



# Wisconsin Elections Commission

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

## MEMORANDUM

**DATE:** For the September 29, 2023, Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

**SUBJECT:** 2021-2023 Biennial Report

The Wisconsin Election Commission (WEC) is required to submit a Biennial Report to the Governor and the chief clerk of each house of the legislature in accordance with Wis. Stat. § 15.04(1)(d). The report is due no later than October 15 of odd-numbered years.

Attached is the draft redlined 2021-2023 Biennial report for your review and approval. The report includes the following sections, with changes noted under each section heading.

1. Introduction.
  - Date and name changes.
2. Agency Information
  - The only change is to the number of employees.
3. Performance Goals and Actuals
  - The agency is responsible for reporting on its performance measures and goals for fiscal year 2021-2023 (July 1, 2021-June 30, 2023). At the Commission's September 1, 2020 meeting it unanimously approved the 2021-2023 Biennial Budget request which included those performance measures and goals. Therefore, the only changes in the Performance Goals section are the addition of data pertaining to the previously established goals.
4. Statutory Duties
  - This section contains a correction to the fiscal year and a website link where the information can be found.
5. Staff Employed by WEC
  - The information provided incumbent corrections, some position duty modifications and two new supervisory positions.

*Wisconsin Elections Commissioners*

Don M. Millis, chair | Marge Bostelmann | Joseph J. Czarnecki | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

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Administrator  
Meagan Wolfe

6. Summary of Determinations and Advisory Opinions
  - Current data provided.
7. Summary of Investigations and Recommendations for Legislation
  - This section affirms that the Commission met to discuss their legislative agenda but has not updated it since the last biennial report.
8. Report on Flexible Time Work Schedules.
  - Date and statistical updates only.
9. Appendix A – Statutory Duties of the Wisconsin Elections Commission
  - Duties of Statutory Reference 6.92; 6.925 updated.

**Recommended Motion:**

Authorize staff to submit the 2021-2023 Biennial Report to the Governor and the chief clerk of each house of the legislature in accordance with Wis. Stat. § [15.04\(1\)\(d\)](#).

2021-2023  
Biennial Report  
of the  
**Wisconsin  
Elections  
Commission**



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**Performance Report**



# Wisconsin Elections Commission

~~212 East~~201 West Washington Avenue | ~~Third-Second~~Floor | P.O. Box 7984 | Madison, WI 53707-7984  
(608) 266-8005 | elections@wi.gov | elections.wi.gov

**DATE:** October 15, ~~2021~~2023

**TO:** The Honorable Tony Evers, Governor of Wisconsin

**CC:** Chief Clerk, Wisconsin State Senate  
Chief Clerk, Wisconsin State Assembly

**FROM:** Wisconsin Elections Commission

**SUBJECT:** ~~2019~~2021-~~2021~~2023 Biennial Report

## A. Introduction

The Wisconsin Elections Commission is pleased to submit its ~~2019~~ ~~2021~~2021-2023 biennial report to the Governor and the chief clerk of each house of the legislature, in accordance with Wis. Stat. § [15.04\(1\)\(d\)](#). This report provides information on the performance and operations of the Commission and projects, goals, and objectives as developed for the agency budget. This report also includes information required specifically of the Elections Commission, as well as information provided at the Commission's discretion. Finally, the report also includes information on matters within the Commission's jurisdiction and recommendations for legislation.

## B. Information All Agencies Are Required to Report under [Wis. Stat. § 15.04\(1\)\(d\)](#)

### Mission

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.

### Agency Description

The Elections Commission is comprised of six members, who serve for 5-year terms. One member is appointed by the senate majority leader; one appointed by the senate minority leader; one appointed by the speaker of the assembly; one appointed by the assembly minority leader; and two are members who formerly served as county or municipal clerks and who are nominated by the governor with the advice and consent of a majority of the members of the senate. A detailed description of the appointment of Commissioners is provided in Wis. Stat. §15.61. The Elections Commission and the Department of

#### *Wisconsin Elections Commissioners*

~~Dean Knudsen~~Don M. Millis, chair | Marge Bostelmann | ~~Julie M. Glancey~~Joseph J. Czarneski | Ann S. Jacobs | Mark L. Thomsen

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Administrator  
Meagan Wolfe

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Administration established a rotational term schedule of the Commissioners. The Commission elects a chair and vice-chair from its members by a majority vote.

The Commission Administrator serves as the agency head and the chief election officer of the state. The Commission staff is required to be non-partisan. The agency has a staff of 25.75 GPR, 3.0 PR, ~~and~~ 6.003.25 SEGF full-time employees and 4.0 project.

The Commission administers and enforces Wisconsin law pertaining to elections (Wisconsin Chapters 5 to 10 and 12). Commission activities fit into four general functions: general administration; education, training and assistance to local election officials, candidates, and officeholders; voter education and outreach; and complaint resolution. Within these functional areas, the Commission implements legislative changes and initiatives, develops policy, issues formal opinions and guidance, promulgates administrative rules, prescribes procedures and forms, carries out investigations, responds to inquiries from local election officials, candidates, and the public, and completes related activities.

The Commission's four functional activities are further described below:

#### *State Election Administration*

The Agency ensures compliance with federal and state election laws. Commission staff evaluates nomination papers and other documents to recommend to the Commission as to whether state and federal candidates qualify for ballot access. Agency staff completes testing of electronic voting systems and makes recommendations regarding Commission approval of such systems, conducts accessibility audits of polling places, and certifies state and federal election results in Wisconsin. Commission staff also develops and maintains the statewide voter registration system (WisVote) as well as other election management IT systems and applications. Staff also prepares reports and documentation to assist the Commission in making decisions related to election administration at its regular meetings and works with the Legislature in its development of election-related legislation. In recent years the Commission has increased its focus on elections security and protecting state and local elections systems.

#### *Support for Local Election Officials*

Elections in Wisconsin are conducted by over 1,920 local clerks at the town, village, city, and county levels. Commission staff provides education, training, and administrative and technical support to local election officials, on both a cyclical and daily basis. Courses and classes for election officials on both election administration responsibilities and tasks involving the statewide voter registration system are available on the Internet through an extensive webinar series and through the agency's online learning center. The Agency also offers in-person presentations to various professional associations and other groups. The Agency prepares detailed manuals to assist local election officials in carrying out their election-related responsibilities. Ongoing support to local clerks includes review of ballot formats, providing election forms, and answering inquiries regarding voting equipment and election procedures, as well as completing tasks in WisVote such as printing poll books, tracking ballot issuance and voter participation, updating voter registration records; maintaining candidate lists and polling place locations and producing various reports for clerks. Local election officials rely on the WisVote application and Agency staff support to conduct all federal, state, and local elections.

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### *Voter Information*

Agency staff conducts extensive voter outreach regarding election procedures, voter registration and voting requirements. Agency staff maintains and updates the MyVote Wisconsin website (<http://myvote.wi.gov>), which enables voters to check their voter registration status, and locate polling place and ballot information. Data available on the MyVote Wisconsin site is drawn from the statewide voter registration system, WisVote. The MyVote Wisconsin site enables voters to click on a link, complete and print a voter registration application and mail it to their municipal clerk. The information completed by the voter is saved in the WisVote system to expedite the voter's registration. The MyVote site also houses the state's online voter registration system. The site also provides a secure method for military and overseas voters to apply for an absentee ballot and have it delivered to them electronically. Additional resources are available to voters and the public on the agency's website (<http://elections.wi.gov>). The agency also assists members of the public with questions about voter photo identification requirements and with obtaining valid photo identification for voting.

### *Voter and Election Data*

Through maintenance of WisVote, the agency's Election Data Collection System, and the Canvass Reporting System, agency staff collects and analyzes election data, and compiles information for required reports to the federal government and state policymakers. Agency staff also makes the data available to the general public and research organizations through its BADGER Voters website (<https://badgervoters.wi.gov>) as well as on the agency's main website. Agency staff creates reports to comply with federal statutes and federal grant requirements and has implemented numerous measures to strengthen the security of the voter registration database.

### Programs, Goals, Objectives, and Activities

#### *Program 1: Administration of Elections*

Goal: Ensure open, fair, and transparent elections, by cultivating public confidence in the integrity of the electoral process.

Objective/Activity: Administer state-level election responsibilities and provide educational, training and customer service resources to local elections officials, candidates, voters, and the general public.

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**Performance Measures, Goals, and Performance**

~~2020-2022~~ AND ~~2021-2023~~ GOALS AND ACTUALS

Prog. No.	Performance Measure	Goal <del>2020</del> <del>202</del> <u>2</u>	Actual <del>2020</del> <del>202</del> <u>2</u>	Goal <del>2021</del> <del>20</del> <u>23</u>	Actual <del>2021</del> <del>202</del> <u>3</u>
1.	Monitor the number of contacts the public makes to WEC.	<del>1,310,000</del> <del>4,900,000</del>	<del>4,965,119</del> <del>1,108,976</del>	4,000,000	<del>3,220,350</del> <del>9,881,250</del>
1.	Percentage of sworn complaints resolved within 60-days of submission*.	90%	<del>73</del> <del>59</del> %	<del>90</del> <del>70</del> %	<del>38</del> <del>57</del> %
1.	Conduct training events and maintain training resources for local elections partners and the general public.	<del>150</del> <del>250</del>	<del>286</del> <del>140</del>	150	<del>188</del> <del>161</del>
1.	Percentage of candidates receiving nomination paper review results within 48 hours of filing.	90%	<del>99</del> <del>100</del> %	<del>90</del> <del>100</del> %	<del>99</del> <del>100</del> %

Note: Based on fiscal year.

\*The WEC has not met the 60-day complaint resolution set by the 2021-2022 budget. Several factors explain why. Most significantly, the volume of complaints unexpectedly increased since this goal was set. The complexity of complaints, and thus the number of staff hours needed to analyze them, and the number of complaints requiring public records requests, litigation, and the number of Commission meetings. Built-in response times also made this goal ambitious even at the time it was set. Wis.Stat. § 5.05 complaints allow a 15-day response window and then must be presented to the Commission in a closed session meeting. Wis. Stat. § 5.06 complaints allow 13 business days for a response and then 13 business days to reply, with the possibility of additional filings and response times for counter claims.

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**Statutory Duties of the Elections Commission and the Agency’s Compliance**

The table in Appendix A outlines the statutory duties of the Wisconsin Elections Commission. The agency has complied with its statutory duties in administering election laws throughout the ~~2020-2022~~ – ~~2021-2023~~ fiscal years. Detailed information regarding agency initiatives and programs to carry out its statutory duties can be found in the materials for Commission meetings at this link:

<https://elections.wi.gov/about/meetings-past>, [https://elections.wi.gov/news-events/events?audience=All&event\\_type%5B0%5D=248](https://elections.wi.gov/news-events/events?audience=All&event_type%5B0%5D=248).

**C. Information the Elections Commission is required to Report under [Wis. Stat. § 5.05\(5e\)](#)**

**Names and Duties of All Individuals Employed by the Commission**

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Wisconsin Elections Commission staff members are required to be non-partisan, in accordance with [Wis. Stat. §5.05\(4\)](#). Following are the names and duties of Commission staff as of ~~August 2021~~ [May 2023](#).

*Administrator – Meagan Wolfe*

Under the general policy direction of the Elections Commission, the Administrator is responsible for providing the administrative leadership and support necessary to enable the commission to carry out its statutory functions with respect to the administration and enforcement of election laws. The duties and responsibilities of this position are diverse in nature and include such activities as implementation of Commission policies and directives; law and rule interpretations; program planning; staff supervision; public and legislative contacts; and the development and improvement of record keeping and procedural systems.

The Administrator serves as a representative of the Commission and provides administrative leadership and support to the Commission in such areas as processing of complaints; development of formal and informal opinions; administrative rule development; drafting and review of proposed legislation; implementation of federal and state legislation and court rulings; data collection, analysis and dissemination; identification of problems which may require investigation or interpretation; preparation of special reports; administration of contracts and federal grants; preparation for Commission meetings; and any other areas the Commission may assign.

Please see Appendix B for a full list of the Administrator’s duties and Delegation of Authority.

*Deputy Administrator – ~~Richard Rydecki~~[Robert Kehoe](#)*

Under the general supervision of the Administrator, the Deputy Administrator provides an array of executive-level policy, administrative and professional services for the Wisconsin Elections Commission and to the Administrator. This position serves as the Deputy in the absence of the Administrator. This position supervises personnel responsible for providing elections administration guidance and training for local election officials and voter outreach information for voters and the public. This position develops policy and procedures, sets goals and performance objectives, and develops and implements program assessment tools for the Commission staff.

*Legal Counsel Supervisor – James Witecha*

Under the general supervision of the Administrator of the Wisconsin Elections Commission, this position is responsible for managing the staff attorneys and for providing legal advice on the application of election administration laws to the Commission and its staff. This position is responsible for managing the preparation of legal opinions, enforcement orders, and administrative rules to implement agency policy and authority.

*Legal Counsel – ~~Nathan Judnie and James Witecha~~[Brandon Hunzicker](#), [Angie O'Brien](#)*



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Under the general supervision of the ~~Legal Counsel Supervisor~~ ~~Administrator of the Wisconsin Elections Commission~~, ~~these two~~ positions are classified as attorneys. ~~These positions are~~ responsible for providing legal advice to the Commission and its staff on the application of election administration laws to the Commission and its staff. These positions are responsible for preparing legal opinions, enforcement orders, and administrative rules to implement agency policy and authority.

*IT Technology Director – ~~Robert Kehoe~~ Sara Linski*

Under the general supervision of the Administrator, the IT Technology Director provides an array of executive-level policy, management, and professional services for the Wisconsin Elections Commission and to the Administrator. This position supervises personnel responsible for information technology and related functions and manages the coordination and portfolios of outsourced information technology services with vendor partners. This position also maintains existing information technology applications and evaluates potential projects. This position develops and coordinates policies and procedures, sets goals and performance objectives, and develops and implements program assessment tools for agency information technology initiatives in conjunction with the management team.

*Chief Administrative Officer – Sharrie Hauge*

Under the general supervision of the Administrator, this position is responsible for the development and implementation of the biennial and annual operating budgets, manages financial and office operations, procurement, facilities management, human resources, the agency's Help Desk, Continuity of Operations and Continuity of Government Planning (COOP/COG), coordinates federal grant programs; and prepares special reports and analyses for the Administrator.

*Webmaster/Public Information Officer – ~~Reid Magney~~ Riley Vetterkind*

Under the general supervision of the Administrator of the Wisconsin Elections Commission, this position provides a wide variety of support for Commission operations. This position serves as the agency's webmaster, media spokesperson, and public records officer. This position also provides support to the Commission by taking meeting minutes and planning meetings.

*Elections Supervisor – Riley Willman*

Under the general supervision of the Deputy Administrator, this position is responsible for managing the elections administration specialists and the Commission's statutory responsibilities ensuring compliance with Wisconsin's elections laws. This position reports to the Deputy Administrator and the Commissioners on a regular basis on the success of programs, policies, and procedures, and develops and implements more effective, efficient ways to achieve program goals

*Elections Specialists — multiple incumbents*

Six positions under the Elections Commission are classified as Elections Specialists. Elections Specialists' responsibilities are mostly related to election administration. Staff in this classification are Allison Coakley, Regina Hein, Erin Hoag, Caitlin Jeidy, Robert Williams, and Vacant. Staff in this

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~~classification are Erin Hoag, Allison Coakley, Cody Davies, Brianna Hanson, Robert Williams, and Riley Willman.~~

Under the general supervision of the Deputy Administrator of the Wisconsin Elections Commission, these positions provide operational execution of the Wisconsin Elections Commission's statutory responsibilities and ensure compliance with Wisconsin's elections laws. The individuals in these positions must be able to respond to questions involving complex application of statutes and administrative code and assist local election officials. The individuals in these positions conduct policy and legal analysis related to the administration of Wisconsin's elections laws and review applicable court decisions for potential impact on the Commission's responsibilities. They are also responsible for creating and managing the Elections Commission's training program for local election officials. These duties require the preparation of training materials and events, including manual updates, written communications, webinars, and in-person presentations. They also monitor local election officials' compliance with training requirements. These positions report to the Deputy Administrator and the Commissioners on a regular basis the success of programs, policies, and procedures, and develop and implement more effective, efficient ways to achieve program goals.

#### *WisVote Specialists — multiple incumbents*

~~Eleven-Nine~~ positions under the Elections Commission are classified as WisVote Specialists or have responsibilities for supporting Wisconsin's statewide voter registration system, known as WisVote. This support includes IT development and WisVote user support and training to local election officials who use the system. Staff in this category include Cody Davies, UAT Lead; Patrick Brennan, and Jacob Walters, Training Officers; and Greg Grube, Jeffrey Harrison, Jazmin Jackson, Aaron Knautz, Dawn Soletski and Jodi Vitcenda, WisVote Elections Specialists.

~~Staff in this category include Ann Oberle, UAT Lead; Patrick Brennan, Ahna Barreau, and Christopher Doffing, Training Officers; and Greg Grube, Jeffrey Harrison, Jodi Kitts, Aaron Knautz, Connie Shehan, Dawn Soletski and Sarah Statz, WisVote Elections Specialists.~~

#### *Help Desk Support — multiple incumbents*

~~Eight positions under the Elections Commission are classified as Help Desk support positions. Under the supervision of the Chief Administrative Officer, these positions provide a wide variety of technical services to the Commission and its staff and to local election officials and the public. These positions provide operational support by staffing the front desk, answering telephones, and providing program and administrative support to agency Administrator and staff. Staff in this category are John Hoeth, Help Desk Lead, Amelia Brichford, Madhumita Dao, Matthew Kabbash, Anna Langdon, Jon Nelson, Benji Pierson, Claudia Santana, Help Desk Support. Three positions under the Elections Commission are classified as Help Desk support positions. Under the supervision of the Chief Administrative Officer, these positions provide a wide variety of technical services to the Commission and its staff and to local election officials and the public. Staff in this category are Steve Rossman, Help Desk Lead, John Hoeth and Claudia Santana, Help Desk Support.~~

~~Operations Program Associate — Jacob Walters~~

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~~Under the general supervision of the Chief Administrative Officer, this position provides operational support by staffing the front desk, Help Desk customer service support, answering telephones, and providing program and administrative support to agency Administrator and staff.~~

*Accountant – Julia Billingham*

Under the general supervision of the Chief Administrative Officer, this position creates and maintains the financial statements and general ledger through the use of the Statewide PeopleSoft STAR ERP system, manages expenditures to biennial and annual operating budgets, manages GPR and Federal Grants reporting, implements procurement activities and prepares financial reporting and audits.

*Financial Specialist – Tiffany Schwoerer*

Under the close supervision of the Chief Administrative Officer, this position audits, codes and processes invoices and other financial documents, prepares and processes expenditure reports and records and produces various financial reports. This position also provides operational support by staffing the front desk, answering telephones, and providing additional support.

*IT Project Manager – Sarah ~~Linski~~ Statz*

Under the general supervision of the IT Technology Director, this position is responsible for the day-to-day ~~scheduling~~ scheduling oversight, and implementation of agency IT projects. This position is responsible for the development, coordination and execution of an agency IT project plan and schedule and for coordinating feedback from local elections officials regarding the agency's IT applications.

*Election Security Lead – Tony Bridges*

Under the general supervision of the IT Technology Director, this position serves as the point person for developing and implementing the agency's overall elections security plan. This position is responsible for ensuring the implementation of cyber security best practices in the Commission's technology applications and that the agency's knowledge of cyber security tools and risks remain current and accurate.

**D. Summary of Determinations and Advisory Opinions Issued Under Wis. Stat. § 5.05(6a)**

The Elections Commission ~~did not issue any formal or~~ issued one informal advisory opinions during the ~~2018-2022-2019-2023~~ fiscal years. This is the Cegielski opinion available on <https://elections.wi.gov>

**E. Summary of Investigations Conducted**

The Elections Commission did not authorize any investigation during the ~~2020-2022~~ – ~~2021-2023~~ fiscal years.

**F. Recommendations for Legislation**

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The Commission did not adopt a new legislative agenda during the 2021-2023 biennium. The Commission last adopted a legislative agenda in 2018, and modified the agenda with additional provisions in 2021. The Commission considered, but did not adopt, changes to the legislative agenda in 2022 and 2023.

The Commission adopted a legislative agenda for the 2019 – 2020 legislative session on December 3, 2018, which is attached as Appendix C along with the meeting minutes pertaining to agenda item J. Also attached as Appendix D is a memorandum outlining additional items that the Commission added to its legislative agenda at its March 11, 2019, meeting along with the meeting minutes pertaining to agenda item J. Also attached as Appendix E is a memorandum recommending approval the Commission continue its support of previous legislative agendas from 2018 and 2019 and add additional items as outlined in the Commission Legislative Agenda memo from the March 2, 2021, Commission meeting. The Commission approved items a, b, and c as outlined in the March 2, 2021, memorandum along with meeting minutes pertaining to agenda item I. At the Commission’s September 9, 2021, meeting, they adopted an additional item to its legislative agenda to add a provision within statute that Special Voting Deputies and observers be defined as essential visitors, which would guarantee their entry to administer absentee voting. They would also be required to comply with all reasonable health requirements and procedures of the facility upon entry. The Commission also directed staff to send letters to the Governor (Appendix F) and Legislature (Appendix G). Agency staff also routinely provides feedback to the Legislature regarding legislative proposals which pertain to election administration and are not included on the Commission’s legislative agenda.

**G. Report on Flexible Time Work Schedules, Permanent Part-Time Positions and Alternative Work Patterns Under Wis. Stat. §230.215 (4):**

The Wisconsin Elections Commission (WEC) maintains a commitment to providing flexible time and staggered-hour work schedules, job sharing and other alternative work patterns. All employees are allowed to adjust their start and leave times and lunch breaks. WEC staff members are issued laptop computers and have access to agency servers through a secure, virtual private network so they may work from other locations when they cannot be in the office. Many of the agency’s employees work non-standard hours while providing quality service through a mutually satisfactory arrangement. During ~~FY19FY21-FY21-FY23~~ WEC employed permanent, project and temporary personnel.

# Appendix A

## Statutory Duties of the Wisconsin Elections Commission

<b>Subject</b>	<b>Statutory Reference</b>	<b>Duties</b>
General Statutory Authority	5.05(1)	The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12, and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Wis. Stat. § 5.05(1).
Administrative Rules	5.05(1)(f)	Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration. Wis. Stat. § 5.05(1)(f).
Investigations & Enforcement	5.05(2m)(a)	The commission shall investigate violations of laws administered by the commission. Wis. Stat. § 5.05(2m)(a).
Elections Commission Statutory Authority	5.05(2w)	The elections commission has the responsibility for the administration of chs. 5 to 10 and 12. Wis. Stat. § 5.05(2w).
Chief Election Officer	5.05(3g)	The commission administrator shall serve as the chief election officer of this state. Wis. Stat. § 5.05(3g).
Nonpartisan Employees	5.05(4)	All employees of the commission shall be nonpartisan. Wis. Stat. § 5.05(4).
Annual Report	5.05(5e)	The commission shall submit an annual report under s. 15.04(1) (d) and shall include in its annual report the names and duties of all individuals employed by the commission and a summary of its determinations and advisory opinions. Wis. Stat. § 5.05(5e).
Access to Records	5.05(5s)(a)	The commission shall permit inspection of records that are distributed or discussed in the course of a meeting or hearing by the commission in open session. The commission shall post on its Internet site the draft minutes of each meeting or hearing conducted by the commission in open session no later than 48 hours after the completion of the meeting or hearing. The commission shall post minutes approved by the commission no later than 48 hours after the minutes are approved. The commission may indicate whether minutes posted on its Internet site have been approved by the commission or are in draft form. Minutes posted pursuant to this paragraph shall include a summary of every action that the commission voted on, a record of each member's vote for or against every action requiring a vote, a record of all motions and seconds made by each member, including the full text of each motion debated and voted on by the commission, and a record of each member's status as being present or absent for any part of a meeting or hearing. The commission shall maintain all minutes published under this paragraph on its Internet site so that the minutes are accessible to the public at all times. Wis. Stat. § 5.05(5s)(a).

<b>Subject</b>	<b>Statutory Reference</b>	<b>Duties</b>
Access to Records	5.05(5s)(am)	The commission shall provide to the joint committee on finance records obtained or prepared by the commission in connection with an ongoing investigation when required under sub. (2q). Wis. Stat. § 5.05(5s)(am).
Advisory Opinions	5.05(5t)	Within 2 months following the publication of a decision of a state or federal court that is binding on the commission and this state, the commission shall issue updated guidance or formal advisory opinions, commence the rule-making procedure to revise administrative rules promulgated by the commission, or request an opinion from the attorney general on the applicability of the court decision. Wis. Stat. § 5.05(5t).
Advisory Opinions	5.06(6a)	The commission shall review a request for an advisory opinion and may issue a formal or informal written or electronic advisory opinion to the person making the request. Wis. Stat. § 5.05(6a).
Advisory Opinions	5.05(6a)(a)1.	Any individual. Either personally or on behalf of an organization or governmental body, may make a request of the commission in writing, electronically, or by telephone for a formal or informal advisory opinion regarding the propriety under chs. 5 to 10 or 12 of any matter to which the person is or may become a party. Wis. Stat. § 5.05(6a)(a)1.
Advisory Opinions	5.05(6a)(a)2.	To have legal force and effect, each formal and informal advisory opinion issued by the commission must be supported by specific legal authority under a statute or other law, or by specific case or common law authority. Wis. Stat. § 5.05(6a)(a)2.
Advisory Opinions	5.05(6a)(c)3.	Promptly upon issuance of each formal advisory opinion, the commission shall publish the opinion together with the information specified under sub. (5s) (f) on the commission's Internet site. Wis. Stat. § 5.05(6a)(c)3.
Advisory Opinions	5.05(6a)(a)4.	At each regular meeting of the commission, the administrator shall review informal advisory opinions requested of and issued by the administrator and that relate to recurring issues or issues of first impression for which no formal advisory opinion has been issued. Wis. Stat. § 5.05(6a)(a)4.
Election Officials	5.05(7)	The commission shall conduct regular information and training meetings at various locations in the state for county and municipal clerks and other election officials. Wis. Stat. § 5.05(7).
Education & Information	5.05(10)	The commission shall adopt and modify as necessary a state plan that meets the requirements of P.L. 107-252 to enable participation by this state in federal financial assistance programs authorized under that law. Wis. Stat. § 5.05(10).

<b>Subject</b>	<b>Statutory Reference</b>	<b>Duties</b>
Education & Information	5.05(12)	The commission shall conduct an educational program for the purpose of educating electors who cast paper ballots, ballots that are counted at a central counting location, and absentee ballots of the effect of casting excess votes for a single office. Wis. Stat. § 5.05(12).
Education & Information	5.05(13)(a)	The commission shall maintain one or more toll-free telephone lines for electors to report possible voting fraud and voting rights violations, to obtain general election information, and to access information concerning their registration status, current polling place locations, and other information relevant to voting in elections. Wis. Stat. § 5.05(13)(a).
Overseas / Absent Military Voting	5.05(13)(c)	The commission shall maintain a free access system under which a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b), who casts an absentee ballot may ascertain whether the ballot has been received by the appropriate municipal clerk. Wis. Stat. § 5.05(13)(c).
Subscription Service	5.05(14)(b)	The commission shall establish a subscription service whereby a person may electronically access the absentee ballot information provided under s. 6.33(5)(a), including semiweekly updates of such information. Wis. Stat. § 5.05(14)(b).
Reporting	5.05(14)(c)	On election night the commission shall provide a link on its Internet site to the posting of each county's election returns on each county's Internet site. Wis. Stat. § 5.05(14)(c).
Registration	5.05(15)	The commission shall require all municipalities to use the list in every election and may require any municipality to adhere to procedures established by the commission for proper maintenance of the list. Wis. Stat. § 5.05 (15).
Internal Control Plan	5.05(16)(a)	Annually, the commission shall adopt written policies and procedures in order to govern its internal operations and management and shall annually report such policies and procedures to the appropriate standing committees of the legislature under s. 13.172 (3). Wis. Stat. § 5.05 (16)(a).
Poll Lists	5.05(18)	The commission may facilitate the creation and maintenance of electronic poll lists for purposes of s. 6.79 including entering into contracts with vendors and establishing programs for development and testing. Wis. Stat. § 5.05(18).
Elections Administrator	5.055	The commission administrator shall, in consultation with the commission, appoint an individual to represent this state as a member of the federal election assistance commission standards board. Wis. Stat. § 5.055.
Elections Administrator	5.055	The administrator shall also conduct and supervise a process for the selection of an election official by county and municipal clerks and boards of election commissioners to represent local election officials of this state as a member of the federal election assistance commission standards board. Wis. Stat. § 5.055.



<b>Subject</b>	<b>Statutory Reference</b>	<b>Duties</b>
Elections Division Administrator	5.056	The commission administrator shall enter into the agreement with the secretary of transportation specified under s. 85.61 (1) to match personally identifiable information on the official registration list maintained by the commission under s. 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable information maintained by the department of transportation. Wis. Stat. § 5.056.
Complaints	5.06	The commission may conduct a hearing on the matter in the manner prescribed for treatment of contested cases under ch. 227 if it believes such action to be appropriate. Wis. Stat. § 5.06(1).
HAVA Compliance	5.061	The commission shall make a final determination with respect to the merits of the complaint and issue a decision within 89 days of the time that the complaint or the earliest of any complaints was filed. Wis. Stat. § 5.061.
Voting Rights/Impediments	5.25(4)	The commission shall ensure that the voting system used at each polling place will permit all individuals with disabilities to vote without the need for assistance and with the same degree of privacy that is accorded to nondisabled electors voting at the same polling place. Wis. Stat. § 5.25(4).
Voting Rights/Impediments	5.25(4)(b)	In any jurisdiction that is subject to the requirement under 42 USC 1973aa-1a to provide voting materials in any language other than English, the commission shall ensure that the voting system used at each polling place in that jurisdiction is in compliance with 42 USC 1973aa-1a.
Voting Rights/Impediments	5.25(4)(d)	No later than June 30 of each odd-numbered year, the commission shall submit a report on impediments to voting faced by elderly and handicapped individuals to the appropriate standing committees of the legislature under s. 13.172(3). In preparing its report the commission shall consult with appropriate advocacy groups representing the elderly and handicapped populations. Wis. Stat. § 5.25(4)(d).
Voting Rights/Impediments	5.35(6)(a)4a.	The commission shall prescribe instructions for electors for whom proof of identification is required under s. 6.79 (2) or for whom proof of residence under s. 6.34 is required under s. 6.55 (2). Wis. Stat. § 5.35(6)(a)4a.
Voting Rights/Impediments	5.35(6)(a)4b.	The commission shall prescribe general information concerning voting rights under applicable state and federal laws, including the method of redress for any alleged violations of those rights. Wis. Stat. § 5.35(6)(a)4b.
Ballots	5.60(1)(b)	The elections commission shall certify the candidates' names and designate the official ballot arrangement for candidates for state superintendent, justice, court of appeals judge, circuit judge and for metropolitan sewerage commission commissioners elected under s. 200.09 (11) (am). Wis. Stat. § 5.60(1)(b).
Ballots	5.62(3)	The commission shall designate the official primary ballot arrangement for statewide offices and district attorney within each prosecutorial district by using the same procedure provided in s. 5.60 (1) (b). Wis. Stat. § 5.62(3).

<b>Subject</b>	<b>Statutory Reference</b>	<b>Duties</b>
Ballots	5.655(3)	The commission shall prescribe notices and instructions to be given to electors who use a consolidated ballot. Wis. Stat. § 5.655(3).
Ballots	5.72(2)	The commission shall review ballots and proof copies and shall notify the county and municipal clerk of any error as soon as possible but in no event later than 7 days after submission. Wis. Stat. § 5.72(2).
Electronic Voting Systems	5.87(2)	The commission shall, by rule, prescribe uniform standards for determining the validity of votes cast or attempted to be cast with each electronic voting system approved for use in this state under s. 5.91. Wis. Stat. § 5.87(2).
Electronic Voting Systems	5.905(2)	The commission shall determine which software components of an electronic voting system it considers to be necessary to enable review and verification of the accuracy of the automatic tabulating equipment used to record and tally the votes cast with the system. Wis. Stat. § 5.905(2).
Electronic Voting Systems	5.905(2)	The commission shall require each vendor of an electronic voting system that is approved under s. 5.91 to place those software components in escrow with the commission within 90 days of the date of approval of the system and within 10 days of the date of any subsequent change in the components. Wis. Stat. § 5.905(2).
Electronic Voting Systems	5.905(2)	The commission shall secure and maintain those software components in strict confidence except as authorized in this section. Wis. Stat. § 5.905(2).
Electronic Voting Systems	5.905(3)	The commission shall promulgate rules to ensure the security, review and verification of software components used with each electronic voting system approved by the commission. Wis. Stat. § 5.905(3).
Electronic Voting Systems	5.91 <del>(intro)</del>	The commission shall certify any ballot, voting device, automatic tabulating equipment or related equipment and materials to be used in an electronic voting system. Wis. Stat. § 5.91 <del>(intro)</del> .
Electronic Voting Systems	5.93	The commission may promulgate reasonable rules for the administration of electronic voting systems. Wis. Stat. § 5.93.
Electronic Voting Systems	5.95	The commission shall prescribe information to electors in municipalities and counties using various types of electronic voting systems to be published in lieu of the information specified in s. 10.02 (3) in type B notices whenever the type B notice information is inapplicable. Wis. Stat. § 5.95.
Overseas / Absent Military Voting	6.06	The commission is the agency designated by the state of Wisconsin under 42 USC 1973ff-1 to provide information regarding voter registration and absentee balloting procedures to absent members of the uniformed services and overseas voters with respect to elections for national office. Wis. Stat. § 6.06.

<b>Subject</b>	<b>Statutory Reference</b>	<b>Duties</b>
Overseas / Absent Military Voting	6.22(4)(d)	For military absentee ballots, the commission shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose instructions with each ballot, including supplemental instructions for local elections. Wis. Stat. § 6.22(4)(d).
Overseas / Absent Military Voting	6.24(3)	The commission shall design a form to ascertain the qualifications of overseas electors. The commission shall ensure that the form is substantially similar to the original form under s. 6.33 (1), insofar as applicable. Wis. Stat. § 6.24(3).
Overseas / Absent Military Voting	6.24(4)(d)	The commission shall prescribe a special certificate form for the envelope in which the absentee ballot for overseas electors is contained, which shall be substantially similar to the certificate used for absentee voters domiciled in Wisconsin as provided under s. 6.87(2). Wis. Stat. § 6.24(4)(d).
Overseas / Absent Military Voting	6.24(5)	The commission shall prescribe a special ballot for use by overseas/military voters whenever necessary, limited to national offices and designed to comply with the requirements under ss.5.60(8), 5.62, and 5.64(1) insofar as applicable. Wis. Stat. § 6.24(5).
Overseas / Absent Military Voting	6.24(6)	For overseas ballots, the commission shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose instructions with each ballot, including supplemental instructions for local elections. Wis. Stat. § 6.24(6).
Registration	6.275(2)	The commission shall publish registration and voting statistics on its website within 7 days of receipt from local election officials and update this information on a monthly basis. Wis. Stat. § 6.275(2).
Overseas / Absent Military Voting	6.276(2)	Within 30 days after each general election, each municipal clerk shall transmit to the commission a report of the number of absentee ballots transmitted to absent military and overseas electors and the combined number of those ballots that were cast by those electors in that election. Wis. Stat. § 6.276(2).
Overseas / Absent Military Voting	6.276(3)	Within 90 days after each general election, the commission shall compile the information contained in the municipal clerks' reports and transmit the information to the federal Election Assistance Commission. Wis. Stat. § 6.276(3).
Registration	6.29(2)(am)	The commission shall provide to each municipal clerk a list prepared for use at each municipal clerk's office showing the name and address of each person whose name appears on the list provided by the department of corrections under s. 301.03 (20m) as ineligible to vote on the date of the election, whose address is located in the municipality, and whose name does not appear on the registration list for that municipality. Wis. Stat. § 6.29(2)(am).

Subject	Statutory Reference	Duties
Electronic Registration	6.30(5)	The commission shall maintain on the Internet a secure registration form that enables the elector to enter the information required under s. 6.33 (10) electronically. The commission shall include on the registration form a place for the elector to give this authorization. Upon submittal of the electronic application, the commission shall obtain from the department of transportation a copy of the electronic signature of the elector. The commission shall maintain the application on file and shall notify the municipal clerk or board of election commissioners of the municipality where the elector resides of its receipt of each completed application. The commission shall also permit any elector who has a current and valid operator's license issued to the elector under ch. 342 or a current and valid identification card issued under s. 342.50 to make changes in his or her registration at the same Internet site that is used by electors for original registration under this subsection. Wis. Stat. § 6.30(5).
Registration	6.33(1)	The commission shall prescribe the format, size, shape and content of registration forms consistent with statutory requirements. Wis. Stat. § 6.33(1).
Registration	6.33(5)(a)	Municipal clerks may update changes to registrations within 45 days after the date of a general election. The commission administrator may, upon request of a municipal clerk, permit the clerk to update registration entries that change on the date of a general election within 60 days after that election. The municipal clerk shall also provide to the commission information that is confidential under s.6.47(2) in such manner as the commission prescribes. Wis. Stat. § 6.33(5)(a).
Absentee Vote Tracking	6.33(5)(a)2.	The commission shall maintain a list under s. 6.36 (1) that allows municipal clerks to enter information regarding tracking absentee ballots. Wis. Stat. § 6.33(5)(a)2.
Electronic System	6.34(4)	The commission shall maintain a system that electronically verifies, on an instant basis, information specified under sub. (3) (b) from the information submitted in lieu of proof of residence under sub. (2m), using the information maintained by the department of transportation pursuant to the commission's agreement with the secretary of transportation under s. 85.61 (1). Wis. Stat. § 6.34(4).
Registration List	6.35(2)	The commission shall prescribe, by rule, the procedure and methods by which municipal clerks and boards of election commissioners shall maintain records of registrations that are entered electronically under s. 6.30 (5). Wis. Stat. § 6.35(2).
Registration	6.36(1)(a)	The commission shall compile and maintain electronically an official registration list consistent with statutory requirements. Wis. Stat. § 6.36 (1)(a).
Registration	6.36(2)(a)	The commission shall, by rule, prescribe the space and location for entry of each elector's signature on the poll list which shall provide for entry of the signature without changing the orientation of the poll list from the orientation used by the election officials. Wis. Stat. § 6.36(2)(a).

<b>Subject</b>	<b>Statutory Reference</b>	<b>Duties</b>
Registration	6.36(6)	The commission shall establish by rule the fee for obtaining a copy of the official registration list, or a portion of the list, including access to the subscription service established under s. 5.05 (14)(b). The amount of the fee shall be set, after consultation with county and municipal election officials, at an amount estimated to cover both the cost of reproduction and the cost of maintaining the list at the state and local level. The rules shall require that revenues from fees received be shared between the state and municipalities or their designees under s. 6.33(5)(b), and shall specify a method for such allocation. Wis. Stat. § 6.36(6).
Registration	6.50(1)	No later than June 15 following each general election the commission shall identify each elector who has not voted within the previous 4 years and mail a suspension notice. Wis. Stat. § 6.50(1)
Registration	6.50(2)	The commission shall change the registration status of an elector receiving a notice of suspension who does not apply for continuation of registration within 30 days of the date of mailing the suspension notice. Wis. Stat. § 6.50(2)
Registration	6.50(2g)	The commission may delegate to a municipal clerk or board of election commissioners of a municipality the responsibility to change the registration status of voter suspended under s. 6.50(2). Wis. Stat. § 6.50(2g)
Registration	6.50(2r)	No later than August 1 of an odd-numbered year the commission shall publish on its website specified statistics related to the suspension notice mailing. Wis. Stat. § 6.50(2r).
Registration	6.55(2)(cs)	The commission shall provide to each municipal clerk a list prepared for use at each polling place showing the name and address of each person whose name appears on the list provided by the department of corrections under s. 301.03(20m) as ineligible to vote on the date of the election, whose address is located in the area served by that polling place, and whose name does not appear on the poll list for that polling place. Wis. Stat. § 6.55(2)(cs).
Registration	6.56(3m)	As soon as possible after all information relating to registrations after the close of registration for an election is entered on the registration list following the election under s.6.33 (5) (a), the commission shall compare the list of new registrants whose names do not appear on the poll lists for the election because the names were added after the commission certified the poll lists for use at the election with the list containing the names transmitted to the board by the department of corrections under s. 301.03(20m) as of election day. If the commission finds that the name of any person whose name appears on the list transmitted under s. 301.03(20m) has been added to the registration list, the commission shall enter on the list the information transmitted to the commission under s. 301.03(20m) and shall notify the district attorney for the county where the polling place is located that the person appears to have voted illegally at the election. Wis. Stat. § 6.56(3m).

Subject	Statutory Reference	Duties
Registration	6.56(7)	The commission may elect to perform audits of all electors registering to vote at the polling place and all electors registering by agent on election day. Wis. Stat. § 6.56(7).
Absentee Voters	6.869	The commission shall prescribe uniform instructions for municipalities to provide to absentee electors. Wis. Stat. § 6.869.
Special Registration Deputies	6.875(5)	The commission shall prescribe an oath that special registration deputies in nursing homes and care facilities must file as required by s. 7.30(5). Wis. Stat. § 6.875(5).
Registration	6.92; 6.925	<del>When administering challenges, election inspectors “shall . . . ask questions which are appropriate as determined by the commission, by rule, to test” the qualifications of the individual being challenged. Wis. Stats. §§ 6.92, 6.925. The commission may prescribe by rule questions that inspectors or other electors may use to test a person’s qualifications in a challenge. Wis. Stats. §§ 6.92, 6.925.</del>
Election Officials	7.03(2)	The commission shall fix the amount to be paid any person employed to perform duties for the state. If the commission employs an individual to perform duties which are the responsibility of a county or municipality, the commission shall charge the expense to the county or municipality. Wis. Stat. § 7.03(2).
Ballots	7.08(1)(a)	In addition to its duties for ballot arrangement under ch. 5 and date and notice requirements under ch. 10, the commission shall prescribe all official ballot forms and revise them to harmonize with legislation and the current official status of the political parties whenever necessary. Wis. Stat. § 7.08(1)(a).
Ballots	7.08(1)(a)	The commission shall include on each ballot form in the endorsement section space for identifying overvoted or damaged ballots as original or duplicate with an identifying serial number. Wis. Stat. § 7.08(1)(a).
Ballots	7.08(1)(b)	The commission shall also prescribe the necessary sample forms and ballot containers to make the canvass, returns, statements and tally sheet statements for all elections the results of which are reportable to the commission under s. 7.60(4)(a), and all other materials as it deems necessary to conduct the elections. Wis. Stat. § 7.08(1)(b).
Registration	7.08(1)(c)	The commission shall prescribe the format, size, and shape of registration forms required by ss. 6.24(3) and (4), 6.30(4) and (5), 6.33(1), 6.47 (1)(am)2. and (3), 6.55(2), and 6.86 (2) to (3). All such forms shall contain a statement of the penalty applicable to false or fraudulent registration or voting through use of the form. Forms are not required to be furnished by the commission. Wis. Stat. § 7.08(1)(c).
Electronic Voting Systems	7.08(1)(d)	The commission shall promulgate rules for the administration of the statutory requirements for voting machines and electronic voting systems and any other voting apparatus which may be introduced in this state for use at elections. Pursuant to such responsibility, the commission may obtain assistance from competent persons to check the machines, systems and apparatus and approve for use those types meeting the statutory requirements and shall establish reasonable compensation for persons performing duties under this paragraph. Wis. Stat. § 7.08(1)(d).

<b>Subject</b>	<b>Statutory Reference</b>	<b>Duties</b>
Candidates	7.08(2)(a)	The commission shall transmit to each county clerk a certified list of all candidates on file in its office for which electors in that county may vote. Wis. Stat. § 7.08(2)(a).
Publications	7.08(3)	The commission shall prepare and publish separate from the election laws an election manual written so as to be easily understood by the general public explaining the duties of the election officials. Wis. Stat. § 7.08(3).
Publications	7.08(4)	The commission shall publish the election laws and shall sell or distribute or arrange for the sale or distribution of copies of the election laws to county and municipal clerks and boards of election commissioners and members of the public. Wis. Stat. § 7.08(4).
Publications	7.08(5)	The commission shall distribute, upon request and free of charge, to any candidate for representative in Congress, state senator, or representative to the assembly a copy of the map or maps received under s. 16.96(3)(b) showing district boundaries. Wis. Stat. § 7.08(5).
Electronic Voting Systems	7.08(6)	Following each general election, audit the performance of each voting system used in this state to determine the error rate of the system in counting ballots that are validly cast by electors. If the error rate exceeds the rate permitted under standards of the federal election commission in effect on October 29, 2002, the commission shall take remedial action and order remedial action to be taken by affected counties and municipalities to ensure compliance with the standards. Wis. Stat. § 7.08(6).
Election Officials	7.08(11)	The commission shall allocate and assign sufficient members of its staff to coordinate their activities with local election officials and maintain their availability to respond to inquiries from local election officials for each statewide election and each recount in progress. Wis. Stat. § 7.08(11).
Voting Rights/Impediments	7.08(12)	The commission shall engage in outreach to identify and contact groups of electors who may need assistance in obtaining or renewing a document that constitutes proof of identification for voting and provide assistance to the electors in obtaining or renewing that document. Wis. Stat. § 7.08(12).
Voter Fraud	7.15(1)(g)	Report summary of suspected election frauds, irregularities and violations received from municipal clerks annually to the legislature under s 13.72. Wis. Stat. § 7.15(1)(g).
Election Officials	7.31(1)	The commission shall establish requirements for certification of individuals to serve as chief inspectors. The requirements shall include a requirement to attend at least one training session held under sub. (5) before beginning service. Wis. Stat. § 7.31(1).
Election Officials	7.31(3)	The commission shall, upon application, issue certificates to qualified individuals who meet the requirements to be certified as chief inspectors. Each certificate shall carry an expiration date. Wis. Stat. § 7.31(3).

<b>Subject</b>	<b>Statutory Reference</b>	<b>Duties</b>
Election Officials	7.31(4)	The commission shall require each individual to whom a certificate is issued under this section to meet requirements to maintain that certification. Wis. Stat. § 7.31(4).
Election Officials	7.31(5)	The commission shall conduct regular training programs to ensure that individuals who are certified by the commission as chief election inspectors are knowledgeable concerning their authority and responsibilities. The commission shall pay all costs required to conduct the training programs from the appropriation under s. 20.510(1)(bm). Wis. Stat. § 7.31(5).
Election Officials	7.315	The commission shall, by rule, prescribe the contents of the training that municipal clerks must provide to inspectors, other than chief inspectors, and to special voting deputies appointed under s. 6.875. Wis. Stat. § 7.315.
Election Observers	7.41(5)	The commission may promulgate rules that are consistent with the requirements of the public's right to access to the polling place regarding the proper conduct of individuals exercising the right, including the interaction of those individuals with inspectors and other election officials. Wis. Stat. § 7.41(5).
Canvass	7.60(5)(b)	If the board of canvassers becomes aware of a material mistake in the canvass of an election for state or national office or a statewide or technical college district referendum prior to the close of business on the day the elections commission receives returns from the last county board of canvassers with respect to that canvass, the board of canvassers may petition the elections commission to reopen and correct the canvass. The elections commission shall direct the canvass to be reopened and corrected if it determines that the public interest so requires. Wis. Stat. § 7.60(5)(b).
Canvass	7.70(1)	Upon receipt of the certified statements from the county clerks, the commission shall record the election results by counties and file and carefully preserve the statements. Wis. Stat. § 7.70(1).
Canvass	7.70(3)	The chairperson of the commission or a designee of the chairperson appointed by the chairperson to canvass a specific election shall publicly canvass the returns and make his or her certifications and determinations on or before the 2nd Tuesday following a spring primary, the 15th day of May following a spring election, the 3rd Wednesday following a partisan primary, the first day of December following a general election, the 2nd Thursday following a special primary, or within 18 days after any special election. Wis. Stat. § 7.70(3).
Canvass	7.70(5)	The commission shall record in its office each certified statement and determination made by the commission chairperson or the chairperson's designee. Immediately after the expiration of the time allowed to file a petition for recount, the commission shall make and transmit to each person declared elected a certificate of election under the seal of the commission. For presidential electors, the commission shall prepare a certificate showing the determination of the results of the canvass and the names of the persons elected, and the governor shall sign, affix the great seal of the state, and transmit the certificate by registered mail to the U.S. administrator of general services. Wis. Stat. § 7.70(5).



<b>Subject</b>	<b>Statutory Reference</b>	<b>Duties</b>
Nomination Papers	8.07	The commission shall promulgate rules under this chapter for use by election officials in determining the validity of nomination papers and signatures thereon. Wis. Stat. § 8.07.
Nomination Papers	8.12(1)(d)	The commission shall forthwith contact each person whose name has been placed in nomination under par. (b) and notify him or her that his or her name will appear on the Wisconsin presidential preference ballot unless he or she files, no later than 5 p.m. on the last Tuesday in January of such year, with the commission, a disclaimer stating without qualification that he or she is not and does not intend to become a candidate for the office of president of the United States at the forthcoming presidential election. Wis. Stat. § 8.12(1)(d).
Ballots	8.12(2)	The form of the official ballots (Presidential Preference Vote) shall be prescribed by the commission. Wis. Stat. § 8.12(2).
Reporting	8.12(3)	No later than May 15 following the presidential preference primary, the commission shall notify each state party organization chairperson under sub. (1) (b) of the results of the presidential preference primary within the state and within each congressional district. Wis. Stat. § 8.12(3).
Candidates	8.185(2)	The commission may waive the requirement of 8.185(2) but only if the results of the general election indicate that a write-in candidate for the office of president is eligible to receive the electoral votes of this state except for noncompliance with this subsection. In such event, the write-in candidate shall have until 4:30 p.m. on the Friday following the general election to comply with the filing requirements of this subsection. Wis. Stat. § 8.185 (2).
Nomination Papers	8.19(3)	The commission shall not certify nor the county clerk print the name of any person whose nomination papers indicate a party name comprising a combination of existing party names, qualifying words, phrases, prefixes or suffixes in connection with any existing party name. Wis. Stat. § 8.19(3).
Nomination Papers	8.40(3)	The commission shall, by rule, prescribe standards consistent with this chapter and s. 9.10 (2) to be used by all election officials and governing bodies in determining the validity of petitions for elections and signatures thereon. Wis. Stat. § 8.40(3).
Special Elections	8.50(1)(b)	If [a] special election concerns a national or state office, the commission shall give notice as soon as possible to the county clerks. Wis. Stat. § 8.50(1)(b).

<b>Subject</b>	<b>Statutory Reference</b>	<b>Duties</b>
Special Elections	8.50(1)(d)	When the election concerns a national office or a special election for state office is held concurrently with the general election, the commission shall transmit to each county clerk a certified list of all persons for whom nomination papers have been filed in its office at least 62 days before the special primary, and in other cases the commission shall transmit the list to each county clerk at least 22 days before the special primary. If no primary is required, the list shall be transmitted at least 42 days prior to the day of the special election unless the special election concerns a national office or is held concurrently with the general election, in which case the list shall be transmitted at least 62 days prior to the day of the special election. Wis. Stat. § 8.50(1)(d).
Recount	9.01(1)(ag)4.	The commission shall deposit all moneys (recount fees) received by it into the account under s. 20.511 (1) (g), and shall pay the fees required for each recount to the county clerks of the counties in which the recount is to be held. Wis. Stat. § 9.01(1)(ag)4.
Recount	9.01(1)(ar)3.	Whenever the commission receives a valid (recount) petition and any payment under par. (ag) 3., the commission shall promptly by certified mail or other expeditious means order the proper county boards of canvassers to commence the recount. Wis. Stat. § 9.01(1)(ar)3.
Recount	9.01(1)(ar)3.	The commission chairperson or the chairperson's designee may not make a determination in any election if a recount is pending before any county board of canvassers in that election. Wis. Stat. § 9.01(1)(ag)3.
Recount	9.01(1)(ar)3.	The commission chairperson or the chairperson's designee need not recount actual ballots, but shall verify the returns of the county boards of canvassers in making his or her determinations. Wis. Stat. § 9.01(1)(ar)3.
Recount	9.01(2)	When the recount concerns an election for a state or federal office, the commission shall promptly prepare a copy of the petition for delivery to each opposing candidate for the same office whose name appears on the ballot. In a recount proceeding for a partisan primary, the commission shall prepare a copy of the petition for delivery to each opposing candidate for the same party nomination for the same office, to each opposing candidate for the party nomination of each other party for the same office and to each independent candidate qualifying to have his or her name placed on the ballot for the succeeding election. Wis. Stat. § 9.01(2).
Recount	9.01(5)(c)	If the commission chairperson or the chairperson's designee receives the recount results, the chairperson or designee shall publicly examine the returns and determine the results not later than 9 a.m. on the 3rd business day following receipt, but if that day is earlier than the latest day permitted for that election under s. 7.70(3)(a), the commission chairperson or designee may examine the returns and determine the results not later than the day specified in s. 7.70(3)(a). Wis. Stat. § 9.01(5)(c).
Recount	9.01(10)	The commission shall prescribe standard forms and procedures for the making of recounts under this section. Wis. Stat. § 9.01(10).

<b>Subject</b>	<b>Statutory Reference</b>	<b>Duties</b>
Recount	9.01(10)	The procedures prescribed by the commission shall require the boards of canvassers in recounts involving more than one board of canvassers to consult with the commission staff prior to beginning any recount in order to ensure that uniform procedures are used, to the extent practicable, in such recounts. Wis. Stat. § 9.01(10).
Recall	9.10(3)(b)	Within 31 days after the petition is offered for filing, the commission with whom the petition is offered for filing shall determine by careful examination whether the petition on its face is sufficient and so state in a certificate attached to the petition. Wis. Stat. § 9.10(3)(b).
Recall	9.10(3)(b)	If the commission finds that the amended petition is sufficient, the commission shall file the petition and call a recall election to be held on the Tuesday of the 6th week commencing after the date of filing of the petition. Wis. Stat. § 9.10(3)(b).
Election Notices	10.01(1)	The form of the various election notices shall be prescribed by the commission to standardize election notices. To accomplish this purpose, the commission shall make rules and draft whatever forms it considers necessary. The commission shall also prescribe the provisions for municipal notices which shall be sent to each county clerk who shall immediately forward them to each municipal clerk. Wis. Stat. § 10.01(1).
Election Notices	10.01(1)	Notification or certification lists of candidates or referenda questions sent to the county clerks shall prescribe the form in which the county clerks shall publish the relevant portions of the notice and any additional county offices and referenda questions. Wis. Stat. § 10.01(1).
Election Notices	10.06(1)(a)	On or before November 15 preceding a spring election the commission shall send a type A notice to each county clerk. Wis. Stat. § 10.06(1)(a).
Election Notices	10.06(1)(c)	As soon as possible after the deadline for filing nomination papers for the spring election, but no later than the 2nd Tuesday in January, the commission shall send a type B notice certifying the list of candidates to each county clerk if a primary is required. Wis. Stat. § 10.06 (1)(c).
Election Notices	10.06(1)(e)	As soon as possible following the state canvass of the spring primary vote, but no later than the first Tuesday in March, the commission shall send a type B notice certifying to each county clerk the list of candidates for the spring election. Wis. Stat. § 10.06 (1)(e).
Election Notices	10.06(1)(e)	When there is a referendum, the commission shall send type A and C notices certifying each question to the county clerks as soon as possible, but no later than the first Tuesday in March. Wis. Stat. § 10.06 (1)(e).
Election Notices	10.06(1)(f)	On or before the 3rd Tuesday in March preceding a partisan primary and general election the commission shall send a type A notice to each county clerk. Wis. Stat. § 10.06 (1)(f).

<b>Subject</b>	<b>Statutory Reference</b>	<b>Duties</b>
Election Notices	10.06(1)(h)	As soon as possible after the deadline for determining ballot arrangement for the partisan primary on June 10, the commission shall send a type B notice to each county clerk certifying the list of candidates for the partisan primary. Wis. Stat. § 10.06 (1)(h).
Election Notices	10.06(1)(i)	As soon as possible after the state canvass, but no later than the 4th Tuesday in August, the commission shall send a type B notice certifying the list of candidates and type A and C notices certifying each question for any referendum to each county clerk for the general election. Wis. Stat. § 10.06 (1)(i).
Biennial Budget	15.04(1)(b)	Biennially compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department or independent agency and each program, subprogram and activity therein. Wis. Stat. § 15.04 (1)(b).
Biennial Report	15.04(1)(d)	On or before October 15 of each odd-numbered year, submit to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172(2), a report on the performance and operations of the agency during the preceding biennium, and projecting the goals and objectives of the agency as developed for the program budget report. Wis. Stat. § 15.04 (1)(d).
Federal Funds Application Report	16.54(5)	Whenever any agency of the federal government shall require that as a condition of obtaining federal aid the state agency entrusted with the administration of such aid shall submit a budget plan, application, or other project proposal, then the budget, plan, application or proposal shall, before it is submitted to the federal authorities for approval, first be approved by the governor and reported to the joint committee on finance. Wis. Stat. § 16.54 (5).
Non-Federal Gift and Grant Expenditures Report	20.907(1m)	State agencies shall, by December 1 annually, submit a report to the joint committee on finance and department of administration on expenditures made by the agency during the preceding fiscal year from nonfederal funds received as gifts, grants, bequests or devises. Wis. Stat. § 20.907 (1m).
Forestalling Appropriations	20.903(1)	Whenever any state agency obtains information or evidence of a possible violation relating to expenditures of state funds without specific prior appropriation shall provide the information or evident to the joint committee on finance and the secretary of administration. Wis. Stat. § 20.903 (1).
Review of Rules and Enactment	227.29(1)	By March 31 of each odd-numbered year, each agency with any rules published in the code shall submit a report to the joint committee for review of administrative rules listing all of the following rules promulgated or otherwise administered by the agency. Wis. Stat. § 227.29 (1).

# Appendix B

## Wisconsin Elections Commission Administrator Position Description and Delegation of Authority

**Elections Commission Administrator**  
(Position # 334590)

**POSITION SUMMARY**

Under the general policy direction of the Elections Commission, this individual is responsible for providing the administrative leadership and support necessary to enable the Commission to carry out its statutory functions with respect to the administration and enforcement of elections. The duties and responsibilities of this position are diverse in nature and include such activities as: implementation of Board policies and directives; law and rule interpretations; program planning; staff supervision; public and legislative contacts; and the development and improvement of record keeping and procedural systems.

This individual serves as a representative of the Commission and provides administrative leadership and support to the Commission in such areas as conduct of investigations; development of formal and informal opinions; administrative rule development; drafting and review of proposed legislation; data collection, analysis and dissemination; identification of problems which may require investigation or interpretation; preparation of special reports; preparation for Commission meetings; and in any other areas the Commission may assign.

**Duties and Responsibilities**

**A. Election Administration - Plan, organize and supervise the operation of the election administration responsibilities of the agency.**

1. This individual is responsible for the day-to-day administration of elections for the agency carrying out the agency responsibilities described in Chapters 5–10, and 12, Wisconsin Statutes.
2. This individual is responsible for the carrying out agency responsibilities and ensuring agency compliance under the following federal programs:
  - a. The Help America Vote Act of 2002 (42 U.S.C.15301 et seq.)
  - b. The Voting Rights Act of 1965 (42 U.S.C.1973 et seq.)
  - c. The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.)
  - d. The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.)
  - e. The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.)
  - f. The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
  - g. The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)
3. This individual establishes, administers and supervises the internal operating procedures for implementing the state and federal election-related responsibilities of the agency.

4. This individual is responsible for developing and maintaining the Election Administration Plan required by the Help America Vote Act of 2002 and Section 5.05 (10), Wisconsin Statutes to enable participation in federal financial assistance programs.
5. In consultation with the Commission, this individual shall appoint an individual to represent the state as a member of the federal Election Assistance Commission Standards Board. This individual shall also conduct and supervise a process for the selection of an election official by county and municipal clerks and boards of election commissioners to represent local election officials of the state as a member of the federal Election Assistance Commission Standards Board.
6. This individual is responsible for directing the conduct of investigations of citizen complaints filed pursuant to Sections 5.06, 5.061, Wisconsin Statutes. This individual shall prepare a report and recommendations for the resolution of the complaints by the Commission.
7. This individual is responsible for planning, organizing and supervising the preparation and revision of standard forms including ballot forms and forms specifically required pursuant to Section 7.08 Wisconsin Statutes.
8. This individual is responsible for the receipt and review of reports from municipal clerks related to suspected fraud pursuant to Section 7.15 (1)(g), Wisconsin Statutes. This individual shall prepare a report and recommendations for the resolution of the complaints by the Commission.
9. This individual is responsible for planning, organizing and supervising the administration of recounts for state and federal office pursuant to Section 9.01, Wisconsin Statutes. This individual also plans, organizes and supervises agency support for local election officials with respect to recount of local elections. This individual is responsible for the development of standard forms and procedures for the conduct of recounts pursuant to Section 9.01 (11), Wisconsin Statutes.
10. This individual is responsible for planning, organizing and supervising the administration of agency responsibilities with respect to recall efforts of state and federal elective officials pursuant to Section 9.10, Wisconsin Statutes. This individual also plans, organizes and supervises agency support for local election officials with respect to recall of local elective officials.
11. This individual is responsible for making public advisory opinions and records obtained in connection with requests for advisory opinions relating to matters under the jurisdiction of the Elections Commission. Section 5.05 (5s)(f)2.c., Wisconsin Statutes.

**B. Interpretation of Election Laws.**

1. Plan, organize and supervise the preparation of guidance, informal and formal advisory opinions by the on behalf of the Commission. Each advisory opinion shall include a citation to each statute or other law and each case or common law authority upon which the opinion is based, and shall specifically articulate or explain which parts of the cited authority are relevant to the Commission's conclusion and why they are relevant.
2. Upon authorization of the Board, this individual may issue an informal written advisory opinion or transmit an informal advisory opinion electronically on behalf of the Board, subject to such limitations as the Board deems appropriate. Every informal advisory opinion shall be consistent with applicable formal advisory opinions issued by the Board.
3. Plan, organize and supervise the preparation of administrative rules by the agency Legal Team required for promulgation by the agency pursuant to Sections 5.05 (1)(f), (2m)(c)12.; 5.905 (3); 5.93; 6.25 (3); 6.36 (6); 7.08 (1)(d); 7.31 (1); 7.315 (1), (2); 8.07; and 8.40 (3); Wisconsin Statutes.

**C. Investigation and Enforcement of Election Laws.**

1. Plan, organize, supervise and direct the conduct of investigations into possible violations of election laws under the jurisdiction of the Commission pursuant to Section 5.05 (2m)(a), Wisconsin Statutes including:
  - a. Complaints filed by persons alleging a violation of Chapters 5 to 10, 12 Wisconsin Statutes.
2. Pursuant to the conduct of investigations into possible violations election and other e requirements under the jurisdiction of the Commission:
  - a. Require any person to submit in writing such reports and answers to questions relevant to the proceedings as the Commission may prescribe, such submission to be made within such period and under oath or otherwise as the Commission may determine.
  - b. Order testimony be taken by deposition before any individual who is designated by the Commission and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by Section 5.05 (1)(b), Wisconsin Statutes
  - c. Pay witnesses the same fees and mileage as are paid in like circumstances by the courts.
3. Review reports of investigators hired on behalf of the Commission and provide advice with respect to:



- a. Continuation of an investigation.
  - b. Use of subpoena power in furtherance of an investigation.
  - c. Expansion of an investigation.
  - d. Referral of an investigation.
4. Provide the Commission with advice concerning findings of frivolous complaints, reasonable suspicion to proceed with an investigation and probable cause to believe a violation of Chapters 5 to 10, 12 Wisconsin Statutes has occurred.
  5. Supervise and direct the preparation of preliminary written findings of fact and conclusions based on investigations conducted on behalf of the Commission, make a determination of whether or not probable cause exists to believe that a violation has occurred or is occurring. If no probable cause exists, recommend dismissal of the complaint.
  6. Plan, organize, supervise and direct the prosecution of civil enforcement actions for violations of election and other requirements under the jurisdiction of the Commission pursuant to Section 5.05 (2m)(a), Wisconsin Statutes.
    - a. Advise the Commission on the selection and employment of special counsel.
    - b. Provide assistance to the special counsel as may be required by the counsel to carry out his or her responsibilities.
    - c. Provide advice to the Commission with respect to referrals to the appropriate district attorney to prosecute a civil complaint or pursue criminal enforcement for violations of election and other requirements under the jurisdiction of the Commission.
    - d. Review and provide advice to the Commission with respect to reports of special counsel, a district attorney or the attorney general concerning any action taken regarding the referral of a matter by the Commission.
  7. Develop administrative rules prescribing categories of civil offenses which the Commission will agree to compromise and settle without a formal investigation upon payment of specified amounts by the alleged offender.

**C. Training - Plan, organize and supervise the operation of the election-related training responsibilities of the agency.**

1. This individual is responsible for planning, organizing and supervising the implementation of the agency information and training responsibilities to explain

the election laws and the forms and rules of the Commission, to promote uniform procedures and to assure that clerks and other election officials are made aware of the integrity and importance of the vote of each citizen set out in Sections 5.05 (7), 7.31, 7.315, Wisconsin Statutes.

2. This individual is responsible for planning, organizing and supervising the implementation of voter information and education programs on behalf of the agency to inform electors about voting procedures, voting rights, and voting technology and educating electors who cast paper ballots, ballots that are counted at a central counting location, and absentee ballots of the effect of casting excess votes for a single office pursuant to Section 5.05 (12), Wisconsin Statutes.

**C. Voter Registration - Plan, organize and supervise the operation of the voter registration responsibilities of the agency.**

1. This individual is responsible for planning, organizing and supervising the design and maintenance of the official statewide voter registration list pursuant to Section 5.05 (15), Wisconsin Statutes.
2. This individual is responsible for planning, organizing and supervising the implementation of the official statewide voter registration list and ensuring all municipalities use the list in every election and adhere to procedures established by the Commission for proper maintenance of the list pursuant to Section 5.05 (15), Wisconsin Statutes.
3. This individual is responsible for the appointment and training of special voter registration deputies pursuant to Sections 6.26 (2)(b), 7.315 (1), Wisconsin Statutes.
4. This individual shall enter into the agreement with the Secretary of Transportation specified under Section 85.61 (1) Wisconsin Statutes to match personally identifiable information on the official registration list maintained by the Commission under Section 6.36 (1), Wisconsin Statutes with personally identifiable information maintained by the Department of Transportation.
5. This individual is responsible for certifying the poll list for each election pursuant to Section 6.36 (2)(a), Wisconsin Statutes.
6. This individual is responsible for planning, organizing and supervising the implementation of the Department of Corrections list comparison pursuant to Section 6.56 (3m), Wisconsin Statutes.

**D. Ballot Access - Plan, organize and supervise the operation of the ballot access responsibilities of the agency.**

1. This individual is responsible for planning, organizing and supervising the ballot access responsibilities of the agency pursuant to Sections 8.10, 8.15, 8.18, 8.20, 8.50, Wisconsin Statutes.
2. This individual is responsible for establishing internal operating procedures to ensure timely and thorough review of candidate ballot access documents.
3. This individual is responsible for establishing internal operating procedures to ensure timely certification of candidates for state and federal office along with state referenda questions including proposed amendments to the Wisconsin Constitution.
4. This individual shall prepare a report and recommendations for the resolution of any ballot access challenges by the Commission.

**E. Certification - Plan, organize and supervise the certification of election results on behalf of the agency.**

1. This individual is responsible for planning, organizing and supervising the conduct of the canvass of state and federal election results pursuant to Sections 7.60, 7.70, Wisconsin Statutes.
2. This individual is responsible for establishing internal operating procedures to ensure timely and thorough review of county canvass reports along with accurate and timely preparation of the official state canvass of election results.
3. This individual is responsible for planning, organizing and supervising the preparation, signing and distribution of certificates of election for state and federal office to candidates and the appropriate federal officials pursuant to Section 7.70, Wisconsin Statutes.
4. This individual is responsible for planning, organizing and supervising the preparation of reports summarizing election statistics gathered pursuant to Sections 6.275, 6.276, Wisconsin Statutes and the Help America Vote Act of 2002.

**E. Legislation.** At the direction of and in consultation with the Commission:

1. Review legislation and legislative action.
2. Suggest changes in law for remedial legislation.
3. Develop fiscal and technical notes for legislation and bill analysis as required.
4. Appear before legislative committees as required.

**F. Voting Equipment - Plan, organize and supervise agency responsibilities for the approval and security of electronic voting equipment.**

1. This individual is responsible for planning, organizing and supervising the approval of electronic voting equipment used in the state pursuant to Sections 5.40 (7), 5.91. 5.93, Wisconsin Statutes.
2. This individual is responsible for establishing internal operating procedures to ensure timely and thorough testing and review of electronic voting equipment submitted for approval for use in the state.
3. This individual shall prepare a report and recommendations to the Commission for the approval of electronic voting equipment submitted for approval for use in the state.
4. This individual is responsible for the establishment and maintenance of electronic voting equipment software component escrows pursuant to Section 5.905, Wisconsin Statutes.

**G. Disability Access - Plan, organize and supervise agency responsibilities to promote access to the electoral process for individuals with disabilities.**

1. This individual is responsible for planning, organizing and supervising the resources of the Election Commission to ensure access to the electoral process for individuals with disabilities.
2. This individual is responsible for applying for federal funds pursuant to Section 261 of the Help America Vote Act to obtain and utilize financial resources to ensure access to the electoral process for individuals with disabilities.
3. This individual shall prepare a report and recommendations to the Legislature on the impediments to voting faced by the elderly and individuals with disabilities pursuant to Section 5.25 (4)(d), Wisconsin Statutes.

**H. Commission Finances and Operations - Plan, organize and supervise the financial responsibilities and obligations of the Election Commission.**

1. This individual is responsible for planning, organizing and supervising the financial responsibilities of the Election Division to ensure compliance with state and federal budget and procurement requirements.
2. This individual is responsible for establishing internal operating procedures to ensure the proper tracking and recording of all purchases, receipts and other financial transactions of the Election Division in the following budget accounts:
  - a. General program operations, General purpose revenue [20.510 (1)(a)]

- b. Training of chief inspectors, General purpose revenue [20.510 (1)(bm)]
  - c. Voting system transitional assistance, General purpose revenue [20.510 (1)(c)]
  - d. Election administration transfer, General purpose revenue [20.510 (1)(d)]
  - e. Recount fees, Program revenue [20.510 (1)(g)]
  - f. Materials and services, Program revenue [20.510 (1)(h)]
  - g. Election administration, Segregated fund [20.510 (1)(t)]
  - h. Federal aid, Segregated fund- Federal [20.510 (1)(x)]
3. This individual shall prepare the biennial operating budget for the Elections Commission for approval by the Commission.

**I. Staff Supervision and Support - Plan, organize and supervise the activities and responsibilities of the permanent and temporary staff of the Elections Commission.**

1. Hire, supervise training, set goals and objectives, evaluate performance, and manage personnel matters of the Election Commission staff
2. Provide leadership for the effectiveness and improvement of the health and safety program by developing a proper attitude toward health and safety in self and those supervised, and participating in all aspects of the health and safety program.
  - a. Furnish the safeguards and resources required to ensure a healthy and safe workplace.
  - b. Ensure all operations are performed with the utmost regard for the health and safety of all personnel involved.
  - c. Comply with all rules and regulations and continuously practice safety while performing all duties.
3. Advance equal employment opportunity and affirmative action principles in the program operations of the agency and the management of the employees.
  - a. Uphold federal and state equal opportunity laws by recognizing and taking active steps to eliminate work unit discrimination based on an employee's protected status (e.g., race, religion, gender, marital status, sexual orientation, arrest or conviction record, age, political affiliation, national origin or ancestry, creed, disability, or membership in the national guard, state defense force or any other reserve component of the military of the United States or this state).

(January, 2016)



# Wisconsin Elections Commission

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

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**DATE:** For the September 9, 2021 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Administrator

**SUBJECT:** Delegation of Authority to Administrator

In February of 2020, the Elections Commission last approved changes to the “Delegation of Authority to the WEC Administrator.” The Delegation of Authority, as modified by the Commission in 2020, is attached to this memo.

Pursuant to Wis. Stat. § 5.05(3g), the Administrator of the Commission serves as the State’s chief election officer, and pursuant to Wis. Stat. § 5.05(3d), the Administrator shall perform such duties as the Commission assigns to her in the administration of the election laws.

Upon the creation of the Wisconsin Elections Commission in 2016, the Commission agreed that they would review the delegation annually. Annual review has been the Commission’s practice, but is not required by statute. The Commission can make changes to the delegation by two-thirds majority vote (at least 4 votes; see Wis. Stat. § 5.05(1e)). Absent a majority vote to modify the delegation, the previously adopted delegation (attached 2020 version) carries through until such time as it is modified by a majority of the Commission.

*Wisconsin Elections Commissioners*

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

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*Administrator*  
Meagan Wolfe



# Wisconsin Elections Commission

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Pursuant to the Commission Administrator's role as agency head and the State's chief election official, the Wisconsin Elections Commission on February 27, 2020 delegated the authority described below to its Administrator:

1. The following authority is delegated to the Administrator subject to the requirement that before it is exercised, the Administrator consult with the Commission Chair to determine whether a special meeting is conducted before action is taken:
  - a. To issue compliance review orders under the provisions of Wis. Stat. § 5.06. Prior to compliance review orders being issued, the following actions shall be taken:
    - i. Commission staff shall provide to Commissioners the parties' filings as they are received and post the filings on the Commission's website.
    - ii. If time permits, as determined by the Administrator in consultation with the Chair, staff shall provide draft decisions to all Commissioners prior to their issuance. The Administrator and Chair shall determine whether it is feasible to permit Commissioners to submit comments regarding the draft decision given statutory and administrative deadlines, and the amount of time allowed to submit comments.
    - iii. If time permits, Commissioners who wish to comment on the draft decision may contact the Administrator but shall not discuss the case with other Commissioners, except as allowed by the open meeting law. The Administrator shall determine whether any comments or input provided by Commissioners will be incorporated into the final decision.
    - iv. If two or more Commissioners ask the Administrator to request a special meeting regarding a Section 5.06 draft decision, the Administrator will discuss with the Commission Chair such requests and the Chair will determine whether to hold a special meeting prior to release of the decision.
  - b. To certify and sign election related documents including candidate certifications, certificates of election, and certifications of election results on behalf of the Commission;
  - c. To accept, review, and exercise discretion to approve applications for voting system modifications characterized as engineering change orders (ECOs) for systems previously approved for use in Wisconsin;
  - d. To implement the Commission's determinations regarding sufficiency of nomination papers or qualifications of candidates;
  - e. To communicate with litigation counsel representing the Commission in order to advise the Commission regarding necessary decisions related to Commission litigation. This delegation is intended to require Commission input regarding significant litigation

*Wisconsin Elections Commissioners*

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

*Administrator*  
Meagan Wolfe

decisions such as the filing of an appeal, but is not intended to require consultation with the Chair or the Commission prior to communicating with litigation counsel regarding routine matters such as feedback pertaining to legal briefs and other legal filings, discovery procedures and Commission staff's participation in court proceedings;

- f. To execute and sign contracts on behalf of the Commission, except related to special investigators as provided in Wis. Stat. § 5.05(2m), subject to the further provisions of this paragraph. The Administrator is required to request approval from the Commission for contracts involving a sum exceeding \$100,000, or for purchases from a statewide contract over \$100,000. The Administrator is required to request approval from the Commission prior to posting a Request for Proposal or Request for Bid. In addition, the Administrator may enter into a sole source contract only after obtaining approval from Commission Chair and providing five days' prior notice to the Commission regardless of the dollar amount.

**2. The following authority is delegated to the Administrator without the requirement for prior consultation with the Commission Chair before action is taken:**

- a. To exempt municipalities from polling place accessibility requirements pursuant to the provisions of Wis. Stat. § 5.25(4)(a);
- b. To exempt municipalities from the requirements for the use of voting machines or electronic voting systems pursuant to the provisions of Wis. Stat. § 5.40(5m);
- c. To execute and sign contracts on behalf of the Commission, except related to special investigators as provided in Wis. Stat. § 5.05(2m), for contracts involving a sum not exceeding \$100,000, or for purchases from a statewide contract involving sums not exceeding \$100,000.