize vendors for the development, maintenance, or security of agency IT applications. For these services, the WEC relies on IT contract staff. The contractors in these positions have been working with the agency for more than five years. They have intimate knowledge of WEC IT systems and have worked closely with the program staff so that they understand the agency's mission and priorities, and can provide timely services.

Because of the shift in agency needs and priorities, some of the current IT contracted positions and classifications are no longer reflective of the IT staff's responsibilities. WEC staff recommends entering into a new contract, for a higher-level position, to replace one of the outdated IT staff position of Database Administrator III with the position of Data Warehouse Developer III. This position is the third position on the WEC IT team in addition to the Applications Architect I position approved at the November Commission meeting and the Database Administrator III position approved at the June Commission meeting.

Funding has been budgeted and secured for IT contracted positions for the current biennium through federal grants, General Purpose Revenue, and revenue generated through the Badger Voters data reporting service. Contracted IT positions can be terminated by the agency at any point throughout the contract as needed, although at minimum these positions will likely be necessary throughout FY19-20 to maintain and enhance Agency IT applications.

Staff requests approval to enter into one, three-year contract for the IT contracted position classified as Data Warehouse Developer III at an annual rate of $210,000. This position will replace the current position of Database Architect III at an annual rate of $176,800. Funding rates and IT classifications are established through the State of Wisconsin purchasing and procurement processes. Contracted staff do not receive other standard employment benefits and the actual compensation to the individuals is reduced by the fees paid to the staffing agencies which recruit and provide the contract services.

Recommended Motion:

Approve the execution of one, three-year IT contract for the position of Data Warehouse Developer III not to exceed $210,000 annually, effective December 18, 2017.

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MEMORANDUM

DATE: For the December 12, 2017 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Administrator, Wisconsin Elections Commission

Prepared and Presented by:
Diane Lowe
Elections Specialist

SUBJECT: 2018 Spring Primary and Election Ballot Design Format

The sample ballots that accompany this memorandum display the proposed ballot formats for the 2018 Spring Primary and Spring Election, and are presented to the Wisconsin Elections Commission (WEC) for approval.

Ballot format has not changed from the ballot formats approved by the Commission for the 2017 Spring Primary and Election. Staff continues to strive to provide clear instructions and utilize design methods that improve ballot navigation and usability. The current design has been successful in promoting ballot uniformity throughout Wisconsin, while accommodating the features and idiosyncrasies of a variety of ballot printers and voting equipment vendors.

The sample ballots for the Spring Primary and Spring Election will be posted to the WEC website upon approval by the Commission.

In keeping with our protocol for partisan ballots, the fall primary and general election ballot samples will be sent to the state Republican and Democratic Party chairs and the chairs of the two elections committees of the Legislature. The recipients will be asked to review the partisan ballots and provide any suggestions or comments they may have. The partisan ballots will be submitted to the Commission for approval at a future meeting, along with any comments from the state parties or elections committees.

Recommended Motion:

The Commission approves the ballot design presented by staff and directs its staff to utilize the ballot design for the Spring Primary and Spring Election in 2018.

Attach: Spring Primary OS Ballot
Spring Primary Paper Ballot
Spring Election OS Ballot
Spring Election Paper Ballot

Official Primary Ballot
Nonpartisan Office
February 20, 2018

Notice to Voters: If you are voting on Election Day, your ballot must be initialed by two 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 back of ballot for initials.)

Instructions to Voters

If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee Voters: Contact your municipal clerk.)

To vote for a name on the ballot, make an "**X**" or other mark in the square next to the name, like this: ☒
To vote for a name that is not on the ballot, write the name on the line marked "write-in."

Judicial	County
Justice of the Supreme Court **Vote for 1**	**County Executive** **Vote for 1**
☐ Candidate	☐ Candidate
☐ Candidate	☐ Candidate
☐ Candidate	☐ Candidate
write-in: _____	write-in: _____
Court of Appeals Judge, District _ **Vote for 1**	**County Supervisor, Dist. _** **Vote for 1**
☐ Candidate	☐ Candidate
☐ Candidate	☐ Candidate
☐ Candidate	☐ Candidate
write-in: _____	write-in: _____
Circuit Court Judge, Branch _ **Vote for 1**	
☐ Candidate	
☐ Candidate	
☐ Candidate	
write-in: _____	

Official Primary Ballot

Nonpartisan Office and Referendum

February 20, 2018

Notice to Voters: If you are voting on Election Day, your ballot must be initialed by two 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.)

Instructions

If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters: Contact your municipal clerk.)

To vote for a name on the ballot, complete the arrow next to the name like this: ⬅

To vote for a name that is not on the ballot, write the name on the line marked "write-in" and complete the arrow next to the name like this: ⬅

Judicial

Justice of the Supreme Court

Vote for 1

Candidate ⬅
Candidate ⬅
Candidate ⬅
write-in: ⬅

Court of Appeals Judge, Dist. _

Vote for 1

Candidate ⬅
Candidate ⬅
Candidate ⬅
write-in: ⬅

Circuit Court Judge, Branch _

Vote for 1

Candidate ⬅
Candidate ⬅
Candidate ⬅
write-in: ⬅

Continue voting at top of next column.

County

County Executive

Vote for 1

Candidate ⬅
Candidate ⬅
Candidate ⬅
write-in: ⬅

County Supervisor, Dist. _

Vote for 1

Candidate ⬅
Candidate ⬅
Candidate ⬅
write-in: ⬅

Municipal

Mayor

Vote for 1

Candidate ⬅
Candidate ⬅
Candidate ⬅
write-in: ⬅

City Clerk

Vote for 1

Candidate ⬅
Candidate ⬅
Candidate ⬅
write-in: ⬅

Continue voting at top of next column.

Municipal

City Treasurer

Vote for 1

Candidate ⬅
Candidate ⬅
Candidate ⬅
write-in: ⬅

Alderperson, Dist. _

Vote for 1

Candidate ⬅
Candidate ⬅
Candidate ⬅
write-in: ⬅

Municipal Judge

Vote for 1

Candidate ⬅
Candidate ⬅
Candidate ⬅
write-in: ⬅

School District

Name of School (*optional*)

School Board Member

Vote for not more than 2

Candidate ⬅
Candidate ⬅
Candidate ⬅
Candidate ⬅
Candidate ⬅
write-in: ⬅
write-in: ⬅

Page 1 of 2-sided ballot. Turn ballot over. ⇨

Referendum

To vote in favor of a question, complete the arrow next to "Yes," like this: ⬅

To vote against a question, complete the arrow next to "No," like this: ⬅

Level of government conducting referendum (State, County, Municipal, School District…)

QUESTION 1: Shall the...?

Yes ⬅

No ⬅

Official Primary Ballot

Nonpartisan Office and Referendum

February 20, 2018

for

_____

Municipality and ward number(s)

Ballot issued by

_____

_____

Initials of election inspectors

Absentee ballot issued by

_____

Initials of municipal clerk or deputy clerk
(If issued by SVDs, both SVDs must initial.)

Certification of Voter Assistance

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.

_____

Signature of assistor

For Official Use Only

***Inspectors**: Identify ballots required to be remade.*

Reason for remaking ballot:

☐ Overvoted

☐ Damaged

☐ Other

Original Ballot No. or Duplicate Ballot No.

_____ _____

_____ _____

Initials of inspectors who remade ballot

Page 2 of 2-sided ballot. Turn ballot over. ⇨

EL-208mc 2018 | OS Ballot-Spring Primary | (Rev. 2017-08)
City | Arrows

Official Ballot
Nonpartisan Office
April 3, 2018

Notice to Voters: If you are voting on Election Day, your ballot must be initialed by two 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 back of ballot for initials.)

Instructions to Voters
If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee Voters: Contact your municipal clerk.)

To vote for a name on the ballot, make an "X" or other mark in the square next to the name, like this: ☒
To vote for a name that is not on the ballot, write the name on the line marked "write-in."

Judicial	County
Justice of the Supreme Court **Vote for 1**	**County Executive** **Vote for 1**
☐ Candidate Name	☐ Candidate Name
☐ Candidate Name	☐ Candidate Name
write-in: _____	write-in: _____
Court of Appeals Judge, District _ **Vote for 1**	**County Supervisor, District _** **Vote for 1**
☐ Candidate Name	☐ Candidate Name
☐ Candidate Name	☐ Candidate Name
write-in: _____	write-in: _____
Circuit Court Judge, Branch _ **Vote for 1**	
☐ Candidate Name	
☐ Candidate Name	
write-in: _____	

EL-209 (2018) | Paper Spring Election Ballot for State and County Offices
(Rev. 2017-05)

Official Ballot
Nonpartisan Office and Referendum
April 3, 2018

Notice to Voters: If you are voting on Election Day, your ballot must be initialed by two 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.)

Instructions to Voters

If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters: Contact your municipal clerk.)

To vote for a name on the ballot, fill in the oval next to the name like this ⬬.

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 ⬬.

Judicial

Justice of the Supreme Court
Vote for 1

- ⬭ Candidate
- ⬭ Candidate
- ⬭ write-in:

Court of Appeals Judge, Dist. _
Vote for 1

- ⬭ Candidate
- ⬭ Candidate
- ⬭ write-in:

Circuit Court Judge, Branch _
Vote for 1

- ⬭ Candidate
- ⬭ Candidate
- ⬭ write-in:

Continue voting at top of next column.

County

County Executive
Vote for 1

- ⬭ Candidate
- ⬭ Candidate
- ⬭ write-in:

County Supervisor, Dist. _
Vote for 1

- ⬭ Candidate
- ⬭ Candidate
- ⬭ write-in:

Multi-Jurisdictional Judge

Municipal Judge for the Town of _ and the Village of _
Vote for 1

- ⬭ Candidate
- ⬭ Candidate
- ⬭ write-in:

Municipal

Village President
Vote for 1

- ⬭ Candidate
- ⬭ Candidate
- ⬭ write-in:

Continue voting at top of next column.

Municipal (Cont.)

Village Trustee
Vote for not more than 2

- ⬭ Candidate
- ⬭ Candidate
- ⬭ Candidate
- ⬭ Candidate
- ⬭ write-in:
- ⬭ write-in:

Village Clerk
Vote for 1

- ⬭ Candidate
- ⬭ Candidate
- ⬭ write-in:

Village Treasurer
Vote for 1

- ⬭ Candidate
- ⬭ Candidate
- ⬭ write-in:

Village Assessor
Vote for 1

- ⬭ Candidate
- ⬭ Candidate
- ⬭ write-in:

Constable
Vote for 1

- ⬭ Candidate
- ⬭ Candidate
- ⬭ write-in:

Page 1 of 2-sided ballot. Turn ballot over. ⇨

School District

Name of School District (*optional*)
School Board Member
Vote for not more than 2

- ⬭ Candidate
- ⬭ Candidate
- ⬭ Candidate
- ⬭ Candidate
- ⬭ write-in:
- ⬭ write-in:

Referendum

To vote in favor of a question, fill in the oval next to "Yes," like this ⬬.

To vote against a question, fill in the oval next to "No," like this ⬬.

State

QUESTION 1: "**Elimination of state treasurer.** Shall sections 1 and 3 of article VI and sections 7 and 8 of article X of the constitution be amended, and section 17 of article XIV of the constitution be created, to eliminate the office of state treasurer from the constitution and to replace the state treasurer with the lieutenant governor as a member of the Board of Commissioners of Public Lands?"

- ⬭ Yes
- ⬭ No

Continue voting at top of next column.

Referendum (Cont.)

Level of government conducting referendum (County, Municipal, School District…)

QUESTION 1: Shall the...?

- ⬭ Yes
- ⬭ No

For Official Use Only

***Inspectors**: Identify ballots required to be remade.*

Reason for remaking ballot:

- ☐ Overvoted
- ☐ Damaged
- ☐ Other

Original Ballot No. or Duplicate Ballot No.

_____ _____

_____ _____
Initials of inspectors who remade ballot

Official Ballot
Nonpartisan Office and Referendum

April 3, 2018

for

_____
Municipality and ward number(s)

Ballot issued by

_____

_____
Initials of election inspectors

Absentee ballot issued by

_____

_____
Initials of municipal clerk or deputy clerk
(If issued by SVDs, both SVDs must initial.)

Certification of Voter Assistance

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.

_____
Signature of assistor

Page 2 of 2-sided ballot. Turn ballot over.

EL-209mv 2018 | OS Ballot Spring Election | (Rev. 2017-08)
Village | Ovals

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MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the December 12, 2017 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Interim Administrator

Prepared and Presented by:
Nathan W. Judnic
Legal Counsel

SUBJECT: Administrative Rules Update

This memorandum outlines the progress made on promulgation of the agency's administrative rules since the September 26, 2017 Commission meeting. A summary chart of the status of the rules outlined below follows this memorandum (Attachment 1).

1. Final Rules Ready to be Published

A. Wis. Adm. Code EL Ch. 6 (procedures related to registration statements and the filing of certain documents electronically) was referred to the Legislature's Joint Committee for Review of Administrative Rules (JCRAR) on October 19 (Senate) and October 24 (Assembly). JCRAR issued identical reports on November 24 and November 27 indicating that no action was taken on the rule, therefore no objections or suggested modifications were entered. Commission staff will now proceed with completing the final steps of the promulgation process, so this rule will be published and become effective January 1, 2018. ("A rule is effective on the first day of the month commencing after the date of publication…." Wis. Stat. § 227.22 (2).)

B. Wis. Adm. Code EL Ch. 21 (repeal provisions related to written advice issued by the Commission) was referred to JCRAR on October 19 (Senate) and October 31 (Assembly). JCRAR issued identical reports on November 30 and December 1 indicating that no action was taken on the rule, therefore no objections or suggested modifications were entered. Commission staff will now proceed with completing the final steps of the promulgation process, so this rule will be published and become effective January 1, 2018. ("A rule is effective on the first day of the month commencing after the date of publication…." Wis. Stat. § 227.22 (2).)

No action required at this time.

2. Statement of Scope Submitted for Governor's Approval

The Commission staff drafted a Statement of Scope to amend current Wis. Admn. Code Ch. EL 3, to add § 3.03, relating to the treatment of online voter registration forms. On November 3, 2017, the Commission staff submitted the Statement of Scope to the Department of Administration to obtain approval of the statement from the Governor's Office. The Commission staff has not yet received the requisite approval. Once approval is obtained, the Commission staff will submit the statement for publishing in the Administrative Code Register. Once it has been published for 10 days, the Commission staff will request the Commission's approval of the statement and permission to begin drafting the rule. The Commission staff is hopeful the statement can be brought to the Commission at its next regularly scheduled meeting.

No action required at this time.

3. Preliminary Rule Drafts in Progress

Commission staff has made significant progress in drafting three rules currently at the "preliminary rule draft" stage of the promulgation process.

A draft of EL Ch. 4 (relating to Elections Observers) was submitted to the Legislative Reference Bureau (LRB) in mid-October and Commission staff received feedback, suggested edits and comments to consider before moving to the next stage in the promulgation process. Commission staff have met several times to discuss LRB's suggestions and are currently on draft version 5 of this rule. The Commission staff intends to have this draft rule ready to be published with the Legislative Council Clearinghouse and open for public comment by the end of the year.

A draft of EL § 3.60 (relating to the absentee ballot information subscription service and fee schedule) was submitted to the LRB in early November and Commission staff received feedback, suggested edits and comments to consider before moving to the next stage in the promulgation process. Commission staff are currently on draft version 6 of this rule. The Commission staff intends to have this draft rule ready to be published with the Legislative Council Clearinghouse and open for public comment by the end of the year.

A draft of EL § 6.06 (relating to curbside voting procedures) was submitted to the LRB in early December for preliminary edits and comments. Once Commission staff receive edits and feedback from LRB, it will finalize its draft and prepare it for submission to the Legislative Council Clearinghouse by January, 2018.

When these draft rules are finalized submitted to the Legislative Council Clearinghouse for publication, Commission staff will forward the drafts to Commissioners, and the Commission will have an opportunity to provide feedback prior to its approval of the rules at a future meeting.

Other than preliminary discussions with staff who will need to be involved in the drafting process, no additional progress has been made on the drafting of the following rules currently in the "preliminary rule draft" stage of the promulgation process: EL Ch. 13 (Training for Election Inspectors and Special Voting Deputies), EL Ch. 7 (Voting Equipment Security and Voting

Equipment Approval), EL Ch. 12 (Maintaining Records in Statewide Voter Registration System), EL Ch. 20 (Complaint Procedure).

No action required at this time.

4. Legislation in Lieu of Rulemaking

Commission staff continues to pursue legislation in lieu of the rulemaking process to address five topics: election notices, electronic proof of residence, a rarely used overseas voting procedure, amendments to address provisional voting, and defining "same grounds" in the context of care facility voting and the use of special voting deputies. In October, Commission staff presented an overview of current agency rules and proposed changes, including these topics as good candidates for legislation in lieu of rulemaking, to the Assembly Committee on Campaigns and Elections. Members of the Committee did not object to this approach, and Commission staff continues to speak with Committee staff members and legislators interested in moving these topics forward via legislation. Despite positive conversations, a timetable for moving these topics forward is unclear given the current legislative calendar.

No recommended action at this time.

5. Rules on Hold Pending *One Wisconsin* Decision

There has been no progress on repealing portions of EL § 3.10, 3.11, 3.12 and 3.20 relating to special registration deputies due to the pending 7th Circuit Court of Appeals decision in the *One Wisconsin* case.

Once the ruling is issued, Commission staff will assess if repealing portions of EL Ch. 3 will still be necessary. It is unknown at this time when the decision will be issued.

No required action at this time.

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Attachment 1: Administrative Rules Status

Rule No.	Topic	Status
EL Ch. 6	Procedure	Cleared JCRAR review. Will be published and effective January 1, 2018.
EL Ch. 21	Practice of Procedure	Cleared JCRAR review. Will be published and effective January 1, 2018.
EL Ch. 4	Election Observers	Preliminary rule has been drafted. Will be submitted to Clearinghouse by end of 2017.
EL 3.60	Absentee Ballot Subscription Service	Preliminary rule has been drafted. Will be submitted to Clearinghouse by end of 2017.
EL 6.06	Curbside Voting Procedures	Preliminary rule has been drafted. Will be submitted to Clearinghouse in January, 2018.
EL Ch. 13	Training for Election Inspectors and Special Voting Deputies	Drafting preliminary rule order and fiscal estimate to submit to LRB for pre-submission edits and comments.
EL Ch. 7	Voting Equipment Security and Voting Equipment Approval	Drafting preliminary rule order and fiscal estimate to submit to LRB for pre-submission edits and comments.
EL Ch. 12	Maintaining Records in Statewide Voter Registration System	Drafting preliminary rule order and fiscal estimate to submit to LRB for pre-submission edits and comments.
EL Ch. 20	Complaint Procedure	Drafting preliminary rule order and fiscal estimate to submit to LRB for pre-submission edits and comments.
EL 3.10, 3.11, 3.12, 3.20	Removal of Special Registration Deputy References	On hold pending *One Wisconsin* appeal
EL Ch. 8	Election Notices	Pursuing legislation in lieu of rulemaking.
EL 3.015	Electronic Proof of Residence	Pursuing legislation in lieu of rulemaking.
EL Ch. 17	Overseas Voting Procedure	Pursuing legislation in lieu of rulemaking.
EL 3.04(2)	Provisional Voting	Pursuing legislation in lieu of rulemaking.
EL 6.07	Definition of Same Grounds	Pursuing legislation in lieu of rulemaking.

EL 3.03	Treatment of Online Voter Registration Forms	Statement of Scope submitted to Governor's Office/DOA on November 3, 2017. Awaiting approval.

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MEMORANDUM

DATE: For the December 12, 2017 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Interim Administrator

Prepared and Presented by:
Nathan W. Judnic
Legal Counsel

SUBJECT: Legislative Agenda

At its March 14, 2017 meeting, the Commission adopted several recommendations for the Legislature to consider during the 2017 – 18 session. At its June 2017 meeting, the Commission did not adopt any additional recommendations but directed the staff to work with legislative staff to address concerns raised by the Federal Voting Assistance Project and the statutory definition of federal overseas voter. The Commission did not take up the legislative agenda at its September 2017 or November 2017 (special teleconference) meetings. Attached to this memorandum, is the memorandum originally prepared for the Commission at its September 2017 meeting.

Given the number of items currently on the agenda, and the length of time some of these items have been on the agenda (prior to the Wisconsin Elections Commission starting in June 2016), the Commission staff believes a new approach to get these items in front of the Legislature could be explored. A Legislative Council Study Committee could be an option for the Commission to consider. Commission staff has had preliminary discussions regarding this issue with legislative staff. Submissions to the Joint Legislative Council for the 2018 interim session is January 29, 2018, therefore if the Commission believes this is an option that should be pursued, Commission staff would move quickly to take the steps necessary for the Commission's legislative agenda to be considered for a study committee.

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MEMORANDUM

DATE: For the September 26, 2017 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Interim Administrator

Prepared and Presented by:
Nathan W. Judnic
Legal Counsel

SUBJECT: Legislative Agenda – Outstanding Recommendations

Background

At its March 14, 2017 meeting, the Commission adopted several recommendations for the Legislature to consider during the 2017 – 18 session. Those recommendations have been passed along to members of the Legislature and the Commission staff have had several productive conversations with the Legislature and legislative staff about introducing legislation to address some of the recommended items. Based on those conversations it appears that the Legislature may be open to considering additional items recommended by the Commission.

Overseas Voter Issue

At its June 20, 2017 meeting, the Commission's discussion of the legislative agenda was mainly focused on the letter received from the Federal Voting Assistance Program (FVAP) concerning Wisconsin's definition of "overseas voter." Specifically, FVAP believes that Wisconsin Statutes should permit temporary overseas voters to obtain a ballot by electronic means and to cast votes using the Federal Write-In Absentee Ballot (FWAB), both of which currently apply to permanent overseas voters. The Commission staff still believes the request of FVAP is more appropriately considered as a policy decision of the Legislature as it has previously defined the qualifications of a federal "overseas voter."[1] Similarly, the Legislature has by statute limited the acceptable delivery methods for absentee ballots and the use of the FWAB in casting a ballot to overseas voters that meet the

[1] Wis. Stat. § 6.24(1) DEFINITION. In this section, except as otherwise provided, "overseas electors" means a U.S. citizen who is not disqualified from voting under s. 6.03, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote and who does not qualify as a resident of this state under s. 6.10, but who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote or voting in any other state, territory or possession.

definition contained in Wis. Stat. § 6.24(1). See Wis. Stat. §§ 6.24(4) and 6.25. In conversations with the Legislature about this issue, it is possible that legislation may be considered to address the concerns of FVAP and modify current statutes to address any inconsistencies between Wisconsin law and the federal laws that address overseas voters.

The Commission staff recommends that the Commission formally include this issue in the next iteration of legislative recommendations forwarded to the Legislature, requesting that it address any inconsistencies between Wisconsin law and the federal laws that address overseas voters.

Outstanding Recommendations

The remainder of this memorandum lists outstanding staff recommendations which the Commission has not yet addressed. The remaining items were included in the staff memorandum for the March 14, 2017 and June 20, 2017 Commission meetings.

Commission staff maintains an ongoing list of recommended changes to current laws identified by legislators, municipal and county clerks, and the public. Staff also regularly reviews and analyzes current statutes, administrative code, and Board policies to identify potential changes that may improve efficiency, cost-effectiveness, public comprehension, and general policy administration. The recommended changes below are those which staff believes would improve administrative processes, provide clarity or simplification to existing policies and procedures, or update policies to reflect modern practices.

Staff has organized the recommendations into three different categories:

1. *Major Policy Initiatives* are those that staff suggests that the Commission highly recommend because they would likely significantly improve election administration and have a substantially positive impact on those affected by the policy, or policies for which the Government Accountability Board previously demonstrated strong support.

2. *Minor Policy Initiatives* include the changes that would improve election administration and represent minimal policy decisions, such as improving efficiency or providing clarity.

3. *Technical Changes* are recommendations that address issues of inconsistency in the laws or drafting oversights.

MAJOR POLICY INITIATIVES

1. Chapter 5 Subchapter III – Voting Equipment Statutes. This subchapter of the statutes refers to antiquated technologies such as voting equipment that utilizes levers or punch cards. These types of voting systems have been entirely replaced by electronic voting systems. The Legislature could revise this subchapter to remove references to antiquated technology. There are also references to such antiquated voting equipment elsewhere throughout the election laws. The Legislature could consider a broader review and revision of state law to reflect the electronic voting equipment currently in use throughout the State of Wisconsin, as well as the potential use of new technologies in the future.

2. § 6.86(1)(b). This provision sets forth the deadlines for requesting an absentee ballot. Under existing law there are three different deadlines (Thursday, Friday, or Election Day) for requesting an absentee ballot that depend on both the type of absent elector and the method by which the application is received. This multitude of deadlines has proven confusing for voters and election officials alike. The Election Day deadline for receipt of an absentee request also creates an unrealistic expectation that a ballot requested at such a late date could be successfully voted as the deadline for receiving the voted ballot is also Election Day and electronic transmission of the voted ballot is not permitted by state law. The Legislature could consider revising these deadlines by changing the deadline to 5:00 p.m. on the Thursday prior to Election Day for all mailed, emailed, or faxed requests and 5:00 p.m. or close of business on Friday for all in-person requests regardless of the type of absent elector.

MINOR POLICY INITIATIVES

Chapter 5

3. §§ 5.06(5) and (6). These provisions allow the Commission to issue an order to ensure compliance with election laws. The Legislature could revise these provisions in order to authorize the Commission to issue a temporary order while a complaint investigation is ongoing. Occasionally Commission staff must direct a local election official to stay any action until the completion of a review investigation, such as when the question is whether to schedule a recall election or whether a candidate has qualified for ballot access. Current statutes allow the issuance of an order only after the filing of a complaint, upon a motion of the Commission, or after completion of an investigation.

4. § 5.06(10). This provision prohibits the Commission from reviewing matters arising in connection with recounts under § 9.01. This appears to be intended to avoid conflict with Wis. Stat. § 9.01(6) which directs appeals of recounts to circuit court. However, there are a variety of decisions made by election officials under § 9.01 that could benefit from commission review, e.g., estimates of recount filing fees. A better option may be to phrase this provision such that the Commission may not review the recount result or substantive decisions of the board of canvassers in a recount other than to enforce consistent application of those decisions when multiple boards of canvassers are involved. This authority would permit Commission staff to resolve procedural questions or conflicts more definitively and is supported by the charge of Wis. Stat. § 9.01(10) for the Commission to develop standard forms and procedures for use in recounts.

5. §§ 5.15 and 66 subchapter II. These provisions provide limitations to the construction of wards. Current statutes restrict a town from drawing ward lines that do not cross the boundaries of a state assembly district, and requires towns to create a separate ward when a county does not adjust boundaries for county supervisory districts. However, statutes do not place similar restrictions on cities or villages annexing territory. This could be a problem if a city or village was to annex territory in different districts. The Legislature could revise these provisions to

enact the same requirements for cities and villages that currently exist for towns and require specifying the identification of the created ward (e.g., ward 7).

6. § 5.84(1). This provision specifies that municipalities must conduct public tests of voting equipment in the 10 days prior to each election. The current requirement is problematic as larger municipalities may require several days to test all the equipment to be used at an election. Extending the testing window to the 15 calendar days prior to the election would grant municipal clerks more flexibility in the event any problems are identified during the public test. This provision also requires public notice of voting equipment testing via publication in a newspaper within the municipality or a newspaper of general circulation therein. Publishing in a general circulation newspaper, or even a municipal newspaper, may require significant costs to municipalities. The Legislature could revise this provision to require municipalities to provide the notice of the public test by the same means as other election notices under Wis. Stat. §§ 10.04 & 10.05, which would permit such notices to be posted in lieu of publication.

7. § 5.94. This provision requires the publication of a sample ballot. Wis. Stat. §10.02 (2)(c) allows the ballot size to be reduced when publishing the notice. The Legislature could consider removing the requirement for an "actual-size" copy of the ballot for publication in Wis. Stat. § 5.94 to reduce the costs that jurisdictions must incur and make these two provisions consistent.

Chapter 6

8. § 6.18. This provision provides a process for former Wisconsin residents to vote in a Presidential Election if they do not yet qualify to vote in their new state of residency, but does not provide a specific deadline for such a request. The Legislature could revise this provision by establishing a receipt deadline of 5:00 p.m. on the fifth day before the election to request an absentee ballot, consistent with most other absentee voters.

9. §§ 6.22(1)(b), 6.34(1)(a). These provisions define the term "military elector". However, § 6.22(1)(b) includes additional categories of individuals not included under 6.34(1)(a). These two different definitions of the same term have caused considerable confusion with clerks and military voters as to what they can or cannot do. The G.A.B. has previously recommended reconciling these two different definitions into a single broad definition of military elector. To avoid confusion and promote effective administration of the laws, the Legislature could harmonize these two definitions as the G.A.B. has previously recommended throughout Chapter 6.

10. § 6.22(6). This provision requires each municipal clerk to keep an updated list of eligible military electors that reside in the municipality in the format provided by the commission, and to distribute a copy the list to each polling place. The intent of this provision was to ensure compliance with absentee ballot procedures for military voters and the exemption from the voter registration requirement. In practice, all of the required information exists within WisVote and all known military voters automatically appear on the poll books. Clerks who rely on someone else for WisVote services communicate with their WisVote provider for lists prior to absentee voting. The Legislature could repeal this provision to reflect modern practices.

11. § 6.25(1)(c). This provision exempts military electors from the requirement to submit a separate absentee request before the Federal Write-In Absentee Ballot (FWAB) may be counted. Overseas electors are not similarly exempted from the requirement to submit a separate absentee request in addition to the FWAB before the ballot may be counted. The declaration/affirmation page of the FWAB contains all the necessary information to serve as an absentee request. Permanent overseas voters face many of the same difficulties voting as overseas military voters. The Legislature could modify this provision to allow permanent overseas voters to submit a FWAB without a separate absentee ballot application no later than the applicable absentee request deadline in order to establish a more consistent process for all overseas voters.

12. § 6.29(2)(b). This provision requires municipal clerks to prepare a certificate of registration in duplicate and provide one copy of the certificate to any person registering during the late registration period while keeping the other in their office. Commonly late registrations in-person are immediately followed by a request to vote an in-person absentee ballot. In this scenario, the preparation and issuance of the certificate of registration has no purpose. The Legislature could consider exempting clerks from the requirement to issue registration certificates if the voter chooses to vote absentee in the clerk's office in the same transaction as registering to vote.

13. § 6.29(2)(c). This provision requires any voter who registered to vote during the late registration period and receives a certificate of registration to provide that certificate to the inspectors at the polling place or to enclose that certificate with their voted absentee ballot. However, state law does not specify a consequence if the elector fails to provide their certificate of registration. It appears that the certificate is intended as a failsafe to prove registration has occurred in the event that the voter's name does not appear on the poll book despite their earlier registration. As such the Legislature could consider removing the requirement for the voter to provide their certificate of registration, but preserve the issuance of such certificates to maintain the failsafe.

14. § 6.30(4). This provision requires that municipalities make available a voter registration form and that "the form shall be pre-postpaid for return when mailed at any point within the United States." However, in practice, most municipalities simply make copies of the form available and do not offer pre-paid postage because of the cost. Additionally, the Commission has implemented online registration as directed by the Legislature, which may significantly reduce the demand for registration by mail. Due to the cost to municipalities and the online alternative the Legislature could consider elimination of the prepostpaid requirement for voter registration forms.

15. § 6.32(4). This provision requires a municipal clerk to send an address verification mailing to a voter who registers by mail or online. In practice, the Commission sends these mailings on behalf of municipalities. This facilitates consistent compliance and leveraging State purchasing power. During the 2013-2014 Legislative Session, the Wisconsin Legislature enacted 2013 Wisconsin Act 149, specifically authorizing the G.A.B. to send out the Election Day Registrant address verification mailings. The Legislature could revise this provision to authorize the Commission to send out all other address verification mailings, including those related to the ERIC initiative, on behalf of municipalities.

16. § 6.34(3)(a)10. This provision allows for using a paycheck as proof of residence. As many voters do not receive a physical paycheck anymore, the G.A.B. previously interpreted this provision to include pay stubs, pay sheets, or other payroll documentation such as a direct deposit statement. The Legislature could revise this provision to also include these more modern alternatives to the paycheck and reinforce the agency's prior interpretation.

17. § 6.55(2)(d). This provision provides for a voter who has changed their name, but not their address to make such a change in their registration by notifying the election inspectors at the polling place instead of completing a new voter registration form. The Government Accountability Board consistently required voters who wish to change their name to complete a new voter registration. When the Legislature repealed § 6.40, it removed a provision that permitted voters to make changes to their registration without submitting a new registration form. The Legislature could ensure that every change in a voter's registration is documented with a new voter registration form by modifying this provision to eliminate the ability of a voter to change their name without providing a new voter registration form.

18. § 6.82(1). This provision permits an elector who is unable to enter the polling place due to a disability to receive their ballot at the entrance to the polling place. While this provision does not directly speak to whether this elector must sign the poll book, G.A.B. staff interpreted this provision to allow such electors to receive a ballot without signing the poll list because to qualify for the procedure a voter must be prevented from entering the polling place due to a disability and § 6.79(2)(am) specifically authorizes the election inspectors to waive the signature requirement if the elector is unable to sign due to disability. To clarify the procedure, the Legislature could specifically direct that an elector voting under this provision is exempt from signing the poll book.

19. § 6.82(2). This provision permits an elector to receive assistance in marking the ballot. When voting with a physical ballot, the assistant is required to sign a certification on the back of the ballot that indicates the ballot was marked with their assistance. Where voting machines are used, this provision requires the assistant to certify on the registration list that the ballot was marked with his or her assistance. As voting machines are specifically designed to provide a voter with disabilities the opportunity to vote privately and independently, staff has previously directed that a voter who requires assistance with a voting machine be required to vote using a physical ballot. To clarify this procedure, the Legislature could specifically direct that an elector who requires assistance using a voting machine be required to vote on a physical ballot with the assistance of a person of the voter's choice other than their employer or agent of their labor union.

20. § 6.86(2)(b). This provision requires a clerk to send a 30-day notice to indefinitely confined voters that do not return their absentee ballot in order to stay on the "permanent absentee" voter list. However, there is not sufficient time between primaries and the subsequent general elections to do so and staff has previously advised clerks that such notice is only required after a general election. The Legislature could consider revising this section to recognize this practical impossibility and only apply this requirement to non-primary elections.

21. § 6.87(3)(d). This provision allows military and permanent overseas voters to receive their absentee ballot electronically. Voters who are temporarily overseas do not receive this transmission option and therefore must request their ballot significantly earlier to account for the additional time it will take for the blank ballot to reach them. The Legislature could consider revising this provision to allow temporary overseas voters to receive their ballot electronically in order to increase the opportunity for those voters to receive and return their ballot in a timely manner.

22. § 6.875. This provision covers absentee voting procedures involving special voting deputies (SVDs). This section does not specify whether a municipal clerk must issue a 30-day notice to renew their absentee ballot request as an indefinitely confined voter if the voter declines to vote via SVD. The Legislature could clarify this section by stating that the voter may decline to receive their ballot on a form prescribed by the Commission, as well as indicate if they wish to remain on the list of indefinitely confined voters ("permanent absentees"). This is current practice and is included in the Commission's SVD manual.

23. §§ 6.875(4)(b), 7.30(4). Wis. Stat. § 6.875(4)(b) sets forth the process by which individuals are appointed as special voting deputies. The process is similar to the process for appointing election officials generally as set forth in Wis. Stat. § 7.30(4), but does not specifically state that the process of 7.30 applies to these appointments. Staff have interpreted § 7.30(4) to include special voting deputies, but the Legislature could modify § 6.875(4)(b) or 7.30(4) to make this more clear.

24. § 6.97. This provision provides the option for a voter to cast a provisional ballot whenever they are required to provide proof of residence and cannot provide such documentation. Agency staff has interpreted this provision to only apply to persons who registered to vote on or before April 4, 2014 to coincide with when the G.A.B. directed clerks to stop accepting voter registrations that were missing proof of residence. After the few remaining voters in the statewide voter registration system who are still missing proof of residence provide such documentation or are removed from the list, this provision will no longer be necessary and the Legislature may wish to remove this language to avoid the impression that a provisional ballot would be an option for new registrants who do not have a proof of residence.

Chapter 7

25. § 7.25. This section enumerates the duties of election officials in using "voting machines". Voting machines are defined in 5.02(24r) as "a machine which serves in lieu of a voting booth and which mechanically or electronically records the votes cast by electors, who depress levers or buttons located next to the choices listed on a ballot to cast their votes." Wisconsin no longer uses mechanical voting systems like lever voting machines and this section should be updated to reflect current practices and technology.

26. § 7.30(2). This provision sets forth the qualifications to be appointed as an election official. It specifically states that in 1st Class cities (Milwaukee) election inspectors may not hold any other public office except notary public. Board staff has discovered that other municipal officials may also be prohibited from serving as election inspectors due to specific provisions of municipal law

or due to the incompatibility of office doctrine. The Legislature could consider modifying this provision to specifically list those public officials in other municipalities that also may not serve.

27. § 7.50(2). The Legislature recently removed language in this section related to the counting of write-in votes cast by affixing a sticker to the ballot (see 2015 Act 37). However, the Legislature did not affirmatively prohibit the use of such stickers by write-in candidates. As Wis. Stat. § 7.50(2) still requires election officials to count an elector's vote for the person which the voter intended, agency staff has advised election officials to continue counting votes for candidates whose voters use stickers to write-in that candidate's name. The Legislature may wish to revisit this section to more explicitly address this scenario.

28. § 7.50(2)(em). 2013 Wisconsin Act 178 amended this provision to state that all votes for write-in candidates shall be tallied if a candidate on the ballot dies or withdraws before the election. However, Wisconsin Statutes do not provide a procedure for candidates to withdraw. The Legislature could correct this issue by striking "*or withdraws"* from this provision or specifying what constitutes a candidate's withdrawal.

29. § 7.60(5)(a). This provision requires county clerks to deliver or transmit to the Commission a certified copy of each county board of canvass statement. In current practice, county clerks use the Commission's Canvass Reporting System (CRS) to generate those statements using their secure login credentials, and then mail a signed copy of that report to the Commission. The Legislature could modernize this provision by adding the language *in the manner prescribed by the commission* after *the county clerk shall deliver or transmit*, or consider replacing the word *certified* with *electronically signed.* In 2014, the Legislature made a similar change, allowing political committees to sign their campaign finance reports electronically when certifying that information to the G.A.B.

Chapter 8

30. §§ 8.10(5), 8.15(4)(b), and 8.20(6). These provisions outline the filing requirements for candidates, including their declaration of candidacy, nomination papers, and statement of economic interest (SEI). Under current statutes, candidates are not required to file their SEI until 4:30 p.m. the third day after the deadline for the other documents. The Legislature could consider changing the deadline to file an SEI to match filing of declaration of candidacy and nomination papers. This would provide a consistent deadline that could improve administrative efficiency and public awareness of candidates that will appear on the ballot. Staff recommends moving the deadline to file the SEI to match the 5:00 p.m. deadline on the day that the declaration of candidacy and nomination papers is due. The counterpoint to this policy change is that the later deadline provides an "escape valve" where candidates no longer wishing to appear on the ballot could simply not file their SEI. The later deadline also allows the candidate additional time to gather the required financial information, though they have already had considerable time to gather nomination signatures. However, staff believes that a consistent deadline would improve administration and better inform the public of candidates who achieve ballot status.

Chapter 9

31. § 9.01(2). This provision establishes the candidate notification requirements prior to conducting a recount. Current statutes require personal delivery of the petition to the candidate or an approved agent, by either the clerk or the sheriff. Providing notice of the recount petition could potentially be delayed if the candidate and/or their agent is traveling outside of the municipality, county, or state after the election. The Legislature could revise this provision by allowing a three-step process. The first step a clerk would take is to attempt personal delivery of the petition to the candidate or approved agent. The second step would be to obtain documented confirmation of acknowledgement by the candidate or agent (e.g., through email or a documented phone call). The clerk could then issue a public notice and proceed with the recount process, if those two options are unsuccessful within a reasonable time period.

32. §§ 9.01(1)(ar)3. and (b). These sections establish deadlines for convening the board of canvassers for conducting a recount but provide conflicting deadlines. The Legislature could revise this section by setting the deadline to provide clarity, consistency, and sufficient time for clerks to prepare for conducting a recount.

Chapter 10

33. § 10.02(3)(b). This provision includes requirements for the information that must be contained in the Type B election notice. This language still refers to antiquated voting equipment technology and depressing levers. The Legislature could revise this provision to reflect modern voting equipment technologies.

34. § 10.04. This section relates to the publication of election notices and the fees charged for publication by newspapers. The Legislature could clarify this section by allowing publishing all types of elections notices as an insert, consistent with commercial rates for newspaper inserts.

TECHNICAL CHANGES

Chapter 5

35. § 5.02(24r). This provision defines the term "voting machine" and includes mechanical voting equipment like lever voting machines. Mechanical voting systems have been entirely replaced by more modern electronic voting systems and the Legislature could consider revising this definition to remove the references to the antiquated technology.

36. § 5.51(2). This provision provides the requirements for the weight of paper used for hand-counted ballots using an arcane formula that is regularly misapplied by election officials. The Legislature could consider revising this requirement to specify a clearly understandable paper weight for ballots or direct the commission to specify the required paper weight for ballots.

37. § 5.60(3). This provision provides for a separate ballot for city offices, but unlike subsections for other levels of government this subsection does not require write-in lines be provided. The Legislature could clarify that write-in lines must be provided for city ballots as well.

38. § 5.62(1)(a). This provision requires that independent candidates for state office appear on partisan primary ballots. This was previously necessary to determine the independent candidate's eligibility for public funding. As public funding for state candidates has been eliminated, this language should be removed.

39. § 5.72. This provision requires clerks to provide a ballot sample to Commission staff three weeks before any election for review. This conflicts with the 48-day deadline for ballots to be available for state and federal elections. The Legislature could address this by changing the deadline to "as soon as candidates are certified" instead. The Legislature could also consider making commission review of ballots voluntary, but still allow the commission to compel compliance with the prescribed ballot template, if necessary.

Chapter 6

40. § 6.02. This provision outlines the general qualifications to vote. The Legislature could clarify that for voter registration, a person turns 18 on the anniversary of their date of birth. This addresses the common sense versus common law issue previously addressed by the G.A.B., deciding that a person turns 18 on the anniversary of their date of birth.

41. § 6.03(3). This provision addresses the right to vote by persons under guardianship or adjudicated incompetent. State law currently reserves rights to the individual unless specifically determined by a court to be incompetent to exercise those rights. However, this provision contains old language requiring individuals subject to guardianship to have an affirmative finding that they are competent to vote. The Legislature could revise this provision to reverse the standard to assume competency as required by state law and cross-reference as necessary with other state laws on guardianship. This change would make this provision consistent with other state laws regarding guardianship and legal competency.

42. § 6.25(4). The last clause of this provision states, "*and, if the elector is an overseas elector, the elector resides outside of the United States.*" The Legislature could eliminate the redundant second half of this clause as an overseas elector is already defined in § 6.24(1) as someone who does not qualify as a resident of this state.

43. § 6.34. This section covers proof of residence (POR) requirements for voter registration. Throughout this section, there are several references to POR as an *identifying document*. The Legislature could replace those references with *proof of residence* to clarify the section and avoid any confusion with the proof of identification requirement.

44. §§ 6.34(3)(a)1 and 2. These provisions refer to using either a Wisconsin driver license or state-issued identification card as proof of residence. The Legislature could revise these sections to include a receipt for either Wisconsin Department of Motor Vehicles (DMV) product, consistent with DMV current practices of issuing a temporary receipt prior to the driver license or state-issued identification card.

45. § 6.34(3)(a)7. This provision allows for using a university, college, or technical college identification card as proof of residence for voter registration, with either a fee payment receipt or a list of students residing in school housing. The Legislature could clarify that the receipt or list of students must include the name and address of the registrant.

46. § 6.45(1). This provision requires the municipal clerk to make copies of the poll list for use in the election. It should be updated to clarify that paper copies of a poll list need not be produced when an electronic poll list is used.

47. § 6.46(2). This provision requires a municipal clerk to remove the poll lists from the office for the purpose of copying if a copying machine is not accessible in response to public records requests or in order to supply candidates with the poll list. The provision should be updated to replace "if a copying machine is not accessible" with "if producing copies of the lists at the clerk's office is not possible."

Chapter 7

48. § 7.08(10). This provision requires that the Commission provide to each municipal clerk, on a continuous basis, the names and addresses of organizations certified to provide services to victims of domestic abuse or sexual assault. As the addresses of these organizations may be sensitive information in that they provide temporary shelter to victims, this information cannot be placed on the Commission's website. Additionally, sending this information unsolicited to over 1,800 municipal clerks could also compromise the security of victims. To better promote the security of victims of domestic abuse or sexual assault, the Legislature could consider modifying this provision to only provide this information to municipal clerks as needed to confirm the eligibility of confidential voters.

49. § 7.15(1)(j). This provision requires municipal clerks to send absentee ballots to electors who have filed a proper request. The provision appears to be redundant with subparagraph (cm) and could be removed or consolidated with (cm).

50. § 7.52(1)(b). This section provides a procedure by which a municipality may canvass absentee ballots on Election Day in a location other than the polling place and authorizes the municipality to appoint additional election inspectors to administer this absentee ballot canvass. However, when 2013 Act 147 expanded the residency of election officials to the county in which they serve, it did not similarly modify the residency requirement for election inspectors appointed to assist with this absentee ballot canvassing process. For consistency of administration, the Legislature could consider modifying § 7.52 to also permit the appointment of individuals who reside within the county of a municipality using this procedure.

51. § 7.53(2)(a). This provision states that in municipalities with multiple polling places, the municipal board of canvassers (MBOC) consists of the municipal clerk and two other qualified electors of the municipality. The word "other" implies that the municipal clerk is a qualified elector, which is not always true as many municipalities appoint their municipal clerk without regards to residency. Agency staff has interpreted 7.53(2)(a) to require that a municipal clerk must be a qualified elector of the municipality to serve on the MBOC, although the clerk should

always be present to advise the members of the MBOC and handle the administrative processes associated with the canvass. To affirm the agency's interpretation the Legislature could consider revising this language to clarify that the municipal clerk may only serve as a member of the MBOC if they are a qualified elector and specifying who fills this position on the MBOC if the clerk is not a qualified elector.

Chapter 9

52. § 9.10(2)(e). This provision provides the reasons to not count recall petition signatures. In 2013 Wisconsin Act 160, the Legislature required that all petitions include the legibly printed name of the signer. While 2013 Act 160 required the printed name for nomination papers and petitions, it did not add the same requirement for recall petitions. The Legislature could correct this by adding to this section a reason not to count a recall petition signature if the printed name is not legible. The sections that cover the requirements for petitions are also inconsistent. Sections related to nomination papers and petitions affirm the requirements of what individuals must provide, whereas the section on recall petitions identifies when not to count signatures. Alternatively, the Legislature could revise this provision to state the information a recall petition must contain in order to count a signature, similar to the other sections.

Chapter 10

53. § 10.06(2). This section enumerates the various election notices that county clerks are required to publish. While subparagraphs (f) and (L) require the publication of a Type A Notice of Referendum Election before the spring and general elections, there are no similar provisions for such a notice for referenda held in conjunction with the spring or partisan primaries. There is also no requirement in this section for the Type C Notice of Referendum before these elections, although it is addressed in the general description of the Type C notice at 10.01(2)(c). For consistency, the Legislature could revise 10.06(2) to include similar referendum notice requirements for state or county referenda held in conjunction with these elections as with any other election.

54. § 10.06(3). This section enumerates the various election notices that municipal clerks are required to publish. While subparagraph (as) requires the publication of a Type A Notice of Referendum Election before the spring primary if there is direct legislation to be voted on, there is no requirement for such a notice for other referenda held in conjunction with the spring primary. There is also no requirement for the Type C Notice of Referendum for non-direct legislation referenda voted on at the spring primary or for any referenda to be voted on at the partisan primary, except as part of the general definition of the notice in 10.01(2)(c). Finally, there is no Type D Notice of Polling Hours and Locations requirement in this section for either the spring or partisan primary although it is required as part of the general definition of the Type D notice at 10.01(2)(d). For consistency, the Legislature could revise this section to include similar notice requirements for all elections.

Chapters Not Administered by the Wisconsin Elections Commission

55. Chapter 66 – Subchapter II. This subchapter generally describes the processes by which a municipality may incorporate or adjust municipal boundaries. Staff has been involved in several incorporations and boundary agreements where the provisions of this subchapter appear inconsistent with the rules applied to other petitions and referenda in Chapters 5-12. The Legislature could consider revisiting this subchapter to harmonize its provisions with the rules governing other forms of petitions and referenda.

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MARK L. THOMSEN, CHAIR

DATE: For the December 12, 2017 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Administrator

Prepared and Presented by:
Robert Williams
Elections Specialist

SUBJECT: Legislative Status Update

BILLS SIGNED INTO LAW

1. *Assembly Bill 42 and Senate Bill 15: Various changes regarding administrative rules and rule-making procedures and making an appropriation.*

   Sponsors: Majority. This bill 1) requires scope statements for proposed administrative rules to be reviewed by the Department of Administration for a determination of an agency's authority to promulgate a rule; 2) requires agencies to hold preliminary public hearings and comment periods on scope statements for rules if directed to do so by the Joint Committee for Review of Administrative Rules (JCRAR); 3) requires the passage of a bill in order for an agency to promulgate a rule that would result in implementation and compliance costs of $10 million over any two-year period, subject to certain exceptions; and 4) allows either a co-chairperson of JCRAR or JCRAR as a whole, at certain steps in the rule-making process, to request the preparation of an independent economic impact analysis for a proposed rule.

   SB 15 passed by Assembly on June 14, 2017 and passed by Senate on June 15, 2017. Signed into law by Governor Walker on August 9, 2017 as 2017 Wisconsin Act 57.

2. *Assembly Bill 64 and Senate Bill 30: State finances and appropriations constituting the executive budget act of the 2017 legislature.*

   Sponsors: Majority. This bill is the "executive budget bill" under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations for the 2017-2019 fiscal biennium. The bill contains the WEC's budget for the 2017 – 2019 biennium, including authorization of staff positions and the conversion of 21 federally funded positions to GPR positions upon the depletion of remaining HAVA funds. Also, as part of the transportation portion of the budget, language was added to the budget bill regarding the sharing of information between the Department of Transportation and the Wisconsin Elections Commission. Department of Transportation would be

authorized to share information obtained from applications for titles, driver's license, and state identification cards, including Social Security numbers. Sharing of this information would be authorized to allow the Wisconsin Elections Commission to maintain compliance with its ERIC obligations, and resolves issues regarding the use of confidential DOT data for ERIC processes.

AB 64 passed by Assembly on September 13, 2017 and passed by the Senate on September 15, 2017. Signed into law by Governor Walker on September 21, 2017 as Wisconsin Act 59.

3. *Assembly Bill 148 and Senate Bill 100: Expiration of statements of scope for administrative rules.*

   Sponsors: Majority. This bill provides for the expiration of a statement of scope 30 months after the date on which the statement is published in the Wisconsin Administrative Register.

   AB 148 passed by the Assembly on June 14, 2017. SB 100 passed by the Senate on May 2, 2017. Signed into law by Governor Walker on August 2, 2017 as Wisconsin Act 39.

4. *Assembly Bill 153 and Senate Bill 102: Aggrieved parties petitioning for a recount and making an appropriation.*

   Sponsors: Majority. This bill provides that any candidate voted for at any election who is an aggrieved party or any elector who voted on any referendum question at any election may petition for a recount. The bill also provides that the actual cost of performing a recount includes the actual cost incurred by the Elections Commission to provide services for performing the recount and allows the commission to recover that cost.

   AB 153 passed by the Assembly on June 21, 2017. SB 102 passed by the Senate on November 7, 2017. Signed into law by Governor Walker on December 1, 2017 as Wisconsin Act 120.

BILLS AWAITING GOVERNOR'S SIGNATURE

1. *Assembly Bill 317 and Senate Bill 322: Review by state agencies of administrative rules and enactments; an expedited process for repealing rules an agency no longer has the authority to promulgate; retrospective economic impact analyses for rules; and reporting by the Legislative Reference Bureau on rules in need of revision.*

   Sponsors: Majority. This bill provides for an alternate, expedited procedure an agency can use to repeal a rule that the agency determines it no longer has the authority to promulgate because of the repeal or amendment of the law that previously authorized its promulgation (unauthorized rule).

   AB 317 passed by Assembly June 14, 2017. AB 317 and SB 322 public hearing held in Senate August 29, 2017. SB 322 passed by the Senate on November 7, 2017. The bill was presented to the Governor on November 28, 2017 and awaits his signature or possible vetoes.

NEW STATE LEGISLATION

1. *Assembly Bill 578 and Senate Bill 482: Related to increasing the funding to the Elections Commission for Elections Administration positions.*

   Sponsors: Minority. This bill increases the amount appropriated to the Elections Commission by $304,100 in each year of the 2017-19 biennium in order to increase the number of FTE positions authorized to the Elections Commission by 5.0 FTE positions.

   AB 578 introduced in the Assembly on October 24, 2017. SB 482 introduced in the Senate on October 27, 2017.

2. *Assembly Bill 609: Automatic voter registration and the integration of registration information with information maintained by the Department of Transportation and other state agencies and granting a rule making authority.*

   Sponsors: Minority. This bill requires the Elections Commission to facilitate the registration of all eligible electors of this state and maintain the registration for so long as they remain eligible. The bill directs the Commission to enter in to an information sharing agreement with the DOT whereby the DOT would transfer specified personally identifiable information to the Commission.

   AB 609 introduced in the Assembly on November 2, 2017 and referred to Committee on Campaigns and Elections.

3. *Assembly Bill 637 and Senate Bill 524: Using an electronic voting machine to cast a vote with an in-person absentee ballot.*

   Sponsors: Bipartisan. This bill authorizes a municipality to allow its electors to vote before election day by using an electronic voting machine to cast an in-person absentee ballot. This bill also requires the Elections Commission to certify electronic voting equipment that is capable of scanning ballots and electronically capturing write-in votes.

   AB 637 introduced in the Assembly on November 14, 2017. A public hearing related to the bill was held on November 28, 2017. SB 524 was introduced in the Senate on November 8, 2017 and referred to the Committee on Elections and Utilities.

4. *Assembly Bill 639 and Senate Bill 539: Allowing an elector to show his or her marked ballot.*

   Sponsors: Bipartisan. This bill eliminates the prohibition, under current law, placed on electors related to showing their marked ballot to any other person.

   AB 639 introduced in the Assembly on November 14, 2017 and referred to the Committee on Campaigns and Elections. SB 539 introduced in the Senate on November 20, 2017 and referred to the Committee on Elections and Utilities.

5. *Senate Bill 498: Creating a criminal penalty for deceptive election practices.*

   Sponsors: Minority. This bill prohibits any person from knowingly providing false election related information with the intent to encourage an individual to refrain from registering to vote or from voting at an election.

   SB 498 introduced in the Senate on October 27, 2017 and referred to the Committee on Elections and Utilities.

6. *Senate Bill 499: Allowing an elector to use an affidavit as Proof of Identification to vote.*

   Sponsors: Minority. This bill provides that an affidavit executed by an elector affirming their identity is proof of identification for voting purposes. This bill also eliminates the requirement that the Department of Transportation provide an identification card without charge to anyone who want the card for voting purposes.

   SB 499 introduced in the Senate on October 27, 2017 and referred to the Committee on Elections and Utilities.

7. *Senate Bill 500: Changes in the procedure of Legislative and Congressional redistricting plans.*

   Sponsors: Minority. This bill creates a new procedure for the preparation of Legislative and Congressional redistricting plans. The Legislative Reference Bureau would be directed to draw redistricting plans based upon standards specified in the bill.

   SB 500 introduced in the Senate on October 27, 2017 and referred to the Committee on Elections and Utilities.

8. *Assembly Joint Resolution 68 and Senate Joint Resolution 65: To amend so as in effect to repeal section 13 of Article XIII of the Constitution, eliminating constitutional restrictions on marriage (first consideration).*

   Sponsors: Minority. This constitutional amendment eliminates the constitutional restriction that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state and the provision that a legal status identical or substantially similar to that of a marriage for unmarried individuals shall not be valid or recognized in this state.

   AJR 68 introduced in the Assembly on June 30, 2017 and referred to the Committee on Constitution and Ethics. SJR 65 introduced in the Senate on June 23, 2017 and referred to the Committee on Financial Services, Constitution, and Federalism.

9. *Assembly Joint Resolution 71: A constitutional amendment reserving to the people the power of referendum to reject acts of the legislature and the power of initiative to propose and approve at an election laws and constitutional amendments (first consideration).*

   Sponsors: Bipartisan. This constitutional amendment creates a petition process by which the people may propose and approve laws and constitutional amendments at an election and creates a referendum process by which the people may reject an act of the legislature.

   AJR 71 introduced in the Assembly on September 7, 2017 and referred to Committee on Constitution and Ethics.

10. *Senate Joint Resolution 63: A constitutional amendment to Section 2 Article I of the constitution relating to slavery or involuntary servitude in punishment of a crime (first consideration).*

    Sponsors: Minority. This proposed constitutional amendment eliminates the exception to the constitutional prohibition against slavery and involuntary servitude for the punishment of a crime for which the party has been duly convicted. Under the constitutional amendment, slavery and involuntary servitude are prohibited without exception.

    SJR 63 introduced in the Senate on June 23, 2017 and referred to the Committee on Financial Services, Constitution, and Federalism.

PREVIOUS STATE LEGISLATION – CHANGE IN STATUS

1. *Assembly Joint Resolution 47 and Senate Joint Resolution 53: A constitutional amendment to establish and ensure the rights of crime victims (first consideration).*

   Sponsors: Bipartisan. This constitutional amendment provides for a 19-point list of rights for victims of crime in this state. The constitutional amendment also authorizes the victim to enforce his or her rights in court, and the attorney for the government in the case involving the victim may seek enforcement of the victim's rights upon request of the victim.

   AJR 47/SJR 53 public hearing held on June 15, 2017. AJR 47 was tabled on November 9, 2017. SJR 53 passed by the Senate and Assembly as of November 9, 2017. Since SJR 53 relates to a proposed state constitutional amendment, it must be passed once more by both houses of the Legislature before being presented as a statewide referendum.

2. *Assembly Bill 85 and Senate Bill 66: Allowing a local public official to serve as an election inspector.*

   Sponsors: Minority. This bill provides that an individual holding a local public office may be appointed to serve as an election official without having to vacate the local public office. Current law prohibits an individual from serving as an election official at an election for which the individual is a candidate. The bill does not change that prohibition.

AB 85 public hearing held on April 18, 2017. Assembly Committee on Campaigns and Elections voted AB 85 out of committee on May 19, 2017. SB 66 voted out of committee by Senate Committee on Elections and Utilities on October 26, 2017.

3. *Assembly Bill 268 and Senate Bill 195: School board referendums to exceed revenue limit applicable to a school district.*

   Sponsors: Majority. This bill limits to five consecutive school years the number of years for which a school board may seek approval from voters in the school district to increase the revenue limit applicable to the district.

   AB 268 and SB 195 joint public hearing held June 15, 2017.

4. *Assembly Bill 269 and Senate Bill 194: Scheduling of school district referendums to exceed revenue limits.*

   Sponsors: Majority. With exceptions, this bill permits a school board to schedule a referendum for the purpose of increasing the school district's revenue limit only concurrent with a spring election or with the general election and only if the election falls no sooner than 70 days after the date on which the board adopts and files a resolution to that effect.

   AB 269 public hearing held June 15, 2017. SB 194 introduced and referred to Senate Committee on Elections and Utilities on April 20, 2017.

5. *Assembly Bill 330 and Senate Bill 278: Rule making authority of certain agencies.*

   Sponsors: Majority. This bill prohibits a commission or board, including a credentialing board, that has not taken any action with respect to the promulgation of a rule in ten years or more from taking any such action in the future unless a subsequent law specifically authorizes it to do so.

   AB 330 passed by the Assembly on November 7, 2017 and the sent to the Senate. SB 278 public hearing held on September 28, 2017. SB 278 voted out of Committee on October 24, 2017.

6. *Assembly Bill 332 and Senate Bill 260: Signature requirement for nomination of candidates to school board in school districts that contain territory lying within a second-class city.*

   Sponsors: Majority. This bill permits the annual meeting of a common or union high school district or the school board of a school district to adopt a resolution to reduce the number of signatures required on nomination papers submitted by candidates for school district officer. This bill permits the number of signatures that must be obtained to be reduced by resolution to not less than 20 and not more than 100 if the school district territory lying within the second-class city or cities is less than or equal to 10 percent of the school district's territory.

   AB 332 and SB 260 joint public hearing held on October 12, 2017. AB 332 approved by the Assembly Committee on Campaigns and Elections on November 28, 2017.

PREVIOUS STATE LEGISLATION – NO CHANGE IN STATUS

1. *Assembly Bill 33: Requiring a municipal judge to be a licensed Wisconsin attorney.*

   Sponsors: Minority. Beginning on January 1, 2018, this bill requires a person seeking to be elected or appointed as a municipal judge to be an attorney licensed to practice in this state and a member in good standing of the State Bar of Wisconsin.

   AB 33 introduced in the Assembly and referred to Assembly Committee on Judiciary on January 20, 2017.

2. *Assembly Bill 44 and Senate Bill 13: Legislative and congressional redistricting.*

   Sponsors: Minority. This bill creates a new procedure for the preparation of legislative and congressional redistricting plans. The bill directs the Legislative Reference Bureau (LRB) to draw redistricting plans based upon standards specified in the bill and establishes a Redistricting Advisory Commission to perform certain tasks in the redistricting process. The bill also makes various other changes to the laws governing redistricting.

   AB 44 fiscal estimate received by the Assembly on April 3, 2017. SB 13 fiscal estimate received by the Senate on March 1, 2017.

3. *Assembly Bill 129: Removing the requirement that a classified service employee take a leave of absence to run for office.*

   Sponsors: Minority. This bill removes the requirement that a person employed in the classified service who runs for a partisan political office take a leave of absence during the campaign period for that office. The bill maintains the requirement under current law that the person separate from the classified service if elected.

   AB 129 introduced in the Assembly and referred to the Assembly Committee on Campaigns and Elections on March 7, 2017.

4. *Assembly Bill 223: Prohibiting offers of employment in exchange for not seeking an elective state or local office and providing a criminal penalty.*

   Sponsors: Minority. This bill prohibits a state or local public official or candidate to offer employment to another individual in order to induce the individual not to seek election to the same office held by the official or sought by the candidate.

   AB 223 introduced in the Assembly and referred to Assembly Committee on Campaigns and Elections on April 10, 2017.

5. *Assembly Bill 257 and Senate Bill 166: Requiring candidates for president or vice president to file tax returns with the Elections Commission.*
   Sponsors: Minority. This bill requires each candidate for president or vice president to submit with his or her declaration of candidacy copies of the candidate's federal tax returns for the three most recent years for which the candidate filed such returns.

   AB 257 introduced in the Assembly and referred to Assembly Committee on Campaigns and Elections on April 20, 2017. SB 166 introduced in the Senate and referred to Senate Committee on Elections and Utilities on April 13, 2017.

6. *Assembly Bill 322 and Senate Bill 229: Authorization for electors to vote in the primary of more than one political party.*

   Sponsors: Minority. This bill permits a voter in a partisan primary to "split tickets," designating the candidate of his or her choice for each office, including the offices of Governor and Lieutenant Governor, regardless of party affiliation. The bill also allows a voter to vote for independent candidates for one or more state offices in a partisan primary, in addition to party candidates for one or more state or county offices. Under the bill, a voter may still vote for only one candidate for each office. The voting procedure at the general and other partisan elections is unaffected by the bill.

   AB 322 referred to Assembly Committee on Campaigns and Elections on May 16, 2017. SB 229 referred to Senate Committee on Elections and Utilities on May 4, 2017.

7. *Assembly Bill 361: Requiring a local referendum to impose a wheel tax.*

   This bill provides that a county or municipal vehicle registration fee, commonly known as a wheel tax, may be imposed only if approved by a majority of electors voting in a referendum at a regularly scheduled election.

   AB 361 referred to Assembly Committee on Ways and Means on June 1, 2017.

8. *Assembly Bill 375: Review and modification of voter registration lists.*

   Sponsors: Minority. This bill eliminates the Elections Commission's responsibility to change the registration status of electors who have not voted within the previous four years from eligible to ineligible under certain circumstances.

   AB 375 referred to Assembly Committee on Campaigns and Elections on June 6, 2017.

9. *Assembly Joint Resolution 2 and Senate Joint Resolution 3: Deleting from the state constitution the Office of State Treasurer.*

   Sponsors: Majority. This constitutional amendment, to be given second consideration by the 2017 legislature for submittal to the voters in April 2018, was first considered by the 2015 legislature in 2015 Assembly Joint Resolution 5, which became 2015 Enrolled Joint Resolution 7. If enrolled on

second consideration, the proposed constitutional amendment would be scheduled for a statewide referendum at the 2018 Spring Election.

AJR 2 was tabled on March 9, 2017. SJR 3 was passed by the Senate on March 7, 2017 and by the Assembly on March 9, 2017. As a result, the proposed constitutional amendment will appear on the ballot as a statewide referendum at the 2018 Spring Election.

10. *Assembly Joint Resolution 7 and Senate Joint Resolution 10: An advisory referendum on legalization of medical marijuana.*

Sponsors: Minority. This joint resolution calls for an advisory referendum on the question of whether Wisconsin should allow for the uses of and safe access to marijuana for medical purposes by individuals with debilitating medical conditions with a written recommendation from a licensed Wisconsin physician. The referendum is to be held at the next general election occurring not sooner than 45 days after adoption of the resolution.

AJR 7 referred to Assembly Committee on Health on February 20, 2017. SJR 10 referred to Committee on Senate Organization on February 15, 2017.

11. *Assembly Joint Resolution 11: To amend section 12 of article VIII of the constitution relating to funding in bills placing requirements on local governmental units (first consideration).*

Sponsors: Majority. This constitutional amendment, proposed to the 2017 legislature on first consideration, prohibits the legislature from passing any bill that places a requirement on a local governmental unit unless the bill contains an appropriation that reimburses the local governmental unit for the full cost of complying with the requirement. The amendment does not prohibit the governor from vetoing an appropriation contained in a bill that creates such a requirement. A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

AJR 11 referred to Assembly Committee on Constitution and Ethics on February 27, 2017.

12. *Assembly Joint Resolution 35 and Senate Joint Resolution 24: Wisconsin legislative resolution to restore free and fair elections in the United States and to apply to Congress for a limited national convention for the exclusive purpose of proposing an amendment to the U.S. Constitution that would restore balance and integrity to our elections.*

Sponsors: Minority. A petition to the U.S. Congress to call a Constitutional Convention to restore balance and integrity to elections by proposing an amendment to the U.S. Constitution that would permanently protect elections in the United States of America by addressing issues raised by the decision of the U.S. Supreme Court in *Citizens United v. Federal Election Commission,* 130 S. Ct. 876 (2010), and in related cases and events.

AJR 35 referred to Assembly Committee on Constitution and Ethics on April 24, 2017. SJR 24 referred to Senate Committee on Elections and Utilities on March 29, 2017.

13. *Assembly Joint Resolution 53 and Senate Joint Resolution 54: An advisory referendum on an amendment to the U.S. Constitution.*

    Sponsors: Minority. This resolution places a question on the November 2018 ballot to ask the people if Congress should propose an amendment to overturn *Citizens United v. F.E.C.*

    AJR 53 introduced and referred to Assembly Committee on Constitution and Ethics on May 22, 2017. SJR 54 introduced and referred to Senate Committee on Financial Services, Constitution, and Federalism on June 2, 2017.

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MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the December 12, 2017 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared and Presented by:
Sharrie Hauge
Chief Administrative Officer

SUBJECT: Operations and Management Policies and Procedures

Annually, the Wisconsin Elections Commission is required to adopt written policies and procedures to govern its internal operations, pursuant to Wis. Stat. s. 5.05 (16) (a). Additionally, management is required to report the policies and procedures to the appropriate standing committees of the Legislature.

Attached for the Commission's review and approval is the Wisconsin Elections Commission (WEC) Internal Control Plan, which describes the agency's internal operations including:

1. Control Environment (Mission Statement, Code of Conduct, Strategic Plans and Organizational Chart, Personnel Policies and Procedures, Position Descriptions and other Functional Guidance Materials Provided to Employees);

2. Risk Assessment (funding sources, system and tools and transaction cycles);

3. Control Activities (performance reviews, physical and electronic controls, information processing;

4. Information & Communication and the Monitoring of the internal control structure.

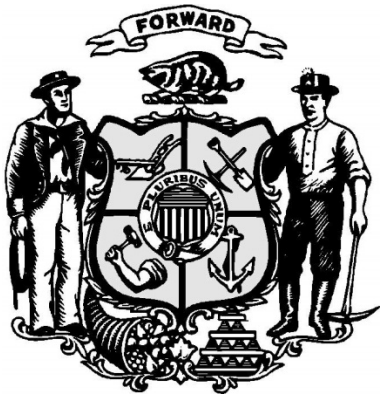
The 2018 Internal Control Plan for WEC is essentially the same as last year's approved Plan, with a few updates which includes the agency organizational chart, position numbers, employee names and classification titles, agency funding sources and the General Records Schedule for Fiscal and Accounting Related Records. The documents identified in the Plan as appendices are not attached due to their volume, but staff can provide them at the request of Commissioners.

Given that the Internal Control Plan does not change significantly from year to year, the Commission may also consider whether it wishes to review and approve it in future years, or direct staff to submit it without Commission review if no significant changes are made from year to year.

Recommended Motion:

Approve WEC Internal Control Plan and authorize staff to submit the Plan to the Chief Clerks of the Senate and Assembly for distribution to the appropriate standing committees.

Wisconsin Elections Commission



Internal Control Plan

Revised: December 1, 2017

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Introduction

The Wisconsin Elections Commission (WEC) has developed the following internal control plan to provide reasonable assurance that all federal and state assets are safeguarded, applicable laws and regulations are followed, and objectives of the Agency are being met.

Control Environment

Mission Statement

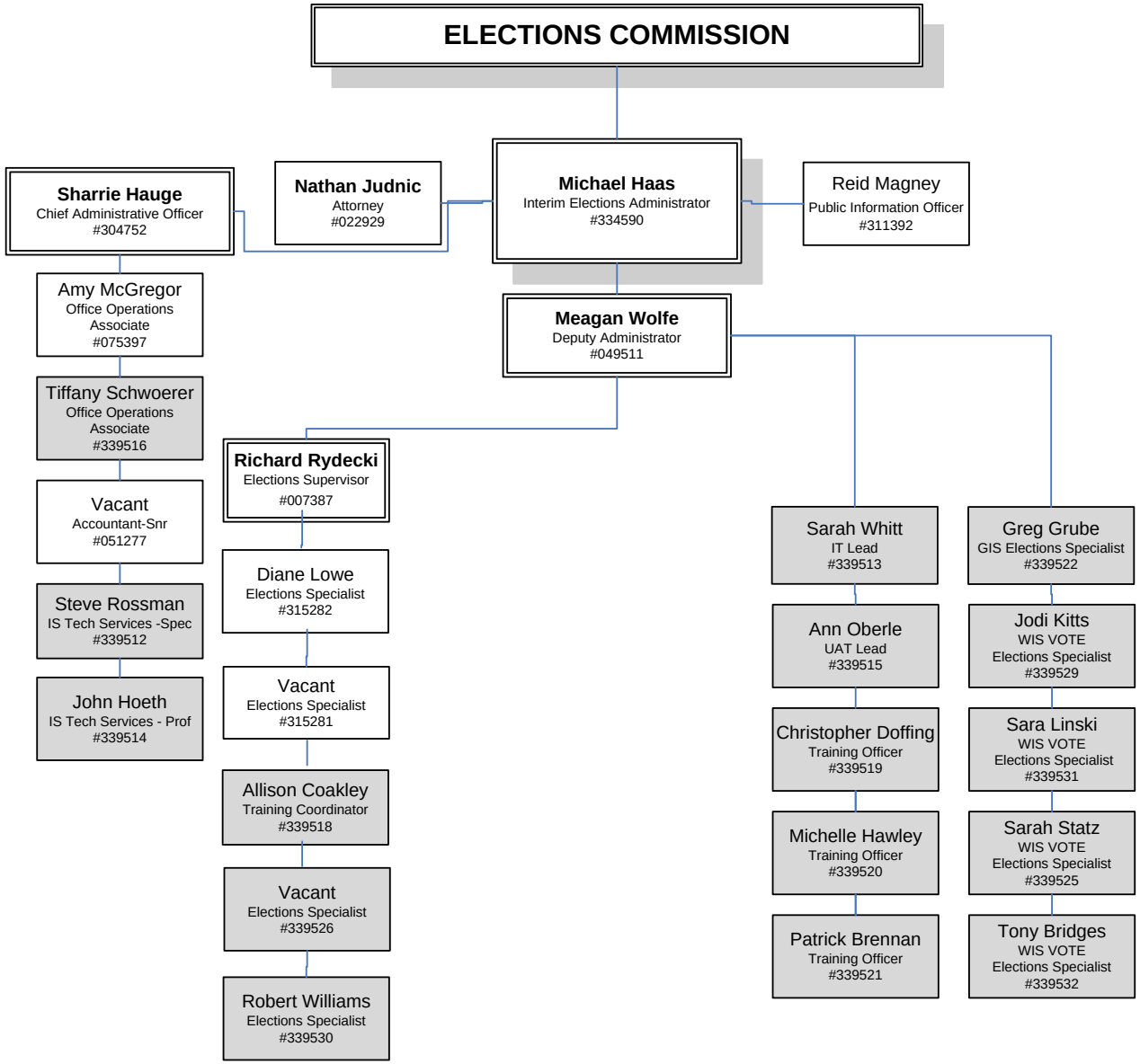
The mission of the Commission is to enhance representative democracy by ensuring the integrity of Wisconsin's electoral process through the administration of Wisconsin's elections laws and the dissemination of information, guidance and services to local election officials, candidates, policymakers, voters and the public, utilizing both staff expertise and technology solutions.

Code of Conduct

All permanent and project Wisconsin Elections Commission staff are required to attend a Department of Administration (DOA) orientation upon appointment. During new hire orientation, staff receive an Employee Handbook (Appendix A) and are required to sign an Acknowledgement of Receipt (Appendix B) which signifies their understanding that they will abide by work rules, code of ethics and other guidelines contained therein. The staff of the Wisconsin Elections Commission are also required by Wis. Stat. § 5.05(4) to be nonpartisan. This quality is instilled in every employee during agency training and is a significant part of the culture at the Wisconsin Elections Commission.

Strategic Plans and Organization Chart

The national Help America Vote Act of 2002 (HAVA) requires each state receiving federal funds to compose an election administration plan, outlining how those funds will be used. In cooperation with local election officials, members of the Legislature, and other citizens, the Government Accountability Board revised its State Election Administration Plan in August, 2009. This 106-page revised plan addressed the election-related goals of the agency for the next five years and details specific initiatives to be researched for potential implementation in the areas of election administration, accessibility, voting equipment, voter registration, voter education and election official training. The state election administration plan also contains a preliminary budget to utilize existing HAVA funds, as well as the available 2008, 2009, and 2010 requirements payments received. Finally, the state election plan also contains preliminary performance goals and provides measurement standards for each element of the plan, a copy of which is available upon request.



Note: Federal Positions

Personnel Policies and Procedures

All permanent and project Wisconsin Elections Commission staff are required to attend a Department of Administration (DOA) orientation upon appointment. During orientation, staff receive a DOA Employee Handbook (Appendix A) and are required to sign an Acknowledgement of Receipt (Appendix B), which signifies their understanding that they will be held to the personnel policies and procedures contained therein.

Position Descriptions

Employee position descriptions are available upon request. Agency management periodically reviews employee position descriptions to ensure they match employee work assignments, and then updates them as necessary. Other than the six Commissioners, there was one limited term employee (LTE) working at the WEC as of December 1, 2017. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Other Functional Guidance Materials Provided to Employees

Procurement Manual
The state procurement manual communicates the required policies and procedures for purchasing commodities and services throughout the state and is available online as part of the VendorNet System. The Wisconsin Procurement Manual is available at:
http://doa.wi.gov/Divisions/Enterprise-Operations/State-Bureau-of-Procurement/Agency-Information/Procurement-Manual/

Purchasing Card User Manual
The DOA Purchasing Card User Manual is a document used by the Wisconsin Elections Commission staff which defines a purchasing card, its proper uses, and associated internal control policies and procedures governing usage by Elections Commission staff members. See first page of Appendix G - Purchasing Cardholders and User Manual for a listing of cardholder names and associated programs/grants. The user manual is issued to staff, if and when it's decided he or she will need to use purchasing cards as part of their job duties. The DOA Purchasing Card Manual is available at:
http://www.doa.state.wi.us/Documents/DEO/Procurement/PCardManual/PCARD%20USER%20MANUAL.pdf

Wisconsin Statutes (Chapters 5 to 10 and 12)
The Wisconsin Elections Commission (WEC) administers and enforces Wisconsin law pertaining to Chapters 5 to 10 and 12. Program staff members are expected to have a high-level working knowledge of their controlling statutes, along with various inter-related statutes which may affect the conduct of elections in the state.

Election Administration Manual
Wisconsin Elections Commission staff developed this manual to serve as a knowledgebase for the various election officials in Wisconsin. It establishes the policies and procedures governing

Wisconsin elections. The Election Administration Manual is available at: http://elections.wi.gov/publications/manuals.

WisVote User Manual
Wisconsin Elections Commission staff developed this manual as a technical resource, to assist My Vote users in the operation and troubleshooting of the application, and is available here: http://elections.wi.gov/publications/manuals/wisvote and at the election training website: http://www.electiontraining.gab.wi.gov/.

Risk Assessment

Risk Assessment
Risk is defined as the level of vulnerability to fraud, abuse, and/or mismanagement. Risk assessment is the identification and analysis of relevant risks to achievement of objectives, forming a basis for determining how the risks should be managed. The WEC assesses risk by considering the events and circumstances which may occur and could adversely affect the WEC's ability to record, process, summarize, and report agency financial information. Management of the risks associated with the use of the WEC's internal control structure provides reasonable assurance that financial processing functions work as intended.

Funding Sources

The Wisconsin Elections Commission's funding comes from several sources:

1. State General Program Revenue (1) (a) - GPR and PR Funds 100

2. Help America Vote Act of 2002 (HAVA) (1) (x) - SEG Fund 220 – Federal funds were provided for all states to make sweeping reforms in the way elections are conducted. All federal funds with a cash balance earn interest monthly. Once the funds are spent, the state must then take over financial responsibility for maintaining HAVA initiatives. Within this Fund 220 Appropriation 1 80, there are, or were, several distinct HAVA-related programs and subprograms (reporting category in parentheses):

    A. Section 101 (H101) – To be spent on the improvement of elections administration, which includes the training and certification of county and municipal clerks on current election laws and procedures.

    B. Section 251 (*251*) – To be spent on the creation of a statewide voter registration system (SVRS) database and to provide for further election enhancements:

        i. Section 251 (2519) – Requirements Payments received from the 2009 federal fiscal year to continue Wisconsin's election administration in accordance with the initial Section 251 requirements.
        ii. Section 251 (2510) – Requirements Payments received from the 2010 federal fiscal year to continue Wisconsin's election administration in accordance with the initial Section 251 requirements.

3. Investigations (1) (be)– GPR Fund 100 - Appropriation 105 funds the cost of investigating potential violations of chs. 5 to 10 and 12, as authorized by the Commission.

4. Training of Chief Inspectors (1) (bm) - GPR Fund 100 – Appropriation 106 for training chief inspectors under s. 7.31.

5. Special Counsel (1) (br) – GPR Fund 100 – Appropriation 107 for the compensation of special counsel appointed as provided in s.5.05 (2m) (c) 6.

6. Voter ID Training (1) (c) – GPR Fund 100 - Appropriation 109 funds training of county and municipal clerks concerning voter identification requirements provided in 2011 Act 23.

7. Election Administration Transfer (1) (d)– GPR Fund 100 – Appropriation 110 to meet federal requirements for the conduct of federal elections under P.L. 107-252, to be transferred to the appropriation account under par. (t).

8. Elections Administration (1) (e) – GPR Fund 100 – Appropriation 111 for the administration of chs. 5 to 10 and 12.

9. Recount Fees (1) (g)– PR Fund 100 Appropriation 120 – Revenue from candidates requesting a recount of ballots cast in an election.

10. Materials and Services (1) (h)– PR Fund 100 Appropriation 121 – Revenue from the sale of copies, forms, and manuals to individuals and organizations.

11. Gifts and Grants Fund (1) (jm)– PR Fund 100 Appropriation 123 – Account to receive funds from gifts, grants or bequests.

12. Federal Aid Account (1) (m) – PR-F Fund 100 Appropriation 140 – Account to receive funds from the federal government to administer elections, but not associated with HAVA funds.

13. Election Administration (1) (t) – SEG Fund 220 Appropriation 160 – From the election administration fund, the amounts in the schedule to meet federal requirements for the conduct of federal elections under P.L. 107-252. All moneys transferred from the appropriation account under par. (d) shall be credited to this appropriation account.

14. HAVA Interest Income Earnings - Fund 220 Appropriation 180 R – Monthly interest income earned on Fund 220 cash balances, which is properly allocated to each respective federal program by reporting category on a monthly basis.

Systems and Tools

STAR

The Wisconsin Elections Commission (WEC) staff enters financial transactions into STAR (the state's accounting program). WEC uses a three-level line of approval, including an internal audit, before final payment is approved. Some staff may at times have multiple approval settings because of our agency's small size; however, they do not apply more than one approval for any given transaction.

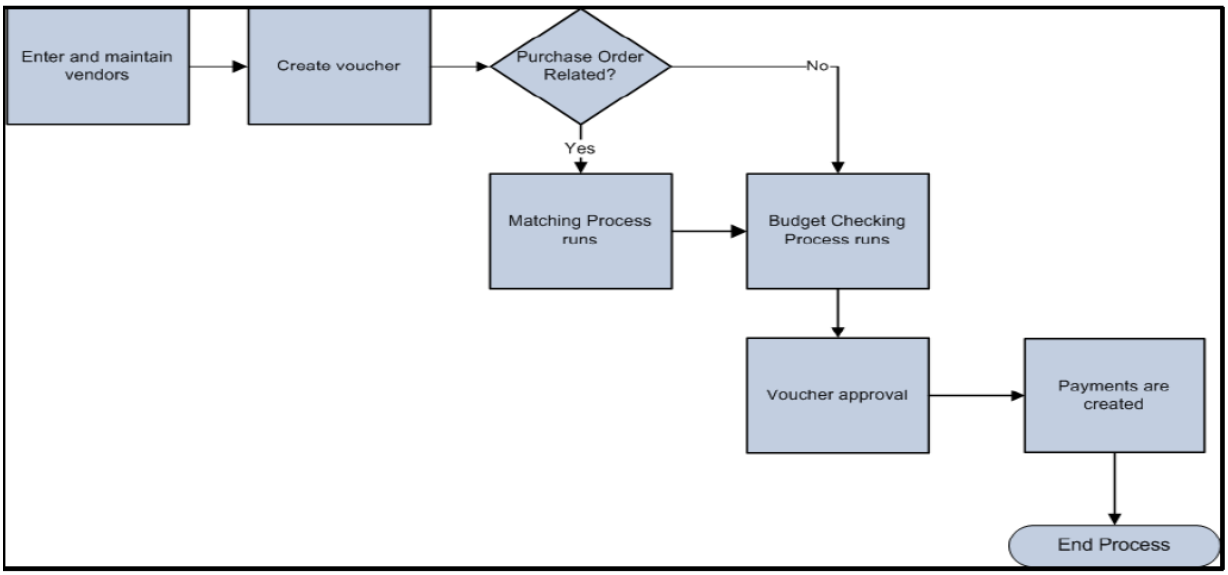
The STAR Payment Process is as follows:

: General Voucher Processing

STAR PROJECT

Accounts Payable End-to-End Process

The Accounts Payable End-to-End process is as follows:



STAR Security Access is Set up as Follows:

Staff involved:
Accountant: currently Vacant
Chief Financial Officer: currently Sharrie Hauge
Office Operations Associates: currently Tiffany Schwoerer and Amy McGregor
Elections Specialist (former Office Associate): currently Tony Bridges

Within STAR Finance Role Mapping (see section Finance Role Map); roles have been assigned to staff to process or approve vouchers. Roles are approved and granted by the Wisconsin Department of Administration, STAR Security Team.

Some staff, such as the Accountant, may Process OR Approve, but may not Approve a Voucher they Processed.

STAR security levels for payments are set up as follows:

Staff	Security / Approval Levels
Office Operations Associate Accountant Elections Specialist	Processor
Accountant	Approve a voucher for Payment (if not also the processor on voucher)
Chief Financial Officer	Approve a voucher for Payment (may not Process any vouchers)

VendorNet

VendorNet is Wisconsin's electronic purchasing information system. VendorNet provides easy access to a wide variety of information of interest to vendors who wish to provide goods and services to the state, as well as state agencies and municipalities. Bidding and the time required to identify new vendors is minimized, while vendors are automatically notified of opportunities in their area of interest. VendorNet allows WEC staff to post bids and requests for services. VendorNet is also the source for mandatory contracts.

General information on how to do business with the state, along with names, addresses and telephone numbers of state agency procurement staff, and a summary of what the state buys and how much it spends is included within VendorNet. In addition, information on certified work centers, minority business enterprises, recycling, and affirmative action programs is available. VendorNet is available at: https://vendornet.wi.gov/

VendorNet security access is set up as follows:

Staff involved:
Office Operations Associate
Accountant
Chief Financial Officer

Staff	Security / Approval Level(s)
Office Operations Associates Accountant Chief Financial Officer	Ability to access all functions of VendorNet

STAR HCM (Payroll Time & Attendance)

STAR HCM is an online system in which employees report all time worked and/or leave time used for each bi-weekly pay period. Supervisors and managers then review and approve all time worked and leave time reported via administrative access to the system. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Federal Time Reporting

Timesheets are completed by all WEC employees who are either funded by federal grant money or work on federal projects. Timesheets are used to track hours spent on various federal grant projects and on non-federal tasks. These timesheets report each respective federal fund and the time period for which the employee is certifying he or she worked. Any employees who are split-funded between multiple funding sources must fill out a bi-weekly federal timesheet and indicate the actual hours worked on each assigned projects. These employees submit completed timesheet certifications at the end of each bi-weekly pay period. Timesheets are then reviewed by supervisors and a financial staff person. Adjusting payroll journal entries are calculated and posted quarterly, to account for the actual time worked by project when compared to each employee's funding string. Original timesheets for all employees are maintained by the financial staff. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Transaction Cycles

Purchasing Approval

Explanation: A good or service must go through a series of steps before it can be approved for purchase.

Risks:

- Unauthorized purchases.
- Purchasing items without sufficient approvals or authority.
- Approvals being applied on incorrect information.
- Purchases approved which violate state procurement policies and procedures.

See Appendix D-1 for the Purchasing Approval flowchart.

Accounts Payable

Explanation: Payment for purchase of goods or services and/or pre-approved credit issued by vendors when goods or services are purchased.

Risks:

- Paying a bill or invoice for which goods or services were never received nor rendered.
- An invoice is misplaced or lost before financial staff receives it.
- Delay in reconciling financial statements may allow incorrect payments to go unnoticed.

See Appendix D-2 for the Accounts Payable flowchart.

Cash Disbursements (Grants)

Explanation: Providing financial assistance to eligible recipients in accordance with terms of a grant agreement.

Risks:

- Recipient uses monies awarded for goods or services outside the scope of the grant terms and conditions.
- Recipient falsifies information on grant application.
- Recipient does not send back proof of proper expenditures when awarded a non-reimbursable grant.

See Appendix D-3 for the Cash Disbursements (Grants) flowchart.

Accounts Receivable & Cash Receipts

Explanation: Transactions for the billing of goods or services provided to customers, and the receipt of cash, checks, &/or ACH transfers for licenses and/or fees.

Risks:

- A staff person receives a check or cash, and fraudulently deposits it into a personal bank account unbeknownst to management.
- NSF check is returned by bank.
- Customers are billed incorrectly.

See Appendix D-4 for the Accounts Receivable & Cash Receipts flowchart.

General Services Billing

Explanation: Reviewing and paying a general services billing (GSB) invoiced by the Department of Administration (DOA) when the Wisconsin Elections Commission uses DOA's resources or support on a monthly basis.

Risks:

- Financial staff fails to recognize an incorrect amount billed and it is paid.
- Billing errors are not immediately requested in writing; DOA does not give credit on the GSB, but will subsequently issue a paper refund check for any overbillings.
- Paying the bill for goods and services which were not rendered.

See Appendix D-5 for the General Services Billing flowchart.

Payroll

Explanation: The process of reviewing, approving, and paying for employee wages and recording the expense, along with reconciling federal & state withholdings & remittances.

Risks:

- Payments made to employees out of incorrect funding streams are not adjusted after the fact.
- Cash payments are made to employees for overtime hours worked, instead of compensatory time being earned, unless certain projects are pre-authorized for cash overtime to be paid out.
- Federal or state required withholdings are not timely withheld or remitted.

See Appendix C – Position Numbers, Employee Names, and Classification Titles, along with Appendix D-6 for the Payroll flowchart.

Travel Reimbursement for Employees

Explanation: Employees request reimbursement for travel expenses incurred while traveling on official State business, which are processed by the WEC financial staff and then reimbursed through the bi-weekly payroll system.

Risks:

- Employees fill out reimbursement forms incorrectly.
- Employees fail to follow State travel policies and procedures.
- Employees fail to submit all required paperwork to process reimbursement.
- Employees are taxed on reimbursements when they should not have been, or vice versa.

See Appendix C – Position Numbers, Employee Names, and Classification Titles, along with Appendix D-7 for the Travel Reimbursement for Employees flowchart.

Travel Reimbursement for Non-employees

Explanation: Non-employees working indirectly for the WEC may request reimbursement for travel expenses incurred while working on official State business and for the benefit of the WEC.

Risks:

- The non-employee receives invalid reimbursement from the state and/or municipality.
- The non-employee falsifies their travel costs.
- The non-employee receives duplicate reimbursements for the same travel costs.
- The non-employee is reimbursed for travel costs which are not in accordance with state guidelines.

See Appendix D-8 for the Travel Reimbursement for Non-employees flowchart.

Federal Project Timesheets & Payroll Adjusting Entry

Explanation: WEC employees working on multiple projects which include a federal grant are required to fill out federal project bi-weekly timesheets, to account for time spent on each project or grant and to maintain compliance with federal cost principles. WEC financial staff review federal project timesheets and adjust payroll cost quarterly, according to the projects which the employee worked on during those bi-weekly payrolls.

Risks:

- Employee does not fill out timesheets to account for time spent on federal and/or non-federal projects.
- Employee leaves the agency without completing a timesheet to account for time spent on federal and/or non-federal projects.
- Financial staff does not make quarterly accounting adjustments to federal funds for actual time worked on federal and/or non-federal projects.
- Employee completes the timesheet incorrectly, or is unable to account for time worked on federal projects.
- Employee or supervisor does not certify time worked, thereby disallowing federal labor costs.

See Appendix C – Position Numbers, Employee Names, and Classification Titles, along with Appendix D-9 for the Federal Project Timesheets & Payroll Adjusting Entry flowchart.

Recount for State Office

Explanation: Wisconsin statutes require the collection of fees from recount petitioners in certain situations. For State offices, the WEC is the filing officer and collects the filing fee from petitioners, if required. Wisconsin statutes require any fees collected to be distributed to the counties conducting the recount for the State office.

Risks:

- WEC election administration staff incorrectly calculates, or does not collect, the fee payable from the recount petitioner.
- Fees collected are not timely distributed to the proper county.

See Appendix D-10 for the Recount for State Office flowchart.

Control Activities

Control activities are the policies and procedures in place at the WEC which help ensure that necessary actions are taken to address risks identified to achieve our objectives. Relevant control activities in place at the WEC include:

Performance Reviews

Employees are to be formally evaluated on their work performance each year, based upon pre-established work standards reflecting their position description. These standards serve as the basis for ongoing communication between a supervisor and the employee throughout the year. A copy of all formal evaluations is maintained in the employee's official personnel file. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Physical and Electronic Controls

Control activities in this area are divided into two main categories: physical controls and electronic controls. These activities encompass the security of WEC assets including adequate safeguards over access to assets and secured areas, authorization for access to computer programs and data files, and periodic comparisons with amounts shown on control records.

Physical Controls

- All WEC staff members are issued a photo ID card. See Appendix A - DOA Employee Handbook: Access Cards, Keys, and ID Cards Section.
- The WEC office is open to staff and to the public from 7:45am to 4:30pm weekdays. Staff may receive authorization for cards to access WEC offices outside these normal business hours from the Administrator (or designee) on an as-needed basis. See also Appendix F – Building Access Card Agreement.
- During office hours, WEC staff provides physical security and oversight of agency assets & resources.
- The WEC maintains secured storage areas for confidential records, such as locked file cabinets, secure safes, and a locked storage room for records and supplies outside the staff office.
- WEC adheres to the General Records Schedule for Fiscal and Accounting Related Records, as promulgated by the Wisconsin Department of Administration. See Appendix E - General Records Schedule for Fiscal and Accounting Related Records.
- Confidential records which aren't required to be retained are boxed and sealed for shipment to the State Records Center, to be destroyed in a confidential shredding process.

Electronic Controls

- Each WEC employee is assigned system logon credentials by the Department of Administration required to access state computer systems.
- Employee passwords for many state systems must be reset every 60 days.
- Users of the Statewide Voter Registration System (SVRS) /My Vote System must sign a confidentiality agreement and have their workstation certified before access to the system is granted.

Information Processing

Purchasing

Control activities are displayed in Appendix D-1 -- Purchasing Approval Flowchart

- Segregation of Duties:
  - Authorization: Purchases of goods and services are authorized by WEC supervisors. Staff in charge of compliance determines if a purchase is allowable and necessary.
  - Recordkeeping: Financial staff compiles and reviews information for approval. Purchasing paperwork is retained for future reference.
  - Custody: WEC staff other than the approver and program staff initiate the purchase in STAR.
- Purchasing is separate from either receiving goods or disbursing cash (unless a purchasing card is used).

Purchasing Card

Control activities are displayed in Appendix G -- Purchasing Card User Manual

- Segregation of Duties:
  - Authorization: Purchase of goods is authorized by WEC supervisors. Staff in charge of compliance determines if a purchase is allowable and necessary.
  - Recordkeeping: Financial staff compiles and reviews information for approval. Purchasing paperwork is retained for future reference.
  - Custody: Purchasing cardholder initiates the purchase either online, or by phone, or in person.

Accounts Payable

Control activities are displayed in Appendix D-2 -- Accounts Payable Flowchart

- Segregation of Duties:
  - Authorization: Review and approval of invoices and vouchers for completeness of supporting documents and proper authorizations is conducted.
  - Recordkeeping: Review and reconciling of payment information is performed on a monthly basis. Invoices and vouchers are retained by the financial staff.
  - Custody: Department of Administration generates paper checks or ACH transactions.
- The purchasing form, bill of lading, receiving report, purchase order, and/or requisition are matched prior to payment.

Cash Disbursements (Grants)

Control activities are displayed in Appendix D-3 -- Cash Disbursements (Grants) Flowchart

- Segregation of Duties:
  - Authorization: Supervisors review and approve disbursements as allowable and necessary.
  - Recordkeeping: Reviewing and reconciling payment information is performed on a monthly basis.

- Custody: DOA generates and mails out paper checks.
- The purchasing form, bill of lading, receiving report, purchase order, and/or requisition are matched prior to payment.

Accounts Receivable & Cash Receipts

Control activities are displayed in Appendix D-4 -- Accounts Receivable & Cash Receipts Flowchart

- Segregation of Duties:
  - Authorization: The deposit approval for cash and paper checks is initiated by the WEC office and final approval is applied by DOA. E-pay electronic ACH deposits are processed by U.S. Bank and approved by DOA in STAR, without any intervention by WEC staff.
  - Recordkeeping: Deposit information is entered into the STAR accounting system and tracked internally.. A processor records the deposit, which is then approved by the accountant in STAR. An internal audit is conducted by the Chief Financial Officer.
  - Custody: Currency and coin are directly deposited at U.S. Bank, while paper check deposits are hand-delivered to the DOA drop box, who then deposits and posts these checks to the agency's cash ledger account. Only U.S. Bank has custody of e-payment ACH electronic deposits.
  - NSF checks returned by the bank are recorded, investigated, and secondary payment is requested by WEC staff.

General Services Billing

Control activities are displayed in Appendix D-5 -- General Services Billing Flowchart

- Segregation of Duties:
  - Authorization: GSB charges are verified against fleet approval forms & mileage rates, printing & mailing information, and/or other supporting documentation, to confirm the agency services were approved.
  - Recordkeeping: Transaction information is automatically loaded into the STAR accounting system, tracked internally, and reconciled monthly to internal accounting files.
  - Custody: The individuals confirming services were rendered are separate from the individuals receiving the benefits of the services.

Payroll

Control activities are displayed in Appendix D-6 -- Payroll Flowchart

- Segregation of Duties:
  - Authorization: Management reviews and approves work hours recorded by staff.
  - Recordkeeping: Staff records hours into STAR. Supervisors approve hours and send hours to the DOA payroll office electronically. Financial staff records payroll from the STAR transaction, initiated by DOA after management approval.
  - Custody: Payroll checks are generated at DOA and directly deposited into the employee's bank account. Pay stubs are no longer distributed.

- Each bi-weekly payroll register is reviewed by a financial staff member, separate from the manager who requests employee payroll funding additions, changes, and deletions. See also Appendix C – Position Numbers, Employee Names, and Classification Titles.

Travel Reimbursement for Employees

Control activities are displayed in Appendix D-7 – Travel Reimbursement for Employees Flowchart

- Segregation of Duties:
  - Authorization: Supervisors review and approve employee travel reimbursement requests.
  - Recordkeeping: Travel reimbursements for costs incurred by staff are submitted by staff and then reviewed by financial staff for accuracy and completeness.
  - Custody: Travel expenses incurred by agency employees are processed by a financial staff member. Travel reimbursements are completed by DOA staff and added to an employee's paycheck. Financial staff members file and retain reimbursement requests and supporting documentation.
- All travel costs incurred by the agency and travel reimbursements are reviewed by more than one individual, to ensure that these costs are allowable and in accordance with State travel policies and procedures. See also Appendix C – Position Numbers, Employee Names, and Classification Titles.

Travel Reimbursement for Non-Employees

Control activities are displayed in Appendix D-8 – Travel Reimbursement for Non-Employees Flowchart

- Segregation of Duties:
  - Authorization: Supervisors review and approve non-employee travel reimbursement requests.
  - Recordkeeping: Travel reimbursements for costs incurred by non-employee individuals are submitted by the non-employee and reviewed by financial staff for accurate and complete documentation. If the information does not comply with applicable policies and guidelines, the staff notifies the non-employee and attempts to resolve the issue.
  - Custody: Travel expenses incurred by non-employees are processed by a financial staff member and related reimbursement checks are generated by DOA.
- All travel costs incurred by the agency and travel reimbursements are reviewed by more than one individual, to ensure that these costs are allowable and in accordance with State travel policies and procedures.

Federal Project Bi-Weekly Timesheets

Control activities are displayed in Appendix D-9 -- Federal Project Timesheets Flowchart –

- Segregation of Duties:
  - Authorization: Supervisors review and certify (sign) employee timesheets on a bi-weekly basis.
  - Recordkeeping: Timesheets are reviewed on a daily basis and any non-compliance is communicated to management each morning. A quarterly adjustment is calculated and booked, to true up the actual federal hours worked by project for each employee.
  - Custody: After an employee's timesheet has been submitted by the employee and certified by the supervisor, it is given to the financial staff for recording and filing.

  See also Appendix C – Position Numbers, Employee Names, and Classification Titles.

Recount for State Office

Control activities are displayed in Appendix D-10 -- Recount for State Office Flowchart

- Segregation of Duties:
  - Authorization: WEC Election Administration staff determines whether a fee is required, depending upon the closeness of each political race. Payment to counties for the cost of a recount is authorized by multiple financial team members and by DOA.
  - Recordkeeping: Financial staff maintains original payment documentation, along with a breakdown of counties which qualify for payment.
  - Custody: Financial staff maintains documentation on payment and authorizes DOA to make payments.

Information & Communication

Information

STAR – State Transforming Agency Resources (STAR) Accounting and Reporting Tool

STAR is an enterprise-wide system designed to provide better consistency among state agencies, as well as modernization of the State's IT Infrastructure. The comprehensive system allows the state to manage its finance, budget, procurement, business intelligence and human resources functions.

The first release began in July 2015 and was completed in October 2015, with the implementation of Finance and Procurement functionality. The second release began in December 2015 with the implementation of Human Capital Management (HCM) functionality for administrative and self-service users. All state agencies must process their accounting transactions through this system, as it is used to produce the statewide fiscal year financial statements. All financial transactions are entered into STAR.

Strengths:

- Processes and contains all of the agency's financial transactions and information.
- Monitored by the Department of Administration.
- Extensive manuals and a telephone helpline are available for technical assistance.
- Uses multi-level approval settings for segregation of financial staff duties while processing transactions.
- Multiple tables organize information on a fiscal year and calendar year basis.

Weaknesses:

- Difficult to learn new functionality.
- Not user-friendly; difficult to understand input screens which pose a risk of user error.
- Difficult to access old transactions electronically.

Tasks to Minimize Weaknesses, Changes, or Improvements:

- Rely on STAR Support and/or State Controller's Office for technical assistance.
- Checks and balances through the use of multiple reviewers and approval layers.

VendorNet

VendorNet is Wisconsin's electronic purchasing information system. VendorNet provides easy access to a wide variety of information of interest to vendors who wish to provide goods and services to the state as well as state agencies and municipalities. Bidding and the time required to identify new vendors is minimized while vendors are automatically notified of opportunities in their area of interest. VendorNet allows WEC staff to post bids and requests for services. VendorNet is also the source for mandatory contracts.

Strengths:

- When properly used, VendorNet ensures state purchasing rules are followed.

- Clearinghouse of purchasing information.
- Updated frequently and immediately, as changes to contracts are made.

Weaknesses:
- Information can sometimes be difficult to locate.
- Information can sometimes be difficult to understand and interpret.

Tasks to Minimize Weaknesses, Changes, or Improvements:
- Training classes by DOA.
- Use DOA support and technical assistance when necessary.

Communication

This process involves providing an understanding to staff about their individual roles and responsibilities as they pertain to the internal control plan. Communication can be written, verbal, or through the actions of management and other personnel. Not only is communication essential within the agency, but also with external sources.

The following are methods used for communicating the roles, responsibilities, and significant matters relating to the internal controls plan within the agency:
- Financial Staff are given an internal control plan for review when starting employment.
- Staff and Elections Division meetings.
- Training sessions.
- Memorandums.
- Management ensures the internal control plan is followed.
- Emails.

The following are methods used for communicating the issues, resolutions, and significant matters relating to the internal controls plan outside the agency:
- When communicating with clerks, the agency follows a communication protocol of procedures and policies before sending information to a group of customers.
- Public Information Officer reviews communications prior to sending out.
- When working with vendors on significant procurements or with auditors, the agency uses a single point of contact for all communications.

Monitoring

Monitoring is a process by which the WEC assesses the performance quality of the internal control structure over time. WEC management regularly monitors, audits, and reconciles the processes in place, to maintain sound internal controls for the agency. Monitoring of the internal control plan provides the WEC with reasonable assurance that control objectives are being met.

Monitoring Plan:
Management will periodically assess the performance quality of the internal control plan, focusing on the design and operation of the controls to ensure they are operating as intended. If corrective action is necessary, it will be in a timely manner. Establishing and maintaining internal control is the responsibility of management. The monitoring process will include steps such as:

1. Consistent and ongoing monitoring activities, built into both regular and commonly-recurring activities.
2. Occasional internal audits of the strengths and weaknesses of internal controls.
3. Evaluation of communications from entities outside the agency.
4. Focus on evaluation of the quality and performance of internal controls.

Procedures for responding to findings and recommendations reported by auditors:

1. In a timely manner, management will perform an evaluation of the findings and recommendations.
2. Management will develop a proper response to resolve the concerns.
3. The response will be direct to the findings and recommendations.
4. The response will be clear and concise.
5. Any specific or unique positions will be addressed and identified.
6. If action is necessary for implementation of the response, a timeline will be produced with reasonable deadlines for implementation.

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MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the December 12, 2017 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Interim Administrator

Prepared by:
Elections Commission Staff

SUBJECT: Commission Staff Update

Since the last Elections Commission Update (September 26, 2017), staff of the Commission has focused on the following tasks:

1. General Activities of Election Administration Staff

2018 Scheduled Elections

Election Administration staff has been focusing on the upcoming election year. There will be four scheduled elections: The Spring Primary and Spring Election and the Partisan Primary and General Election. Offices to be elected in the spring include Justice of the Supreme Court, Court of Appeals, Districts I and IV, and 53 Circuit Courts in various counties

Beginning mid-October, inquires with respect to offices up for elections, candidacy and nomination paper format have increased steadily. EA staff is currently reviewing nomination paper formats for the spring election.

The Type A Notice for the Spring Election was transmitted to county clerks on October 20, 2017. The notice was amended twice due to notification of vacancies in Columbia County Circuit Court Judge, District 3 and Price County Circuit Court Judge, received after October 20th.

The nomination paper circulation period for spring candidates began on December 1, 2017. As of the writing of this memo, no nomination papers have been filed with the WEC.

Special Partisan Elections

Vacancies in three legislative offices will be filled by special election on January 16, 2018. Governor Walker ordered a Special Election for Assembly District 58, Assembly District 66 and Senate District

10, on November 1, November 7 and November 10th, respectively. The vacancy in Assembly 58 was caused by the death of the Honorable Bob Gannon. The special election in Assembly 66 was ordered in anticipation of the January resignation of the Honorable Cory Mason, who will assume the duties of the office of Mayor of the City Racine. The vacancy in Senate 10 was caused by the resignation of the Honorable Sheila Harsdorf.

Staff reviewed nomination paper formats for candidates for the special elections and tracked submission of ballot access documents. Nomination papers were due at 5 p.m. on November 21, 2017. All three offices will require a primary to be conducted on December 19th. The following is a statistical analysis of the candidate filings for the special elections.

Office	Candidates Registered	Filed Nomination Papers	Approved for Primary Ballot	Denied
Assembly 58	6	5	5	1
Assembly 66	2	2	2	0
Senate 10	7	6	6	1

No challenges were filed against any candidates. Primary candidates were certified on November 24, 2017.

Staff prepared ballot templates for the special elections, and proactively prepared ballot templates for the spring and fall elections.

2. Badger Voters

A new version of the Badger Voters website went live on November 29, following delays related to the payment processing functionality. The new site, https://badgervoters.wi.gov, addresses many of the issues that users and staff had identified with the old site. It is more intuitive to use, provides a wider variety of standard reports and generates those reports much faster. Importantly, it also improves the administration side of the website. User accounts are now managed internally, instead of by the Department of Administration, which allows Commission staff to provide better customer service, including self-service password resets. The new site is also replicated in development and test environments, which will make future changes easier to implement and improve site stability. Much more of the system is now handled by automated systems, reducing the workload for staff and improving the quality of reports. Finally, the new system addresses some minor security issues with

the previous system. Staff expects these changes to increase revenue and reduce costs, while providing better quality of service to users.

The following statistics summarize voter data requests as of September 18, 2017.

Fiscal Year	Total Number of Requests	Requested Files Purchased	Percentage of Requests Purchased	Total Revenue
FY2018 to date	52	25	48%	$21,190.00
FY2017	643	368	57%	$234,537.35
FY2016	789	435	55%	$235,820.00
FY2015	679	418	61.56%	$242,801.25
FY2014	371	249	67.12%	$125,921.25
FY2013	356	259	72.75%	$254,840.00
FY2012	428	354	78.04%	$127,835.00

3. WEDCS

Commission staff continues to monitor municipal and county clerk compliance with EDR reporting requirements following the 2017 Spring Primary and Spring Election.

There have been no elections requiring new reporting of EL-190 reports since the previous commission meeting in September.

The Election Day Registration (EDR) Postcard Statistics initial report for the 2017 Spring Primary was posted to the Elections Commission website on May 26, 2017, prior to the statutory deadline of May 29, 2017. As of November 17, 2017, eight municipalities have not yet submitted a complete EDR Postcard Statistics Report. By statute this report is to be updated monthly until there is a full accounting of all EDR postcards for the Spring Primary. Staff continues to follow up with clerks to obtain the outstanding reports.

The Election Day Registration Postcard Statistics initial report for the 2017 Spring Election was posted to the Elections Commission website by the statutory deadline of July 10, 2017. As of November 17, 2017, four municipalities have not yet submitted a complete EDR Postcard Statistics Report for the 2017 Spring Election. By statute this report is to be updated monthly until there is a full accounting of all EDR postcards for the Spring Primary. Staff continues to follow up with clerks to obtain the outstanding reports.

The WEDCS modernization project continues with Commission staff completing the WisVote design elements; the project is now awaiting development resources to program the underlying entities. Staff anticipates the new WEDCS process will be available for UAT testing in early to mid-January with an anticipated launch date of late January, in time for use with the 2018 Spring Primary.

As part of the migration process, Commission staff will use a combination of the existing WEDCS entity and the new WisVote integration to handle reporting for the upcoming Special Elections in Senate District 10 and Assembly Districts 58 & 66. The EL-190NF for both the primaries and

elections will be posted to the existing WEDCS entity as the elections approach. Municipalities will not be required to file their EDR postcard reports in the existing WEDCS entity; municipalities will instead report this information in WisVote. The extended timelines on EDR postcard reporting allow waiting for the completion of the WEDCS modernization project and will allow Commission staff to avoid delaying deactivation of the current WEDCS entity until late 2018.

4. Education/Training/Outreach/Technical Assistance

Commission staff trained and certified six qualified and experienced county and municipal clerks to conduct Baseline Chief Inspector training locally. The day-long class was held in the Commission Board Room on October 12, 2017 and covered the Election Day duties of chief inspectors. Staff also led an electronic poll book discussion and reviewed the chief inspector self-evaluation required by the Legislature. In November, all currently-certified clerk-trainers were surveyed for topic and procedure review suggestions for recertification training for the 2018-2019 term. The training was conducted via a live webinar on December 7, 2017 and posted to the Commission website for clerks to use at their convenience.

Commission staff finalized the recording and editing of the Municipal Clerk Core training presentation and has made it available to clerks in the WisVote Learning Center. Each of the 16 segments of the presentation were recorded on video and include a self-evaluation for clerks to gauge their comprehension of a particular topic or subject matter.

Commission staff teams traveled to a wide variety of locations in October, November and December to attend Wisconsin Municipal Clerk District meetings and the Wisconsin Towns Association Convention. The teams presented clerks with legislative updates, the status of current projects, WisVote system developments, voting equipment information, training requirements to close out the current terms for municipal clerks and chief inspectors, and new training opportunities. The number of clerks attending the meetings ranged from 20 for the WMCA District 8 meeting in Rhinelander to 250 town clerks in attendance for the WTA Convention in Stevens Point.

Commission staff also has begun development and release of a series of mini-webinars designed to provide WisVote users with a basic and standard level of IT security training. The first of these webinars, Securing WisVote – The Basics, was released on October 25, 2017.

Commission staff is currently working on three more webinars covering Phishing, Password Security and Browser Security; a fourth webinar covering personal computer security is also planned. The webinars will be released in the coming months with the intention of having all modules available before the 2018 Spring Primary. Once the initial series has been completed, they will be made part of a WisVote training module that new WisVote users will be required to complete prior to receiving a WisVote user ID and password. Commission staff will also consider adding additional security topics if it is determined they are needed.

Each of the webinars will also include links to state and federal resources to find additional information on IT security.

Following this memorandum as Attachment 1 is a summary of information regarding core and special election administration training recently conducted by WEC staff.

5. Elections Security

WEC staff continues to prioritize the implementation of the 2018 Elections Security Plan. At the November Commission meeting, WEC staff presented the first draft of the Preparations and Planning section of the report. Since, then WEC staff has held meetings with security partners at the U.S. Department of Homeland Security (DHS) as well as The State of Wisconsin Division of Enterprise Technology (DET) to continue work on the Response and Communications sections of the report.

Specifically, WEC staff has been working with DHS and DET to schedule election system assessments on agency technology. On November 29, WEC staff held a phone call with the Technical Services Division of DHS to discuss scheduling services available through DHS. As outlined in the Wisconsin Elections Security Planning-2018 document presented to the Commission at the November meeting, DHS has suggested that WEC utilize the following services: Cyber Resilience Review, External Dependency Management Assessment, Cyber Infrastructure Survey and a Risk Vulnerability Assessment. These services will analyze WEC elections applications as well as the server structure hosted by DET to identify vulnerabilities and make recommendations for improvements. These additional services are being scheduled, in coordination with DET, for 2018 in advance of the November 2018 General Election. The WEC also updated the specification for ongoing National Cybersecurity Assessment & Technical Services (NCATS) scans through DHS. The WEC has utilized NCATS scans since 2016.

WEC staff also hosted a series of meetings with representatives of the Belfer Center, which is affiliated with Harvard University's Kennedy School of Government, on December 6, 2017. The Belfer Center team is visiting elections agencies in several states to discuss security of election systems, with the end goal of producing a "playbook" of security recommendations that are tailored to groups of states which have common characteristics (e.g., Election Day registration, online registration, voting methods, Election Night reporting, etc.). The sessions included presentations by staff of the Elections Commission as well as the Division of Enterprise Technology and several municipal and county clerks.

6. **E-Poll Books**

Staff traveled to Green Bay, Waukesha, and Eau Claire in October to gather feedback on the e-poll book prototype. Staff met with around 30 clerks and poll workers across the state to present and gather usability feedback on three Election Day processes to be built in the e-poll book. Staff had previously completed four rounds of prototype refinement. Many found the interface to be easy to use and appreciated the narrow scope of functionality for the initial roll out. After adjustments were made according to clerk and poll worker feedback, staff delivered the prototype and application requirements document to the agency development team. The prototype is currently under development.

Additionally, staff presented the final prototype via Webinar on October 31 to clerks who were unable to attend a feedback session in person. Clerks were provided with a Survey Monkey option to provide feedback.

Staff has also been working with PDS to create several hardware packages to provide to clerks who will implement e-poll books in 2018 and beyond. Feedback from WMCA meetings indicates that clerks are asking for specific guidance on e-poll book hardware. Packages are being developed to provide clerks with specific device options that staff are vetting and evaluating for their security and usability features. Devices currently include a point of sale product to run the software, a scanner, router, secure USB sticks, carrying case, etc. Staff continues to work with PDS to determine the right configuration, an appropriate price point, and potential ongoing support services.

In November, staff reviewed characteristics of municipalities which have volunteered to participate in the e-poll book pilot in February and April of 2018. To reach a variety of voters and municipalities, six polling places were chosen in six counties to pilot the e-poll book. Staff decided on these locations based on how they fit into different profiles for testing purposes. Two locations were chosen for their propensity for Election Day Registrations which will allow a focused look on how the e-poll book registration functionality performs. Two more locations were chosen for their size and rural locations. Finally, another two polling locations were chosen as "stress test" locations for their high populations and number of registered voters, which will help evaluate the speed and efficiency of the check-in process as designed. Devices for pilot use will be provided at no cost to the municipalities at this time. Clerks for the chosen municipalities were notified in the last week of November.

7. **Accessibility**

In October, WisVote Specialist Sara Linski took over Accessibility responsibilities from Richard Rydecki as Richard has moved into the Elections Supervisor role. Commission staff is scheduled to hold the Fall Accessibility Advisory Group meeting on December 8. The agenda includes discussion regarding the changes and updates to the WEC in 2017, review of new accessibility data from the U.S. Government Accountability Office, and potential partnerships and members to join the group in the future.

Staff has not sent out auditors to complete Accessibility Audits since the 2016 General Election. Accessibility auditors will not be sent out during the February or April elections in 2018 due to competing priorities with the e-poll book pilot.

8. **WisVote**

WisVote staff remains on track to complete scheduled 2017 WisVote projects to prepare agency systems for the 2018 election cycle. Staff continues to meet, plan and test development on WisVote, MyVote, WEDCS, Canvass Reporting and other high priority IT projects.

In addition to enhancements to WisVote related systems, WisVote staff continues to make improvements to the functionality of the WisVote system. WisVote Sprint 3 was put into production on September 27, 2017. This sprint included several fixes to the election setup features in WisVote,

as well as new Election Worker tracking for clerks to track their election workers and assign them to polling places. WisVote staff is currently finishing up Sprint 4 which will go into production in mid-December. Sprint 4 includes new features to allow the Elections Help Desk to track phone calls and includes several fixes to the absentee tracking features in WisVote.

WisVote staff has also been working on new and updated district maps that reflect an effort to more accurately display parcel and school district lines, as well as include newer annexations that have occurred throughout the state. The new district maps utilize new official wards and tax parcel maps that counties are now required to submit to the state.

Staff assisted clerks with the management and setup in the WisVote system of 17 local special elections that have occurred since the last Staff Update. WisVote staff is also working with clerks to prepare for the three upcoming special elections in Assembly Districts 58 and 66, and State Senate District 10.

9. ERIC List Maintenance Processes

In early November, 347,915 postcards were mailed to voters who were identified by the Electronic Registration Information Center (ERIC) as having potentially moved. The cards were mailed to the voter's registration address, but were forwarded to the voter's new address, if there was one on file with the United States Postal Service (USPS). If ERIC data indicated that the voter had moved out of state, the voter was notified to register in the new state, but was also given the option to continue their registration in Wisconsin if they intended to return or were temporarily out of state. If the voter appeared to have moved within Wisconsin, the voter was encouraged to go to MyVote.wi.gov and register online at their new address. If the voter did not move, they were also given the option to continue their registration at their registration address.

Some voters who received the ERIC postcards contacted the Election Commission indicating that they had not moved and were concerned as to why they received the postcard. Commission staff identified about 3,500 records within the ERIC data where it appeared that the voter had a new address, but it was simply a data issue where the addresses were approximately the same, but were formatted differently. These data issues can be manually filtered out prior to doing the next list maintenance mailing. Any voters who were identified as having these data issues were updated by Commission staff so they will not be removed from the registration list and will not be required to return the postcard requesting continuation.

Commission staff also found a small number of cases where the voter's address had been updated at DMV incorrectly, generally relating to a vehicle registration for a vehicle located at an address other than the voter's residential address. DOT technical staff helped Commission staff investigate these situations, and the voters were encouraged to correct their address at DOT and to return the postcard requesting continuation of their voter registration. Fewer than 20 cases of this were identified and reported to DOT.

Many voters have responded to the postcards by registering to vote online. Online registration has increased sharply and is at the highest volume since the service went live in January of 2017. More than 16,800 voters have registered to vote since the ERIC postcards were mailed, with 83 percent of

the registrations being online. More than half of the online registrations were processed in a single week, from November 15 to 22. A new daily high of 1,580 online registrations were completed on November 20, 2017.

10. **Communications Report**

Between September 1 and November 30, 2017, the Public Information Officer (PIO) engaged in the following communications activities in furtherance of the Commission's mission:

Media: The PIO logged 80 media and general public phone calls and 194 media email contacts. This period includes the Commission's September 20 meeting at which unsuccessful Russian hacking attempts were discussed, as well as the November 20 special meeting to discuss election security planning. These events and cyber security news from Washington and other states have generated strong media interest in the subject, and the PIO has arranged numerous interviews for the administrator, or gave interviews when he was not available. There have also been numerous inquiries regarding Commission staffing levels. Because the administrator was unavailable, the PIO appeared on Wisconsin Public Television's "Here and Now" public affairs program September 29 to discuss cyber security. He was also a guest on the "Public Policy with Mary Glass" radio talk show on WXRW-FM in Milwaukee on November 24.

The PIO prepared five news releases on a variety of subjects including cyber security, ERIC postcards to voters who may have moved, and special elections. Finally, the PIO wrote an article for December 2017 issue of *The Municipality*, the magazine of the Wisconsin League of Municipalities, titled, "Mistakes No Local Candidate Should Make." The article explains the ballot access process for candidates and helps them avoid pitfalls that could keep them off the ballot.

Presentation: The PIO travelled to Cedarburg on October 11 for a presentation to the League of Women Voters of Washington County about election security.

Online: With the assistance of legal counsel and the accountant, the PIO coordinated the issuance of contracts under the state's simplified bidding procedures to two Wisconsin vendors, Cruiskeen Consulting and Herkimer Media, to upgrade the content management systems for WEC agency website and the Bring It to the Ballot voter ID microsite. Herkimer completed its work on the Bring It website in November, and the upgrade will go into production soon. Work continues on the main agency website, which should be completed sometime in January.

Public Records: Working with legal counsel, the PIO has responded to four public records requests.

Records Management: The PIO and legal counsel reviewed lists of records kept by several staff members and determined many of them could be destroyed or archived under the three new Records Retention/Disposition Authorization forms (RDA), which were recently approved by the Public Records Board. Work on the project to review and either dispose of or archive all paper records stored in the basement has slowed due to other agency priorities.

11. **Elections HelpDesk/Customer Service Center**

The Elections Help Desk staff is supporting more than 2,000 active WisVote users, the public and election officials. The Help Desk is maintaining the accessibility tablets utilized in polling place surveys along with various training and testing computer systems. Staff is monitoring state enterprise network and data center changes and status, assisting with processing data requests, and processing voter verification postcards. Help Desk staff has been serving on and assisting various project teams including ongoing WisVote development, ERIC, and E-Poll Book teams. Staff continues to maintain and update Elections, WisVote clerk contact and listserv email lists. Staff is processing lists of voters that registered in other states and notifying clerks of the registration cancelation. Staff is coordinating and assisting with upgrade projects such as the Win 10, Office 365, VoIP and the STAR projects initiated by the Department of Administration (DOA) Data Center, and administering Elections Commissions Exchange email system.

Help Desk staff are onboarding new clerk users with credentials for the WisVote system and the WisVote Learning Center as they request access, also assisting clerks with configuring and installing WisVote on municipal computers. The Help Desk continued to field a wide variety of calls and emails from voters and the public, candidates, political committees, and public officials.

	Elections Help Desk Call Volume (608-261-2028)	Front Desk Call Volume (608-266-8005)
September, 2017	252	313
October, 2017	348	295
November, 2017	979	440
Total Calls for Reporting Period	**1,579**	**1,048**

12. Financial Services Activity

- Staff is working on the FVAP financial audit due to the agency's final draw submission. Staff was asked to submit a list of all costs incurred during the contract time frame of March 5, 2012 – November 30, 2017, which involves over $800,000 dollars and hundreds of source documents that had to be pulled. Staff has located all the source documentation and is currently working on assembling the information to submit.

- Staff is still working on closing out fiscal 2017 accounting, working with the State Controller's Office to close remaining appropriations.

- Staff continues to work closely with the State Controller's Office (SCO) to move and correct G.A.B. transactions and balances from FY2016 and prior years. Financial staff from the Elections and Ethics Commission's met with the Controller's office to correct all prior balances, prior to the Commission's Accountant leaving the agency. To date, these adjusting entries have not been made by the SCO. Staff will continue to follow-up.

- ES&S was invoiced $1,730.39 covering the period July 1 – October 15 for testing and certification of EVS 5.2.2.0 and EVS 5.3.2.0. The agency received the payment recently and will complete the return of expenditure in the accounting system.

- Budget-to-actual operating results for the first fiscal quarter ending September 30 were summarized and communicated to management. A copy of the first quarter financial statement for GPR and HAVA is in the supplemental Board meeting folder.

13. Procurements

The following Purchase Orders have been processed since the September 2017 Commission meeting:

- $10,000 in a Purchase Order was written for the yearly subscription for the MyVote/ WisVote Address Validation Services.

- $7,950 in a Purchase Order was written for the Elections Website updates.

- $4,180 in a Purchase Order was written for Bring It Voter ID website updates.

- $11,040 in a Purchase Order was written for the review of voting equipment software components; to include providing an opinion as to software components that record and tally votes.

All referenced purchases were made utilizing mandatory state contracts and in accordance with state procurement policies.

14. Staffing

Accountant Gamze Ligler left the agency October 27, 2017 to accept a promotion as an Accountant-Advanced at the Department of Veterans Affairs. Gamze had worked at the agency since June 2016 and was an integral part of financial services section team. Gamze quickly became a subject matter expert in the new STAR accounting system and worked diligently with the STAR team and State Controller's Office to try to retire the financial records from the G.A.B. and to develop the project costing component in STAR for WEC. Due to the complexity of the STAR system, these projects are still on-going. In an effort to fill the position by November 30, agency management upgraded the position from an Accountant-Entry to an Accountant-Senior position and tried using an existing certification list from another agency, but that effort did not result in a successful recruitment. Staff has since posted the position and is hoping to have the position filled by early to mid-January.

In October, Amy McGregor began as a full-time Office Operations Associate, staffing the front desk and handling other administrative tasks. Amy had worked at the Commission as a temporary services staffer since the summer.

Michelle Hawley joined the Commission as a WisVote Trainer on November 13. Michelle has excellent experience developing training for the federal court system in the Eastern District Federal Court in Milwaukee, training judges and attorneys on the electronic case filing system. Michelle also serves in the U.S. Army Reserves were she also has training responsibilities.

Mike Nelson, a former G.A.B./WEC team member who retired in 2016, rejoined the agency staff on November 6 as a Limited Term Employee. Mike previously served as a WisVote Trainer from 2014-2016 and is resuming those duties part time with the Election Commission.

15. Meetings and Presentations

On September 30 – October 1, Administrator Haas attended a meeting in Denver of the National Association of State Elections Directors (NASED) Board to conduct interviews for and select a new executive director of the organization, as well as to review the organization's Summer Meeting and make initial plans for the 2019 Winter Meeting in February. On October 2, Administrator Haas also participated in a Denver meeting of states that are members of ERIC to discuss lessons learned during the organization's first five years, ideas for the use of ERIC data and best practices for the ERIC mailings.

Agency staff has participated in several teleconferences with staff of the Department of Homeland Security. On October 2, Administrator Haas and Assistant Administrator Meagan Wolfe participated in a teleconference with national and regional representatives of DHS, the Division of Enterprise Technology, and the Division of Emergency Management. The teleconference was organized to debrief regarding recent communication issues with DHS. On November 8 and November 29, staff participated in teleconferences with representatives of DHS to discuss moving forward with several DHS resources and programs. Also, on November 15, staff participated in a teleconference with senior DHS officials regarding information-sharing and communications between DHS and Wisconsin agencies.

On October 12, Administrator Haas provided written testimony to the Senate elections committee regarding a bill to permit local officials to serve as election inspectors. The same day, Administrator Haas and Staff Counsel Judnic also provided an overview to the Assembly Campaigns and Elections Committee of the WEC's administrative rules and changes to the rules that are in progress.

On October 17, Administrator Haas and Assistant Administrator Wolfe participated a teleconference with staff of the U.S. Senate Committee on Homeland Security and Governmental Affairs, which is chaired by Senator Ron Johnson of Wisconsin. The discussion concerned the Elections Commission's communications with the Department of Homeland Security and the identification of Wisconsin as one of the 21 states which were targeted by Russian government actors prior to the 2016 General Election.

On November 28, Administrator Haas and Assistant Administrator Wolfe presented an election security briefing at a public hearing of the Assembly Committee on Campaigns and Elections. Administrator Haas also presented testimony at the hearing regarding Assembly Bill 637, the alternate absentee voting legislation.

On December 6, Commission staff hosted a day-long series of meetings with a team from the Belfer Center, which is affiliated with Harvard University's Kennedy School of Government. The Belfer Center team is visiting elections agencies in about 10 states to discuss security of election systems, with the end goal of producing a "playbook" of security recommendations that are tailored to groups of states which have common characteristics (e.g., Election Day registration, online registration, voting methods, Election Night reporting, etc.). The meetings included presentations by staff of the Elections Commission as well as the Division of Enterprise Technology and several municipal and county clerks.

16. Delegated Authority

Administrator Haas took the following actions pursuant to the Commission's delegation of authority:

A. Authorized a Purchase Order in the amount of $10,000 for the yearly subscription for the MyVote/ WisVote Address Validation Services.

B. Authorized a Purchase Order in the amount of $7,950 for the Elections Website updates.

C. Authorized a Purchase Order in the amount of $4,180 updates to the Bring It Voter ID website.

D. Authorized a Purchase Order in the amount of $11,040 for the review of voting equipment software components; to include providing an opinion as to software components that record and tally votes.

ATTACHMENT #1

Wisconsin Elections Commission's Training Initiatives
9/26/2017 – 12/11/2017

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
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.	Online	Not tracked
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years. MCT Core class is now available in the WisVote Learning Center.	3 hours	All Municipal clerks are required to take the training; other staff may attend.	4 16-section presentation with quizzes	65 55
Chief Inspector	Required training for new Chief Inspectors before they can serve as an election official for a municipality during an election.	3 hours	Election workers for a municipality.	7	355
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 conferences hosted and conducted by Commission staff.	County and municipal clerks, chief inspectors, poll workers, special registration deputies and school district clerks.	12/7/17: WEC Certified Clerk-Trainer Refresher Training; 12/6/17: The Year in Review and a Look Ahead to 2018; 112817: WisVote Election Set-Up;	50 – 400 per webinar; posted to website for clerks to use on-demand.

ATTACHMENT #1

Wisconsin Elections Commission's Training Initiatives
9/26/2017 – 12/11/2017

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
				11/1/17: Appointing Election Inspectors and Ballot Access Procedures; 10/31/17: Updated WisVote 101; 10/27/17: WI E-Poll Book Show and Tell; 10/25/17: WisVote Basics Security; 10/18/17: School District Clerk Duties; 10/4/17: New Clerk Orientation	
Other	Commission staff presented election administration and WisVote status information to county and municipal clerks attending the following conferences: • WMCA District 2 on October 6, 2017 in New Richmond • Wisconsin Towns Association on October 10, 2017 in Stevens Point • WMCA District 5 on October 26, 2017 in Oconomowoc • WMCA District 7 on November 9, 2017 in Waupaca • WMCA District 8 on November 17, 2017 in Rhinelander • WMCA District 6 on December 1, 2017 in Fond du Lac				

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MARK L. THOMSEN, CHAIR

DATE: For the December 12, 2017 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Administrator

SUBJECT: Study Re. Impact of Photo ID Requirement

In late September, Professor Ken Mayer of the University of Wisconsin Political Science Department published a study regarding the potential impact of the requirement that voters produce photo identification on voter turnout. Attached is a copy of the study as well as a press release, and Professor Mayer has been invited to address the Commission regarding the study.

Commission staff has not taken a position regarding the methodology or conclusions of the report regarding the impact of the photo ID requirement on voter turnout. The observation in the study that many voters may already possess an acceptable form of photo ID is consistent with the message the Commission has emphasized in its voter outreach and public information campaign. The report is provided for the Commission's information and no specific action is required of the Commission at this time.

EMBARGOED UNTIL 7:00PM CST 9/25/17

CONTACT: Kenneth R. Mayer, Professor of Political Science, UW-Madison, krmayer@wisc.edu, 608-263-2286
Scott McDonell, Dane County Clerk, mcdonell@countyofdane.com.

Voter ID Study Shows Turnout Effects in 2016 Wisconsin Presidential Election

MADISON — A survey of registered voters in Dane and Milwaukee Counties who did not vote in the 2016 presidential election found that 11.2% of eligible nonvoting registrants were deterred by the Wisconsin's voter ID law. This corresponds to 16,801 people in the two counties deterred from voting, and could be as high as 23,252 based on the confidence interval around the 11.2% estimate, which is between 7.8% and 15.5%. The survey further found that 6% of nonvoters were *prevented* from voting because they lacked ID or cited ID as the main reason they did not vote, which corresponds to 9,001 people, and could be as high as 14,101 based on the confidence interval of between 3.5% and 9.4%.

Roughly 80% of registrants who were deterred from voting by the ID law, and 77% of those prevented from voting, cast ballots in the 2012 election.

Based on these estimates, if all of the affected registrants voted the voter ID requirement reduced turnout in the two counties by 2.24 percentage points under the main measure of effect, and by 1.2 percentage points under a conservative measure. If they voted at 2012 rates, voter ID lowered turnout by 0.9 to 1.8 percentage points.

The burdens of voter ID fell disproportionately on low-income and minority populations. Among low-income registrants (household income under $25,000), 21.1% were deterred, compared to 7.2% for those over $25,000. Among high-income registrants (over $100,000 household income), 2.7% were deterred.

8.3% of white registrants were deterred, compared to 27.5% of African Americans.

The study, conducted by Principal Investigator Kenneth R. Mayer, Professor of Political Science and Affiliate Faculty of the Robert M. La Follette School of Public Affairs and UW Madison, with Ph.D. candidate Michael G. DeCrescenzo, was based on the statewide database of registered voters (WisVote), which records whether a registrant cast a ballot in the November presidential election. The survey was administered by the UW Survey Center, and funded by the Dane County Clerk's Office. The data are based on a sample of 288 nonvoting registrants who were on the rolls on or before election day, November 8, 2016.

The survey asked registrants about their reasons for not voting, the types of ID they possess, interest in the election, confidence in the accuracy of the vote count, and de-

mographics. The survey did not ask voters about who they would have voted for or their party identification.

The survey found considerable confusion about the law. Most of the people who said they did not vote because they lacked ID actually possessed a qualifying form of ID. This confusion may be the result of a lack of effective efforts educating eligible voters of the requirements of the law, and it is consistent with other studies that show many otherwise eligible voters are confused about ID laws. There were no significant differences between people who had seen information about the voter ID law and those who had not.

"This study provides better data than previous efforts to measure the effects of ID laws, which have largely been based on aggregate turnout, matching registered voters to state driver's license and ID databases, or looking at the number of rejected provisional ballots cast by voters without an ID" said PI Mayer. "By asking nonvoters their reasons for not voting, and about what forms of ID they actually possess, we get a better understanding of how voter ID laws affect individuals, and what types of people are most deterred by the laws. The data show that poor and minority populations are affected the most."

"The main conclusion of the study is that thousands, and perhaps tens of thousands, of otherwise eligible people were deterred from voting by the ID law," said Mayer. "The 11.2% figure is actually a lower bound since it does not include people who don't even register because they lack an ID. And while the total number affected in Milwaukee and Dane Counties is smaller than the margin of victory in the 2016 presidential election, that is the wrong measure. An eligible voter who cannot vote because of the ID law is disenfranchised, and that in itself is a serious harm to the integrity to the electoral process."

Supporting information available at https://elections.wisc.edu/news/voter-id-study

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Supporting Information:
Estimating the Effect of Voter ID on Nonvoters in Wisconsin in the 2016 Presidential Election

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September 25, 2017

More information about the study can be found at
https://elections.wisc.edu/news/voter-id-study.html

OVERVIEW

The presidential election of November, 2016, was the first general presidential election held under the state of Wisconsin's new voter identification requirement.

The goal of this analysis is to estimate the number of voting-eligible registered voters in select areas of Wisconsin who did not vote due to the voter ID requirement. This effect of the ID requirement takes multiple forms: citizens may be deterred from voting because they do not possess a qualifying ID, or they may not realize that they possess a qualifying form of ID because they are unsure which forms of ID are qualifying.

SURVEY

To construct these estimates, a survey was mailed to 2,400 nonvoting registrants in Milwaukee County and Dane County, Wisconsin. These counties contain the two largest metro areas in the state (Milwaukee and Madison) and have the largest low-income and minority populations, which research has shown are most likely to be affected by voter ID requirements. For this reason, the estimates cannot be extrapolated to the state of Wisconsin as a whole.

Nonvoters were identified using voter histories in the Wisconsin registered voter file (WisVote) with the data file generated on February 10, 2017.[1] The 247 individuals who registered to vote after the presidential election on November 8, 2016, were removed from the file.

Individuals of lower socioeconomic status (SES) are more likely to be affected by the voter ID requirement but often have lower response rates to surveys. For this reason, the survey oversampled registrants residing in Census tracts with lower aggregate SES measures metrics. The survey sample was divided into strata as follows:

- Dane County, 650 surveys
- Milwaukee County (High SES): 750 surveys
- Milwaukee County (Low SES): 1,000 surveys

Demographic characteristics of the high-SES and low-SES tracts are available in the Appendix of this report.

Because the study was funded by the Office of the Dane County Clerk, there were no questions asked about political party affiliations or vote choices.

A total of 293 surveys were returned, with 75 respondents from Dane County, 213 from Milwaukee County, and 5 whose home counties could not be identified. All analysis below is conducted using

1. Surveys were collected with assurances of confidentiality and were de-identified before analysis. The project was approved by the Educational and Social/Behavioral Sciences Institutional Review Board (IRB) on February 9, 2017 (protocol number 2017-0056).

sampling weights to account for the stratified sample design. Sampling weights were constructed by the UW Survey Center before any analysis had taken place.[2]

ESTIMATION

We use a statistical approach to estimate the number of Wisconsinites affected by the law. Specifically, we use the survey to estimate the proportion of nonvoting registrants who did not vote due to the voter ID law. There are a few ways to define what it means for a citizen to be "affected" by the law. Those definitions are discussed in the following section.

A statistical approach presumes that the quantity of interest, the true proportion of ID-related nonvoting registrants, is not directly observable but influences the observable data. And because the data come from a random survey, there is uncertainty due to random sampling in the observable data. A standard statistical approach acknowledges this uncertainty by presenting a point-estimate of the quantity of interest as well as a 95% confidence interval. The range of the confidence interval represents the degree of uncertainty in the data—wider intervals indicate more uncertainty. The formal definition of the 95% confidence interval is an interval that, given the sample size and observed variation in the data, would contain the true parameter in 95 percent of repeated samples from the same data-generating process.

To implement the statistical analysis, we analyze whether voters are affected by the ID law as a binary variable: voters are either affected or not. Further, we analyze the data as a binomial process. For binary outcome data (1s and 0s, "successes" and "failures", or "affected" and "not affected"), a binomial process describes the expected number of successes for a fixed sample size n and fixed success probability π. More specifically, the binomial distribution describes the probability of finding k many successes given the true success probability π and sample size n.[3] The proportion of successes in the sample $\left(\frac{k}{n}\right)$ is an estimate of the true success probability π, but the two will not be exactly equal, so the binomial distribution provides a framework to make inferences about the true value of π from the observed data.

We construct confidence intervals for our estimates of π using the Clopper-Pearson method (Clopper and Pearson 1934). Although it is common to estimate the uncertainty in a binomial process by approximating the binomial distribution using a Gaussian or "normal" distribution, the assumptions underlying these methods are less reliable in smaller samples and for success probabilities near 0 or 1. Clopper-Pearson intervals are "exact" in the sense that they are derived directly from the binomial distribution rather than from an approximation provided by another distribution. However, they can be "conservative" in the sense that the 95% intervals are sometimes wide enough to obtain more than 95% coverage. In keeping with dominant statistical practices, we opt for conservative uncertainty estimates to avoid overstating the degree of precision in the data.

2. Because weights are determined by geographic location, the 5 respondents whose counties could not be determined were excluded from the analysis.

3. The binomial distribution's probability mass function is $p(X = k \mid n, \pi) = \binom{n}{k} \pi^k (1-\pi)^{n-k}$, where $\binom{n}{k}$ represents a binomial coefficient.

The Clopper-Pearson interval can be represented in terms of the quantiles of the binomial distribution:

$$\left\{\pi \mid P\left[\text{Bin}\left(n;\pi\right) \leq k\right] > \frac{\alpha}{2}\right\} \cap \left\{\pi \mid P\left[Bin\left(n;\pi\right) \geq k\right] > \frac{\alpha}{2}\right\}, \tag{1}$$

where $0 \leq k \leq n$ is the number of successes, $\text{Bin}(n;\pi)$ is a binomial random variable with n trials and success probability π, and α represents the significance level (for 95% intervals, α is 0.05). Equation 1 states that the values of π within the confidence interval should only include values where the possibility of k successes given π falls only within the "inner 95%" of the distribution. The interval bounds themselves can be computed with a formula that relies on the related beta distribution:[4]

$$B\left(\frac{\alpha}{2};k,n-k+1\right) < \pi < B\left(1-\frac{\alpha}{2};k+1,n-k\right), \tag{2}$$

where $B\left(q;y,z\right)$ represents the q^{th} quantile from a beta distribution with parameters y and z.[5]

WHO IS "AFFECTED" BY THE LAW? TWO DEFINITIONS

The survey asked respondents several questions to assess their experiences with voter ID in the 2016 election. Respondents were asked about the forms of ID they possess, which we used to determine whether respondents lacked a qualifying voter ID.[6] Additionally, respondents were asked why they did not vote, with voter ID included among several other reasons.[7] Voters could initially select several *partial* reasons for not voting (which we refer to as "nominal" reasons in the analysis

4. Where the binomial distribution describes the distribution of successes k given the values π and n, the beta distribution is often used to describe the distribution of an unknown probability (π). In effect, the Clopper-Pearson interval uses the information from the binomial process (n and k) to perform inference about the unknown value π, which is distributed beta.

5. As mentioned above, the survey data include sampling weights to account for oversampling small populations of citizens. Because analyzing survey data using weights can result in non-integer values, we simply round these non-integer values to the nearest integer in order for statistical software to compute Clopper-Pearson confidence intervals (namely, the `binom.test()` function in the statistical package R). The consequences of this correction are essentially imperceptible and should bias estimates neither upward nor downward overall. For comparisons across demographic categories, we sidestep the issue of rounding by performing direct calculations the Clopper-Pearson interval rather than use the pre-written `binom.test()` function.

6. "Currently, do you have each of the following forms of identification?" Respondents could separately indicate if they possessed several forms of ID, only some of which would satisfy the voter ID requirement. The survey does not indicate to the respondent which forms of ID satisfy the voter ID requirement. The qualifying IDs include a Wisconsin driver's license, Wisconsin Department of Transportation ID, a voting-only ID, a military ID, a Native American tribal ID, a certificate of recent naturalization, and a U.S. passport. The non-qualifying IDs include a credit card, a permit to carry a concealed weapon, a state or federal government ID, and a Social Security card.

7. The survey included the following potential reasons for not voting: being ill or disabled, being out of town, not having enough time, not being interested in voting, having a transportation problem that prevented them from getting to the polls, not liking the choice of candidates or issues, being unable to obtain an absentee ballot, lacking a qualifying ID, attempting to vote but being told at the polls that their ID was not qualifying, long lines at the polls, encountering a problem with early voting, and believing that one's vote would not matter. These options were derived from a similar question item used in the Census Bureau's Current Population Survey November Voting and Registration Supplement. Other academic surveys (such as MIT's "Survey of the Performance of American Elections") use similar items as well.

below), and then they were asked to select their *main* reason for not voting. Voters could indicate if they believed they lacked a qualifying ID ("You did not have the right photo ID and know you would not be able to vote") or if they attempted to vote but were told that they did not have a qualifying ID ("You tried to vote, but were told at the polling place that you did not have the necessary photo ID"). The full questionnaire is available with this release.

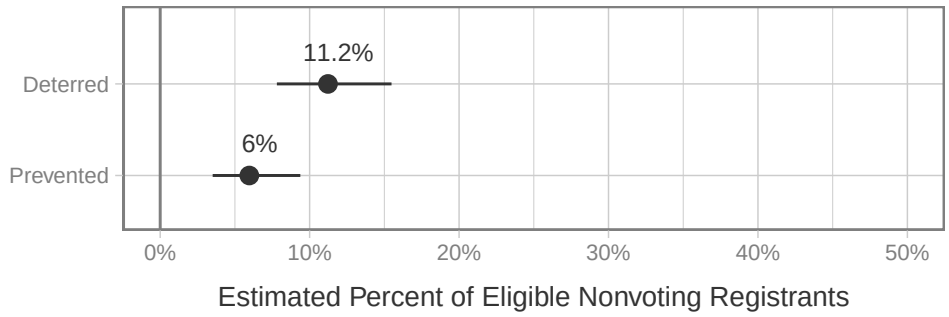
Using these several questions about citizens' experiences with voter ID, we construct two ways to define the population of affected citizens.

- We refer to registrants as "deterred" from voting if they lack qualifying ID or mention ID as a reason for not voting. Voter ID could be a nominal reason or the primary reason for not voting.
- Using a stricter definition, we refer to registrants as "prevented" from voting if they lack qualifying ID or list voter ID as their primary reason for not voting.

These two definitions of affected registrants are the focus of the analysis in this document. We focus primarily on "deterrence" from voting, since it compasses a fuller range of possible effects. Even if citizens possess qualifying ID, confusion about the law and which forms of ID are allowed can lead them to believe that they cannot vote when in fact they can. A study of nonvoting registrants in Texas finds a similar form of misunderstanding and confusion about the forms of ID that qualify under the law (Hobby et al. 2015). Since many of these individuals presumably would have voted in the absence of the heightened ID requirement, we include these individuals among the group of affected registrants. We outline our method for estimating the total *number* of affected registrants in the following section.

Figure 1 presents our estimates of the percentage of nonvoters in Dane and Milwaukee Counties deterred and prevented from voting by the ID law. The figure shows point estimates and 95% confidence intervals calculated using the Clopper-Pearson method. We estimate that 11.2% of nonvoting registrants in Dane and Milwaukee counties were "deterred" in some way from voting by the voter ID law, either because they lacked ID, believed they lacked ID, or were told at the polls that their ID did not qualify as valid. The 95% interval is between 7.8% and 15.5%. The stricter definition of the effect consists of voters who were effectively "prevented" from voting because they lacked an ID or cited ID as the main reason they did not vote. Under this definition, 6% of nonvoters were prevented from voting (95% interval: 3.5% to 9.4%).

Figure 1: Estimated percent of eligible registered nonvoters in Dane and Milwaukee counties deterred by ID law



Converting Percentages into Numbers of Voters

Another quantity of interest is the *number* of eligible registrants who were deterred or prevented from voting. Generating this figure requires multiplying the sample estimates from Figure 1 by the number of eligible registrants in the voter file. This section describes how we compute the number of eligible registrants in the voter file and presents the results.

All voter files naturally contain some ineligible records (Ansolabehere and Hersh 2010). A registrant may be ineligible under an existing record because of death, disability, moving out of state, or an updated registration based on a change of name. Because we are estimating the number of affected voters in Dane and Milwaukee counties, we also consider registrants who move to another address in Wisconsin outside of Dane County or Milwaukee County as "ineligible" to vote in those counties, though they may be eligible to vote at their new address. Although ineligible records are removed over time through the voter list maintenance process, that had not taken place at the time the survey was mailed.[8]

To estimate how many nonvoters were still eligible, The UW Survey Center tracked a random sample of 200 uncompleted surveys—nonresponses as well as mailings returned as "undeliverable"—using Lexis/Nexis to determine whether an individual fell into one of the categories of ineligible voters.[9] This method found that an estimated 34.7% of nonrespondents in our sample were ineligible. This figure is lower than the percentage of ineligible nonvoters removed through the State Elections Commission list maintenance process (51.5%), a difference attributable to the fact that Wisconsin removes all nonrespondents and undeliverable list maintenance mailings from the list of eligible voters. We did not remove a registrant if Lexis tracking showed that a nonvoting individual was still alive, residing in the same county, and not otherwise ineligible.[10]

8. The survey was mailed on March 27, 2017. The Wisconsin Elections Commission completed the 2016 voter list maintenance process on August 1, 2017 (http://elections.wi.gov/node/5174). The process consists of a mailing sent to every registrant who had not voted since the 2012 presidential election to ask if the individual wished to remain an active registrant. All nonresponses and nondeliverable mailings are removed from the list of registrants.

9. We are in the process of extending the tracking methodology to all nonrespondents and nondeliverable address.

10. Wisconsin Elections Commission, *Voter Registration Four-Year Record Maintenance*, August 1, 2017. County-

The voter file data showed that there were 229,625 nonvoting registrants in Milwaukee and Dane Counties during the 2016 election. After subtracting the estimated fraction of registrants who were ineligible (34.7%), we estimate that there were 150,010 eligible registrants in Milwaukee and Dane Counties on November 8, 2016. We multiply our estimates in Figure 1 by this number of eligible registrants to project the number of registrants deterred or prevented from voting. We present these results in Table 1. The top two rows of the table contain the estimated percentage of respondents deterred or prevented from voting by the ID law for a given definition (column two) alongside the number of eligible respondents deterred or prevented from voting given each effect size (column four).[11] The bottom four rows present the results for the survey questions used to construct the "deterred" and "prevented" categories.

Table 1: Estimated nonvoters deterred or prevented from voting by voter ID law

	Percent	Interval	N Affected	N Interval
Deterred (Lack ID or Mention ID Law)	11.2	(7.8; 15.5)	16,801	(11,701; 23,252)
Prevented (Lack ID or Mention ID as Main Reason)	6.0	(3.5; 9.4)	9,001	(5,250; 14,101)
Mention ID as Nominal or Main Reason	8.4	(5.5; 12.3)	12,601	(8,251; 18,451)
Mention ID as Nominal Reason	7.4	(4.6; 11)	11,101	(6,900; 16,501)
Mention ID as Main Reason	3.2	(1.5; 5.9)	4,800	(2,250; 8,851)
Lack Qualifying ID	3.2	(1.5; 5.9)	4,800	(2,250; 8,851)

The Wisconsin voter file indicates that 748,777 votes were cast in Dane and Milwaukee Counties in 2016. If all of the estimated registrants deterred from voting had turned out in 2016, voter ID could have reduced turnout by 2.2 percentage points. If all of the estimated registrants prevented from voting had turned out, the law could have reduced turnout by 1.2 percentage points.

Turnout among those deterred from voting in our sample was 80% for the 2012 presidential election, and turnout among those prevented from voting in our sample was 77% in 2012. If the deterred and prevented registrants had voted at their 2012 turnout rates, voter ID could have lowered turnout in 2016 by 1.8 and 0.9 percentage points, respectively.[12] The effects on turnout would be larger if voter ID laws dissuade voters from registering to vote in the first place (Stein and Tchintian 2017). Our data are limited to registrants only, so we cannot estimate how voter ID affects registration.

level data available at http://elections.wi.gov/node/4420.

11. The intervals in the right-most column of Table 1 reflect sampling uncertainty around the value in column two.

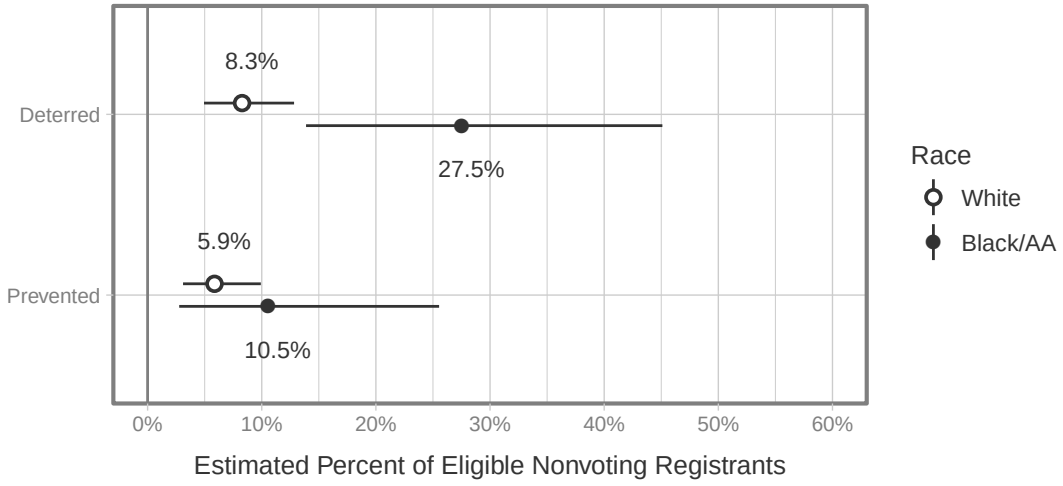
12. Citizens who registered to vote between the 2012 and 2016 elections have no presidential election turnout history to compare to, so we calculate 2012 turnout based on registrants who were registered to vote for the 2012 presidential election or previously. This group of registrants contains all voters with registration dates on or before the date of the 2012 presidential election and—because the voter file lists only the most recent date of registration—any other voter with a validated vote in an election prior to the November 2012 election. The voter file contains elections only as far back as February of 2006, though some registration dates are as early as the 1970s.

Demographic Impact

The results above show the estimated percentage of eligible nonvoting registrants deterred or prevented from voting by the new voter ID requirement. We now turn to an analysis of the demographic impact of these effects.

Race: Figure 2 presents the estimated percentage of White and Black/African-American registrants deterred and prevented from voting. Using the broader definition of the effect ("deterred," as we do above), we find that about 8.3% of Whites lack ID or mention ID as a reason for not voting, compared 27.5% of Blacks. The confidence intervals for these two estimates do not overlap, indicating that Blacks are statistically significantly more affected than Whites in Dane and Milwaukee Counties.[13]

Figure 2: Estimated percentage of White and Black nonvoting registrants affected by ID law

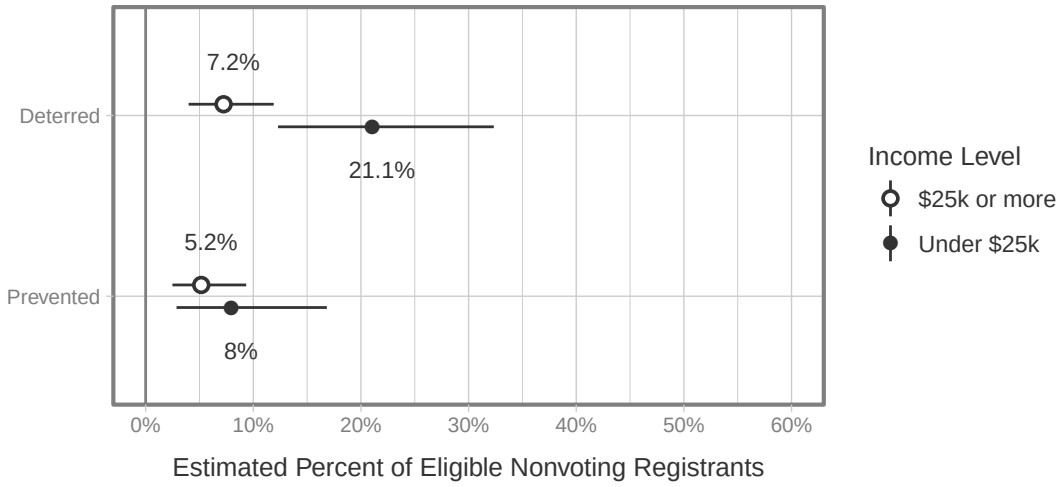


Socioeconomic status: We present an analysis of socioeconomic status in two forms. First, because scholarship on voting and voter turnout suggests that the effect of voter ID laws should be localized to low-SES voters in particular, we compare individuals with incomes lower than $25,000 to the remainder of the sample. These estimates are presented in Figure 3. An estimated 21.2% of novoting registrants with incomes under $25,000 are deterred from voting, compared to 7.2% of those with incomes at or above $25,000—a statistically significant difference. We estimate that 8% of low-income registrants are prevented from voting compared to 5.2% in the remainder of the sample, but this difference is not statistically significant.[14]

13. Confidence intervals around the estimates for Black registrants are wider than the intervals for White registrants due to the smaller number of Black registrants in the sample.

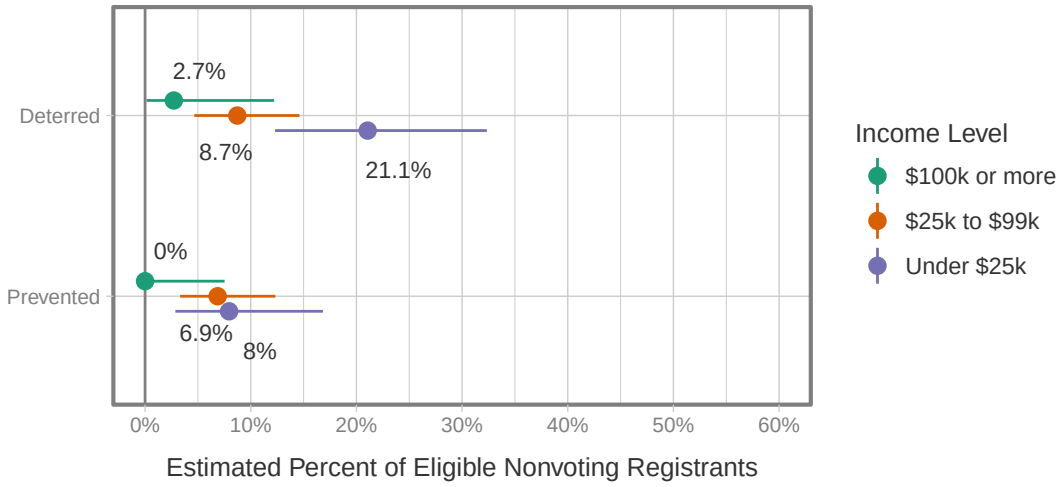
14. Wider confidence intervals are again driven by fewer low-income respondents.

Figure 3: Estimated percentage of nonvoting registrants affected by ID law, by income (two-category)



We also divide registrants with incomes at or above $25,000 into two categories: high-earning individuals with incomes at or above $100,000, and a middle category with incomes between $25 and $99,000. Figure 4 shows the estimates from this three-category classification. Intervals for these estimates overlap at times, but the data suggest a pattern where low-income registrants are more affected than high-income registrants.

Figure 4: Estimated percentage of nonvoting registrants affected by ID law, by income (three-category)



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APPENDIX A HIGH-SES AND LOW-SES CENSUS TRACTS IN MILWAUKEE COUNTY

Likely higher SES tracts:

- 168 out of the 296 tracts in Milwaukee County are coded as higher SES (and more likely to respond).
- Mean percent African-American: 6.71%
- Mean percent with household incomes under 200% of the poverty line: 30.58%
- Mean number of non-voting registrants per tract: 473.4
- Total number of non-voting registrants in the 168 "high-SES" tracts: 79,531

Likely lower SES tracts:

- 128 out of the 296 tracts in Milwaukee County are coded as lower SES (and less likely to respond).
- Mean percent African-American: 63.45%
- Mean percent with household incomes under 200% of the poverty line: 67.04%
- Mean number of non-voting registrants per tract: 519.8
- Total number of non-voting registrants in the 128 "low-SES" tracts: 66,532

In keeping with sound statistical practice, estimates are adjusted for oversampling using sampling weights.

APPENDIX B SAMPLE DETAILS AND MARGINALS

Respondent Location:

County	N (Weighted)	Percent
Dane County	96.3	33.7%
Milwaukee County	189.1	66.3%
No Data	0.0	0%

Respondent Gender:

Gender	N (Weighted)	Percent
Male	126.5	44.3%
Female	153.1	53.6%
No Data	5.8	2%

Respondent Race:

Race	N (Weighted)	Percent
White	212.2	74.4%
Black/AA	35.3	12.4%
Asian	12.3	4.3%
Native	2.4	0.8%
Multiple	3.7	1.3%
Other	10.8	3.8%
No Data	8.6	3%

Respondent Income:

Income	N (Weighted)	Percent
Under 25k	71.3	25%
25k to 49k	63.1	22.1%
50k to 74k	42.9	15%
75 to 99k	37.0	13%
100k or more	47.2	16.5%
No Data	24.0	8.4%

Exposure to Voter ID Information:

See Info about Voter ID	N (Weighted)	Percent
Yes	170.2	59.6%
No	107.0	37.5%
No Data	8.2	2.9%

Nominal Reasons for not Voting (weighted responses):

Reason	Yes (%)	No (%)	NA (%)
Unhappy with choice of candidates or issues	50.8	33.5	15.7
Not interested	27.5	49.6	22.9
Not enough time	26.7	51.2	22.2
Vote would not have mattered	26.2	51.2	22.6
Away from home	20.1	62.0	17.9
Ill or disabled	18.4	64.6	16.9
Problem with early voting	12.5	61.5	26.0
Couldn't get absentee ballot	8.1	67.4	24.6
Transportation problems	7.7	69.3	23.0
Did not have adequate photo ID	6.5	69.4	24.0
Lines too long	3.0	71.9	25.1
Told at polling place that ID inadequate	2.9	72.7	24.3

Main Reason for not Voting (weighted responses):

Main Reason	Percent
Unhappy with choice of candidates or issues	33.0
Ill or disabled	13.6
Away from home	13.5
Not enough time	9.3
Not interested	8.8
Vote would not have mattered	6.6
No Reason Given	4.9
Problem with early voting	2.9
Transportation problems	2.1
Did not have adequate photo ID	1.7
Told at polling place that ID inadequate	1.4
Couldn't get absentee ballot	1.3
Lines too long	0.9