

AMENDED NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Elections Commission

Regular Meeting

Thursday, February 8, 2024

10:00 A.M.

This meeting is being held via video teleconference only. Members of the public and media may attend online or by telephone. Please visit <https://elections.wi.gov/event/february-2024-quarterly-meeting> to view materials for the meeting. All public participants' phones/microphones will be muted during the meeting. Members of the public wishing to communicate to the Commissioners should email electioncomments@wi.gov with "Message to Commissioners" in the subject line.

Members of the public who wish to address the Commission during public comment have the opportunity to do so virtually. Please follow public comment instructions posted at <https://elections.wi.gov/event/february-2024-quarterly-meeting>. Individuals wishing to speak should please email electioncomments@wi.gov with the words "Request to Speak" in the subject line and provide the information requested in the instructions. Once your request is received, you will receive instructions via email. Please submit requests to present public comment by 4:00 p.m. on Wednesday, February 7, 2024.

You are invited to a Zoom webinar.

When: Feb 8, 2024 10:00 AM Central Time (US and Canada)

Topic: Meeting of the Wisconsin Elections Commission

Please click the link below to join the webinar:

https://us06web.zoom.us/j/84838984230?pwd=BMuVW4Z3k7lYv_wchTk5QaOkILTcuA.3ZnOeBgSEgsOSiPk

Passcode: 398112

Or One tap mobile :

+13017158592,,84838984230#,,,,*398112# US (Washington DC)

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Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 301 715 8592 US (Washington DC); +1 305 224 1968 US; +1 309 205 3325 US; +1 312 626 6799 US (Chicago); +1 646 558 8656 US (New York); +1 646 931 3860 US; +1 253 205 0468 US; +1 253 215 8782 US (Tacoma); +1 346 248 7799 US (Houston); +1 360 209 5623 US; +1 386 347 5053 US; +1 507 473 4847 US; +1 564 217 2000 US; +1 669 444 9171 US; +1 689 278 1000 US; +1 719 359 4580 US; +1 720 707 2699 US (Denver)

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International numbers available: <https://us06web.zoom.us/j/keBJmDIRfa>

AMENDED NOTICE OF OPEN AND CLOSED MEETING

OPEN AND CLOSED SESSION AGENDA

- A. Call to Order**
- B. Administrator’s Report of Appropriate Meeting Notice**
- C. Public Comment**
- D. Written Comments**
- E. Approval of Previous Meeting Minutes**
 - 1. January 24, 2024** **1**
- F. Review, Possible Approval, and Commission Directives as Needed for the Agency’s Internal Control Plan** **9**
- G. Review and Possible Action on Agency Administrative Rules**
 - 1. LAB Rule Memo Discussion** **132**
 - 2. Uniform Instructions (Chapter EL 6)** **134**
 - 3. Training Rule (Chapter EL 13)** **140**
 - 4. Challenge Procedures for Nomination Papers and Declarations of Candidacy (Chapter EL 2)** **143**
 - 5. Emergency Polling Place Plan (Chapter EL 15)** **167**
- H. Discussion of a Potential Redesign of the Commission’s Wis. Stat. Chapter 5 Complaint Form** **169**
- I. WEC Staff Updates to the Commission** **173**
- J. Revisions to the Polling Place Accessibility Survey and Polling Place Plan** **188**
- K. Discussion, Review, and Possible Action Pertaining to the Commission Manuals for County/Municipal Clerks.**

AMENDED NOTICE OF OPEN AND CLOSED MEETING

1. **Changes to the Election Administration and Election Day Manual Related to Incomplete Absentee Certifications** 247
 2. **Changes to the Election Administration and Election Day Manual Related to Absentee Witness Address and Recent Case Decisions** 256
- L. Discussion and Possible Action Pertaining to Potential Clerk Communications:**
1. **Consideration of Draft Clerk Communications Related to *Rise, Inc., et al v. Wis. Elections Comm'n, et al* (2022CV002446), and *League of Women Voters of Wis. v. Wis. Elections Comm'n, et al.* (2022CV002472) concerning Absentee Ballot Certificates.** 260
 2. **Consideration of Draft Clerk Communication on Requirements Related to Uniform Instructions and New Absentee Ballot Materials** 278
- M. Discussion on Ballot Access Petition for Green Party** 280
- N. Closed Session***
1. **Approval of Previous Meeting Minutes**
 - **December 19, 2023**
 2. **Wis. Stat. § 5.05 Complaint**
 3. **Litigation Update and Consideration of Potential Litigation**
 4. **ERIC Processes and Referrals**
 5. **Closed Session Minutes Approval**

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

AMENDED NOTICE OF OPEN AND CLOSED MEETING

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

O. Adjourn

**The Elections Commission will convene in open session but may move to closed session under Wis. Stat. § 19.85(1)(g) and Wis. Stat. § 19.851 and then reconvene into open session prior to adjournment of this meeting. This notice is intended to inform the public that this meeting will convene in open session, may move to closed session, and then may reconvene in open session. Wis. Stat. § 19.85 (2).*



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
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Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
12:00 p.m. January 24, 2024

Open Session Minutes

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

Staff present: Joel DeSpain, Sharrie Hauge, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Angela Sharpe, Riley Vetterkind, Riley Willman, Jim Witecha, and Meagan Wolfe, all by teleconference.

A. Call to Order

Commission Chair Millis called the meeting to order at 12:04 p.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

Administrator Meagan Wolfe informed the Commission that the meeting was noticed in accordance with Wisconsin's open meetings laws.

C. Approval of Previous Meeting Minutes

a. December 19, 2023

b. January 9, 2024

MOTION: To approve the December 19, 2023, and January 9, 2024, meeting minutes.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

D. Discussion of Meeting Calendar and Possible Scheduling of Future Commission Meetings

Chair Millis asked the Commission to consider holding the February 8, 2024, meeting remotely to solve scheduling issues.

Discussion.

MOTION: That the February 8, 2024, meeting be conducted by Zoom.

Moved by Commissioner Jacobs. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

E. Discussion, Review, and Possible Action Pertaining to the Following Commission Manuals for County/Municipal Clerks

- a. Election Administration**
- b. Election Day**
- c. Recount Procedures**

Staff Attorney Angela Sharpe explained the various components of the Commission’s materials. She noted that proposed changes to the Election Administration and Election Day manuals would be presented and discussed by topic rather than by manual.

Preliminary Topic: Additional 7.08(3)(c) Manual Maintenance

Discussion.

Attorney Sharpe clarified that this change would also apply to the Election Day manual.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to implement changes from Appendices 1A and 2A in the pink “Additional 7.08(3)(c) Manual Maintenance” category into the Election Administration and Election Day manuals. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- The second sentence on page 105 of the Election Administration manual will read, “If a container such as a box is used to transport absentee ballots to the polling place, then that container must have the EL-125 attached and be properly sealed.” This change will also be applied to the third sentence of the second paragraph on page 87 of the Election Day manual.
- Item 12 on page 273 of the Commission’s materials is flagged for later discussion.

Moved by Commissioner Thomsen. Seconded by Commissioner Spindell.

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

Carried 6-0.

Question #2: Caselaw Updates

Discussion.

Attorney Sharpe recommended excluding the optional litigation note due to recent litigation outcomes.

MOTION: On page 86 of the Election Administration manual, the following language will be added: “Clerks are not permitted to require identification from a person returning a ballot on behalf of a disabled voter.”

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

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

Motion failed 3-3.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in the *Election Administration* and *Election Day* manuals, not including the Option sections. The Commission also directs staff to implement changes from Appendices 1A and 2A in the grey “Caselaw Update” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- Take, “the Commission believes that,” out of the first sentence of page 86 of the Election Administration manual.
- On page 85 of the Election Administration manual, the first paragraph under the header, “Caselaw Update: Return of Voted Absentee Ballots” will read, “Subject to two exceptions, only the voter may lawfully return his or her completed absentee ballot, either by mail or in person to the office of the municipal clerk.” The next two paragraphs will be labelled, “Exceptions.”

Moved by Commissioner Thomsen. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

Question #7: Partisan Election Inspector List Submission

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in the *Election Administration* and *Election Day* manuals. The Commission also directs staff

to implement changes from Appendices 1A and 2A in the aqua “Partisan Election Inspector List Submission” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- Remove, “in order to comply with the statutory deadline” from the first sentence of the redlines on page 117 of the Election Administration manual.

Moved by Commissioner Thomsen. Seconded by Commissioner Jacobs.

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

Motion carried 6-0.

Question #4: EL 122-SP Name of Facility Field

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in the *Election Administration* and *Election Day* manuals. The Commission also directs staff to implement changes from Appendices 1A and 2A in the red “EL 122-SP Name of Facility” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

Moved by Commissioner Thomsen. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

Question #3: Witness Printed Name Field

Attorney Sharpe recommended excluding the optional litigation note due to recent litigation outcomes.

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in the *Election Administration* manual, including the Disclaimer section. The Commission also directs staff to implement changes from Appendices 1A and 2A in the blue “Witness Name Printed Field” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- The first sentence of (b) on page 84 of the Election Administration manual will read, “The witness must include their printed name.” The historical context comprising the following sentence will be removed.
- The disclaimer option will be moved up to become one paragraph with (b), rather than its own sub-paragraph. The “Disclaimer” header will be removed.

- The new second sentence of (b) on page 84 of the Election Administration manual will read, “If an absentee certificate is missing the witness’s printed name, the clerk should decide how to proceed.”
- The new fourth sentence of (b) on page 84 will read, “A ballot may also be set aside for rejection under § 6.88(3)(b) if the “certification is insufficient.”
- The last sentence of (b) on page 84 will read, “A clerk should determine whether a missing witness printed name renders the certification “insufficient” when determining if they should take action under § 6.88(3)(b).”

Moved by Commissioner Thomsen. Seconded by Commissioner Jacobs.

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

Motion carried 6-0.

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in the *Election Day* manual. The Commission also directs staff to implement changes from Appendices 1A and 2A in the blue “Witness Name Printed Field” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

Moved by Commissioner Riepl. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

Question #1: Ballot Spoliation

Discussion.

The Commission took a break at 2:14 p.m. and returned at 2:25 p.m.

Discussion.

The Commission took a break at 2:59 p.m. and returned at 3:14 p.m.

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the section “Spoiling and Replacement Ballots” in the *Election Administration* and *Election Day* manuals, including the Option sections. The Commission also directs staff to implement changes from Appendices 1A and 2A in the orange “Ballot Spoliation” category. The Commission further authorizes

staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- In the first paragraph of page 94 of the Election Administration manual, change “alternate absentee ballot site” to “alternate ballot site.” The citation will be changed to § 6.87(6).
- On page 93 of the Election Administration manual, make the proposed litigation note a footnote, which will read, “As of the date of the manual, the Kormanik matter is still open. To the extent necessary, the manual will be further updated.”
- In the last paragraph starting on page 87 of the Election Administration manual, add to the end: “A voter who has been issued an absentee ballot that has become spoiled or damaged may choose not to return the ballot and instead vote in person on Election Day.”
- To the end of Option 1 on page 93 of the Election Administration manual, add, “A reasonable interpretation of § 6.88(1) and Kormanik is that a ballot is returned when it is in possession of the clerk.”
- On page 92 of the Election Administration manual, after the phrase, “... who is returning it,” in the second sentence of the second paragraph, add, “or that the first ballot was issued to a person with disabilities and on whose behalf the ballot is being returned.”
- On page 58 of the Election Day manual, remove, “It is the opinion of the Commission that,” from (d).

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

Question #5: Incomplete Certificate Envelopes

Discussion.

Attorney Sharpe reviewed changes to the litigation note from the Wisconsin Department of Justice:

- Changing “Wisconsin circuit courts” to “Wisconsin circuit court cases” in the first sentence
- Changing “appeal schedule” to “possible appeals” in the second sentence.
- Changing “final orders” to “outcomes” in the last sentence.

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in the *Election Administration* and *Election Day* manuals. The Commission also directs staff to implement changes from Appendices 1A and 2A in the green “Incomplete Certificate Envelopes” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- Change “envelop” to “envelope” at the top of page 90 of the Election Administration manual.
- Apply the changes to the litigation note suggested by the Wisconsin Department of Justice (see above) on pages 88 and 89 of the Election Administration manual.
- Delete the sentence in the litigation note starting with, “Accordingly.”

- Staff will reformat Option 3 into a more readable format, to be reviewed by Chair Millis and Commissioner Jacobs.

Moved by Commissioner Thomsen. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

Question #6: Clerk-Monitored Drop Boxes

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in Option 3 in the *Election Administration* and *Election Day* manuals. The Commission also directs staff to implement changes from Appendices 1A and 2A in the yellow “Clerk-Monitored Drop Boxes” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- Remove “and exclusively used by” from the language of Option 3 on page 86 of the Election Administration manual.

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

MOTION: Approve with all changes discussed today, the new versions of the Election Administration and Election Day manuals with a revision date of January 2024.

Moved by Commissioner Riepl. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

The Commission tabled discussion of the Recount manual for the February 8, 2024, Commission meeting.

F. Adjourn

MOTION: To adjourn.

Moved by Commissioner Jacobs. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

The Commission adjourned at 4:28 p.m.

####

January 24, 2024, Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

February 8, 2024

January 24, 2024, Wisconsin Election Commission meeting minutes certified by:

Carrie Riepl, Commission Secretary

February 8, 2024



Wisconsin Elections Commission

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

DATE: For the February 8, 2024, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator

Prepared by:
Sharrie Hauge, Chief Administrative Officer
Julia Billingham, Senior Accountant

SUBJECT: Operations and Management Policies and Procedures, Internal Control Plan

Annually, the Wisconsin Elections Commission (WEC) is required to adopt written policies and procedures to govern its internal operations, pursuant to Wis. Stat. § 5.05 (16) (a). Management is then required to report the policies and procedures to the appropriate standing committees of the Legislature. Additionally, the Cooperative Agreement on Accounting, Auditing, and Internal Control Activities between each agency and the Department of Administration requires our Internal Control Plan to be reviewed at least annually and for the WEC to certify to the State Controller's Office (SCO) that any identified control deficiencies have been reported to the SCO.

The WEC Financial team has reviewed our internal controls over financial activities and have not found any control deficiencies or material weaknesses. Attached for the Commission's review and approval, in redline format, is the Wisconsin Elections Commission's 2024 Internal Control Plan, which describes the agency's internal operations including:

1. Control Environment (Mission Statement, Agency Description and Organizational Chart, Personnel Policies and Procedures, Nonpartisan Requirements, Position Descriptions, and Other Functional Guidance Materials Provided to Employees)
2. Risk Assessment (Agency Appropriations, System and Tools, and Transaction Cycles)
3. Control Activities (Performance Reviews, Physical and Electronic Controls, and Information Processing)
4. Information & Communication (Information and Communication)
5. Monitoring Activities

WEC's 2024 Internal Control Plan includes an updated table of contents, an updated agency organizational chart, some updated or additional links, updated Cash Disbursement (Subgrants) section and accompanying flowchart to incorporate the agency's new WEC's subgrant risk

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

assessment and monitoring policy, clarification in the Recount for Office section and the Physical Controls section, and other minor corrections, updates, and clarifications. The documents identified in the Plan as appendices, mostly process flowcharts, are not attached due to their volume, but staff can provide them at the request of Commissioners.

Recommended Motion:

Approve WEC 2024 Internal Control Plan and authorize staff to submit the Plan to the Chief Clerks of the Senate and Assembly for distribution to the appropriate standing committees and to the State Controller's Office.

Wisconsin Elections Commission



Internal Control Plan

| Revised: ~~March-February~~ 2024³

Table of Contents

Introduction	4
Control Environment	4
Mission Statement.....	4
Agency Description and Organization Chart.....	4
Personnel Policies and Procedures.....	776
Nonpartisan Requirement	776
Position Descriptions	776
Other Functional Guidance Materials Provided to Employees.....	776
Procurement Manual.....	776
Purchasing Card User Manual	776
Wisconsin Statutes.....	776
Risk Assessment	998
Agency Appropriations.....	998
1. State General Program Operations; General Purpose Revenue.....	998
2. Investigations	998
3. Training of Chief Inspectors (1) (bm) GPR Fund 100Appropriation 10600 – for training chief inspectors under s. 7.31.....	998
5. Voter ID Training (1) (c).....	998
8. Recount Fees.....	998
9. Materials and Services	10109
10. Gifts and Grants Fund.....	10109
12. Federal Aid Account	10109
14. Federal Aid; Election Administration Fund (1) (x)	10109
15. Federal Aid; Election Administration Fund (1) (x)	10109
Systems and Tools	11119
STAR	111110
VendorNet.....	121211
STAR HCM (Payroll Time).....	121211
Federal Time Reporting	131311
Transaction Cycles.....	131312
Purchasing Approval.....	131312
Grant Applications	141413
Accounts Receivable & Cash Receipts.....	141413
Payroll.....	151514
Travel Reimbursement for Employees	151514
Travel Reimbursement for Non-employees.....	161615
Recount for Office	181816
Control Activities	191917
Performance Reviews	191917
Physical and Electronic Controls	191917
Physical Controls	191917
Electronic Controls	202018
Information Processing	202018
Purchasing.....	202018
Purchasing Card.....	202018

Accounts Payable.....	<u>212118</u>
Cash Disbursements (Subgrants).....	<u>212119</u>
Accounts Receivable & Cash Receipts.....	<u>212119</u>
General Services Billing.....	<u>222219</u>
Payroll.....	<u>222220</u>
Travel Reimbursement for Employees.....	<u>232320</u>
Travel Reimbursement for Non-Employees.....	<u>232320</u>
Recout for Office.....	<u>232321</u>
Information & Communication.....	<u>252522</u>
Information.....	<u>252522</u>
STAR.....	<u>252522</u>
VendorNet.....	<u>262623</u>
Communication.....	<u>262623</u>
Monitoring Activities.....	<u>272724</u>

Introduction

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

Control Environment

Mission Statement

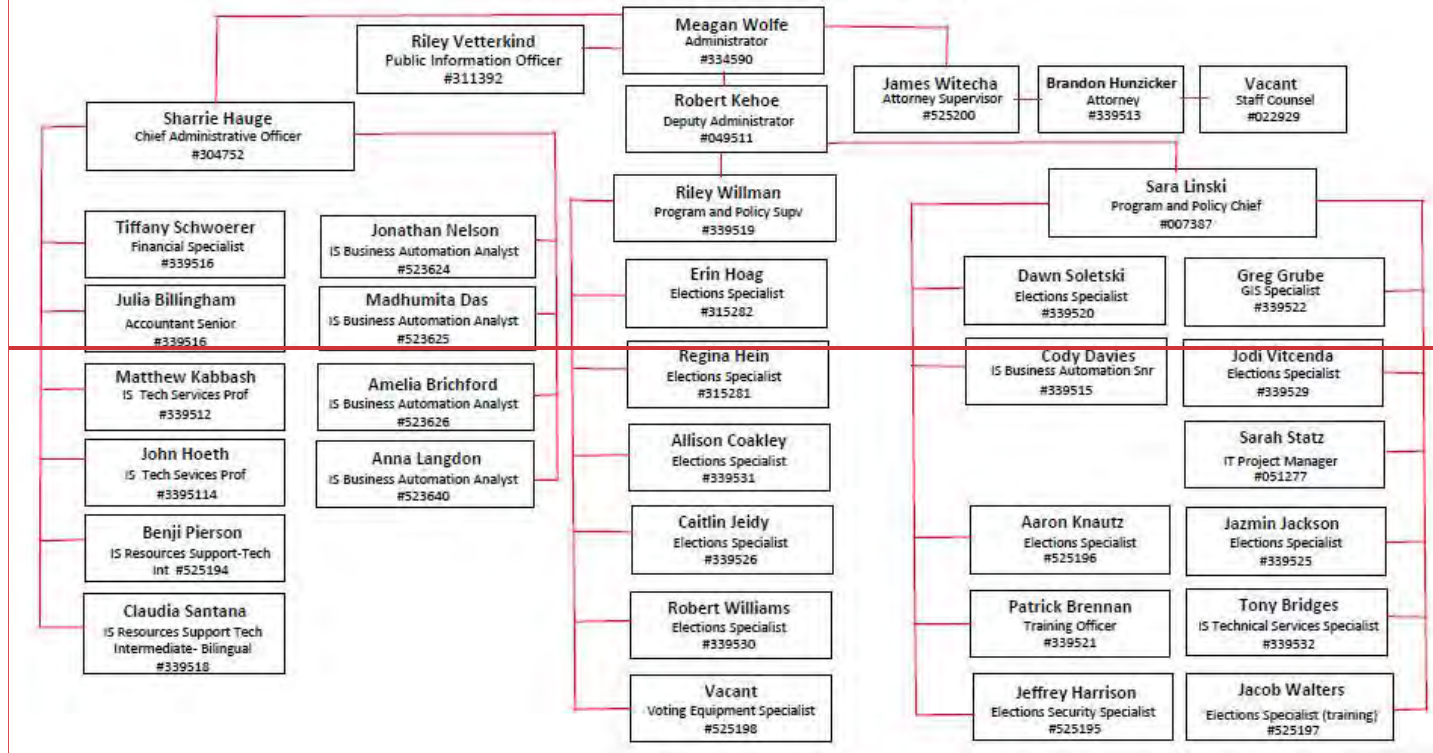
The mission of the Commission is to enhance representative democracy by ensuring the integrity of Wisconsin's electoral process through the administration of Wisconsin's elections laws and the dissemination of information, guidance and services to local election officials, candidates, policymakers, voters,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

Agency Description and Organization Chart

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. The legislative leadership of the two major political parties that received the largest number of votes for president shall prepare a list of three individuals such that each major political party has prepared one list. The governor shall choose one nominee from each list. A detailed description of the appointment of Commissioners is provided in Wis. STAT. §15.61. The Elections Commission and the Department of Administration established a rotational term schedule of the Commissioners. The Commission elects a chair and vice-chair from its members by a majority vote.

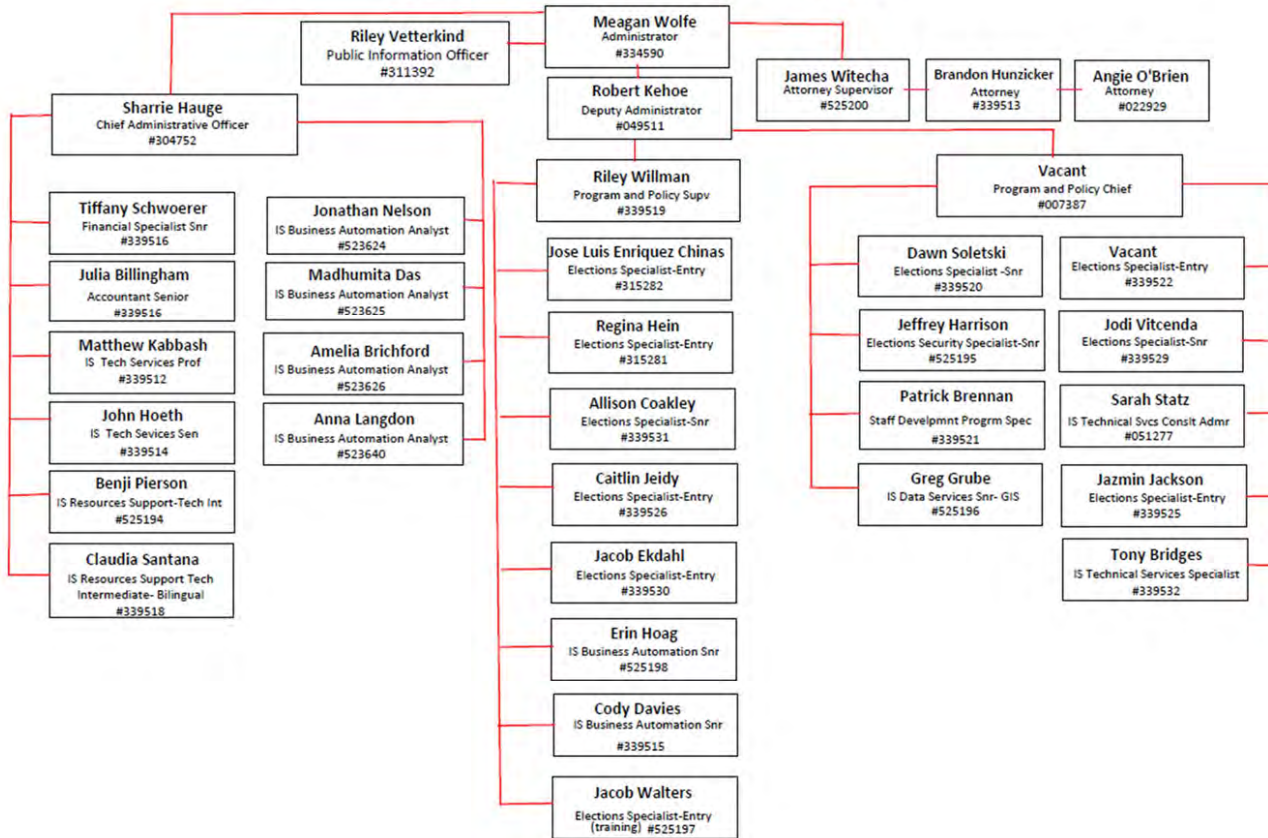
The Commission Administrator serves as the agency head and the chief election officer of the state. The Commission staff is required to be non-partisan. The agency has a staff of 25.75 GPR, 3.0 PR and 7.25 SEGF full-time employees for a total of 36.0 FTE.

WISCONSIN ELECTIONS COMMISSION



Commented [JB1]: Updated org chart

WISCONSIN ELECTIONS COMMISSION



Personnel Policies and Procedures

All permanent and project WEC staff are required to attend a Department of Administration (DOA) orientation upon appointment. During orientation, staff are directed to the DOA Intranet site <https://dpm-hr-region1.wi.gov/Pages/Home.aspx> where they receive training announcements, wellness information, policies, forms, and job aids. After orientation, all employees receive a formal email from DOA which signifies their understanding that they will abide by work rules, code of ethics and other guidelines contained therein. At WEC, new employees are directed to read Agency Policy Memos 24-29 (Appendix C.1) addressing Classifications, Compensation, Leave Management, Travel Expenses, Recruitment and Selection, and Miscellaneous (Probation).

Nonpartisan Requirement

The staff of the WEC are required by [Wis. Stat. § 5.05\(4\)](#) to be nonpartisan. This quality is instilled in every employee during agency training and is a significant part of the culture at the WEC.

Commented [JB2]: Updated link

Field Code Changed

Position Descriptions

Employee position descriptions are available upon request. Agency management periodically reviews employee position descriptions to ensure employee work assignments accurately reflect what is in their position description, and then updates them, as necessary. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Other Functional Guidance Materials Provided to Employees

Procurement Manual

The state procurement manual communicates the required policies and procedures for purchasing commodities and services throughout the state and is available online as part of the VendorNet System at <https://vendornet.wi.gov/Home.aspx>. The Wisconsin Procurement Manual is directly available at: <https://doa.wi.gov/ProcurementManual/Pages/default.aspx>

Purchasing Card User Manual

The DOA Purchasing Card User Manual is a document used by the WEC staff which defines a purchasing card, its proper uses, and associated internal control policies and procedures governing usage by Elections Commission staff members. Staff who need to use purchasing cards for their job duties are issued this user manual which they are required to read and follow. See first page of Appendix G - Purchasing Cardholders and User Manual for a listing of cardholder names and associated programs/grants. The DOA Purchasing Card Manual is available at: <https://doa.wi.gov/DEO/PCMANUAL.pdf>

Wisconsin Statutes (Chapters 5 to 10 and 12)

The WEC administers and enforces Wisconsin law pertaining to:

- [Chapters 5](#), Elections – General Provisions; Ballots and Voting Systems

Commented [JB3]: Added chapter links

- [Chapter 6](#), The Electors
- [Chapter 7](#), Election Officials; Boards; Section and Duties; Canvassing
- [Chapter 8](#), Nominations, Primaries, Elections
- [Chapter 9](#), Post-Election Actions; Direct Legislation
- [Chapter 10](#), Election Notices
- [Chapter 12](#), Prohibited Election Practices.

Program staff members are expected to have a high-level working knowledge of their controlling statutes, along with various inter-related statutes which may affect the conduct of elections in the state.

Risk Assessment

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

Agency Appropriations

The WEC's budgetary appropriations under [Wis. Stat. s. 20.510](#) are as follows:

1. State General Program Operations; General Purpose Revenue (1) (a) – GPR Fund 100 Appropriation 10100 – general program operations of the commission, including the printing of forms, materials, manuals, and election laws under s. 7.08 (1) (b), (3), and (4), and the training of election officials under s. 5.05 (7).
2. Investigations (1) (be) – GPR Fund 100 Appropriation 10500 – funds the cost of investigating potential violations of chs. 5 to 10 and 12, as authorized by the Commission.
3. Training of Chief Inspectors (1) (bm) GPR Fund 100 Appropriation 10600 – for training chief inspectors under s. 7.31.
4. Special Counsel (1) (br) – GPR Fund 100 Appropriation 10700 – for the compensation of special counsel appointed as provided in s. 5.05 (2m) (c) 6.
5. Voter ID Training (1) (c) – GPR Fund 100 Appropriation 10900 – funds training of county and municipal clerks concerning voter identification requirements provided in 2011 Wisconsin Act 23.
6. Election Administration Transfer (1) (d) – GPR Fund 100 Appropriation 11000 – to meet federal requirements for the conduct of federal elections under P.L. 107-252, to be transferred to the appropriation account under par. (t).
7. Elections Administration (1) (e) – GPR Fund 100 Appropriation 11100 – for the administration of chs. 5 to 10 and 12.
8. Recount Fees (1) (g) – PR Fund 100 Appropriation 12000 – petitioners fees to be apportioned to the commission and the county clerks or county board of election commissioners as prescribed in s. 9.01 (1) (ag). All moneys received on account of recount petitions filed with the commission shall be credited to this appropriation account.

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9. Materials and Services (1) (h) – PR Fund 100 Appropriation 12100 – for the costs of publishing documents, locating and copying records, and conducting administrative meetings and conferences, for compiling, disseminating, and making available information prepared by and filed with the commission, and for supplies, postage, and shipping. All moneys received by the commission from collections for sales of publications, for copies of records, for supplies, for postage, for shipping and records location fees, and for charges assessed to participants in administrative meetings and conferences, except moneys received from requesters from sales of copies of the official registration list, shall be credited to this appropriation account.

10. Gifts and Grants Fund (1) (jm) – PR Fund 100 Appropriation 12300 –to carry out the purposes, not inconsistent with the law, for which gifts, grants, and bequests to the commission are made. All moneys received by the commission from gifts, grants, and bequests shall be credited to this appropriation account.

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11. Election Security and Maintenance (1) (jn) – PR Fund 100 Appropriation 12500 – moneys received from requesters from the sales of copies of the official registration list for the purpose of election security and system maintenance. *(Note: Monthly interest income earned on this cash balance is properly allocated monthly.)*

12. Federal Aid Account (1) (m) – PR-F Fund 100 Appropriation 14000 –to be used for the administration of chs. 5 to 10 and 12. All moneys received from the federal government, as authorized by the governor under s. 16.54, that are not appropriated under par. (x), shall be credited to this appropriation account.

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13. Election Administration (1) (t) – SEG Fund 220 Appropriation 16000 –from the election administration fund, the amounts in the schedule to meet federal requirements for the conduct of federal elections under P.L. 107-252. All moneys transferred from the appropriation account under par. (d) shall be credited to this appropriation account.

14. Federal Aid; Election Administration Fund (1) (x) – SEG-F Fund 220 Appropriation 18000 – all moneys received from the federal government, as authorized by the governor under s. 16.54, to be used for election administration costs under P.L. 107-252. *(Note: This Appr. was used for the previous federal H101 and H251 grant Help America Vote Act of 2002 (HAVA) awards, now both spent and closed.)*

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15. Federal Aid; Election Administration Fund (1) (x) – SEG-F Fund 220 Appropriation 18200 – all moneys received from the federal government, as authorized by the governor under s. 16.54, to be used for election administration costs under P.L. 107-252. *(Note: This Appr. is used for the HAVA Election Security federal grant. The purpose of the Election Security grant is to “improve the administration of elections for Federal office, including to enhance election technology and make election security improvements” to the systems, equipment and processes used in federal elections. Monthly interest income earned on this cash balance is properly allocated monthly.)*

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Systems and Tools

STAR

The WEC staff enters financial transactions into STAR (the state's accounting program). WEC performs an internal audit on every transaction before the transaction is approved. Some staff have dual roles, such as processor and approver, that seem to present an issue with separation of duties; however, because of our agency's small size, this is a situation that we cannot prevent and still be able to function when staff is absent or when an approver needs to edit a transaction. Staff does only use one of their roles for any given transaction at a time, preserving the separation of duties in practice, and STAR will not allow a user to both enter and approve the same transaction.

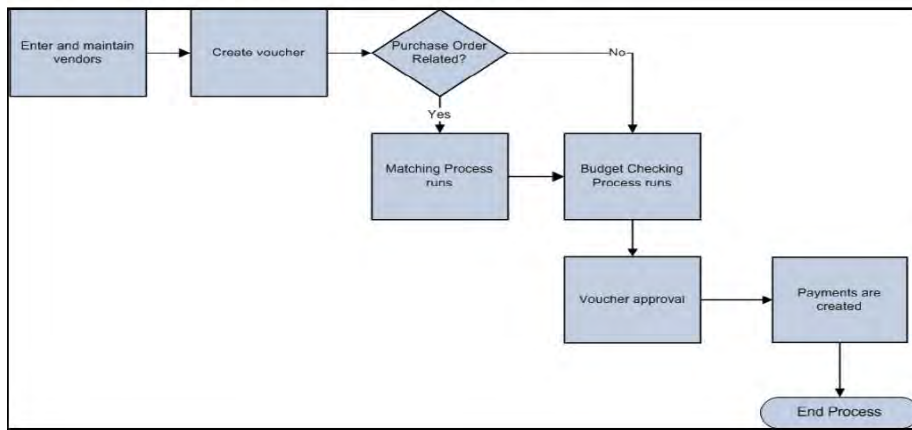
The STAR Payment Process is as follows:

: General Voucher Processing



Accounts Payable End-to-End Process

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



STAR Security Access is Set up as Follows:

Primary Staff involved:

Financial Specialist Senior: currently Tiffany Schwoerer
Senior Accountant/Financial Manager: currently Julia Billingham

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Secondary Staff involved:

IS Resources Support Tech Intermediate - Bilingual: Claudia Santana
Chief Administrative Officer: currently Sharrie Hauge

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Within the STAR Finance module, security roles have been assigned to staff to process or approve vouchers and for other functionalities within the STAR Finance module. Our agency's internal WEC STAR Security Team initiates a new role request, and another member of our STAR Security Team approves of that request. If that new request necessitates a separation of duty (SOD) override, that role request will also need approval from the DOA STAR Security Team.

The WEC STAR Security Team consists of:

Chief Administrative Officer: currently Sharrie Hauge
 IS Technical Services ~~Professional~~Senior: currently John Hoeth
 Senior Accountant: currently Julia Billingham

In the assigned financial roles detailed below, even though some staff, such as the Accountant, may process OR approve a voucher, STAR will not allow them to approve a voucher they processed.

STAR security levels for payments are set up as follows:

Staff	Security / Approval Levels
Financial Specialist or <u>IS Resources Support</u> <u>TechOperations Program Associate</u>	AP Processor, Reporter, Viewer
Accountant or Chief Administrative Officer	AP Processor, Reporter, Viewer, Approver, Maintainer, and Supervisor

VendorNet

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

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

VendorNet is available at: <https://vendornet.wi.gov/>

STAR HCM (Payroll Time)

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

Federal Time Reporting

All WEC employees who are either funded by federal grant money or work on federal projects report their time spent on specific federal activities directly into STAR HCM. Taskprofiles have been created with individualized Program Codes to track time spent on these specific federal activities. As the employees submit their time in STAR HCM, they are certifying their time spent on allowable activities to maintain compliance with federal cost principles. Supervisors review and approve employees' bi-weekly timesheet to certify their employees' time spent on these federal activities.

During employee onboarding, each employee is educated about which Taskprofiles they should be using to accurately track their time. Upon new tasks creation and periodically, the WEC Accountant will email all staff with timekeeping reminders and give verbal reminders in our bi-weekly staff meetings so that employees are correctly entering their time based on federal tasks performed. The Accountant also performs periodic audits of the payroll data to ascertain that employees are correctly reflecting their tasks in the entering of their Taskprofiles.

All IT Developers who serve the WEC as non-WEC employees complete bi-weekly timesheets that document their time spent on specific federal and state-funded activities and sign to certify their stated time spent on these activities. Their immediate project lead reviews their time submitted then their department supervisor signs and approves their timesheet to verify their time spent on these federal and state-funded activities. These timesheets were created by the Accountant and Financial Specialist in collaboration with the immediate project lead to determine which activities would be allowable under the federal grant(s) and how best to identify those allowable activities.

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

Transaction Cycles

Purchasing Approval

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

Risks:

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

See Appendix D-1 for the Purchasing Approval flowchart.

Accounts Payable

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

Risks:

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

See Appendix D-2 for the Accounts Payable flowchart.

Cash Disbursements (Subgrants)

Explanation: Providing financial assistance, funded by our federal grants, to eligible recipients in accordance with terms of a subgrant agreement.

Risks:

- WEC's Subgrant Risk Assessment & Monitoring Policy is not followed.
- Recipient uses monies awarded for goods or services outside the scope of the subgrant terms and conditions.
- Recipient falsifies information on subgrant application.
- Recipient does not send back proof of proper expenditures when awarded a non-reimbursable subgrant.

Commented [JB5]: Added our new risk assessment and monitoring policy to this document and the accompanying flow chart

See Appendix D-2.5 for the Cash Disbursements (Subgrants) flowchart.

Grant Applications

Explanation: Applying for financial assistance from the Election Assistance Commission (EAC) in the form of a federal grant award.

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Risks:

- Agency fails to follow procedure and accepts federal grant without first getting governor's approval.
- Wire transfer gets lost with DOA and does not get to agency.

See Appendix D-3 for the Grant Applications flowchart.

Accounts Receivable & Cash Receipts

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

Risks:

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

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

General Services Billing

Explanation: Reviewing and paying a monthly general services billing (GSB) invoiced by the Department of Administration (DOA) when the WEC uses DOA's resources or support-~~monthly~~.

Risks:

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

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

Payroll

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

Risks:

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

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

Travel Reimbursement for Employees

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

Risks:

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

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

Travel Reimbursement for Non-employees

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

Risks:

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

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

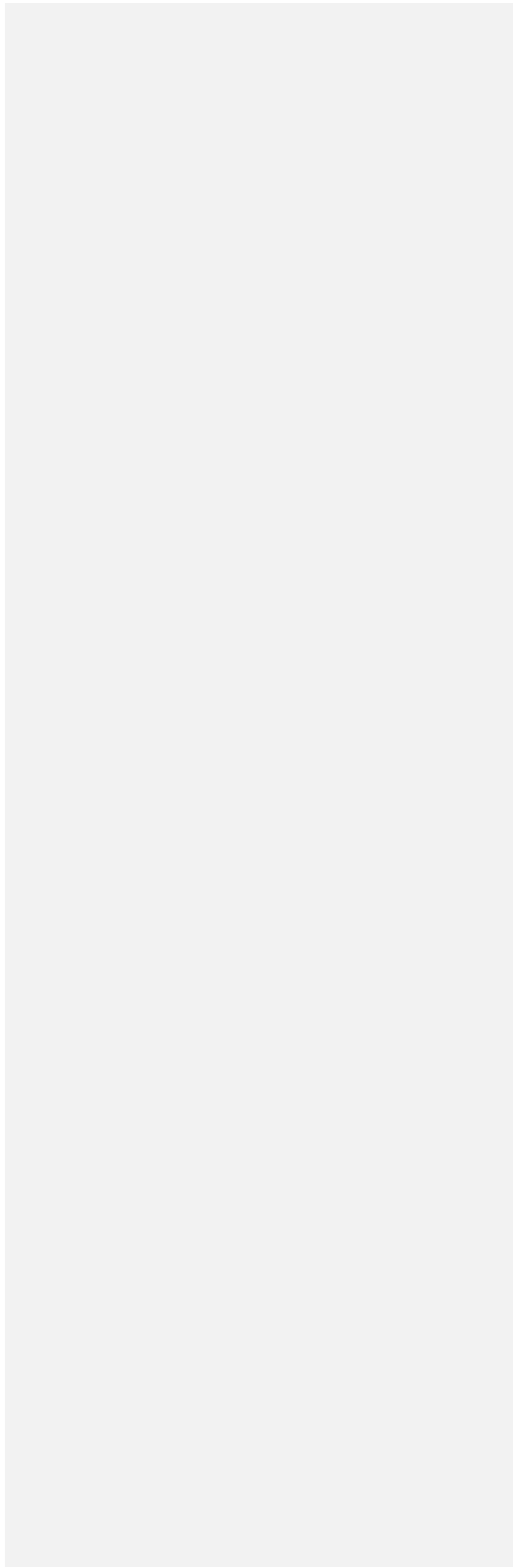
Federal Project Time Reporting & Payroll Adjusting Entry

Explanation: WEC employees working on multiple projects which include a federal grant are required to accurately use the STAR HCM Taskprofiles to account for their time spent on each specific allowable activity within each federal grant and to maintain compliance with federal cost principles. WEC supervisors² reviews entered time and selected Taskprofiles. Accountant reviews all data. If corrections need to be made, Accountant does so via Journal Entries in STAR Financial.

Risks:

- Employee enters time incorrectly or is unable to account for time worked on federal projects.
- Employee or supervisor does not verify time worked, thereby disallowing federal labor costs.
- Accountant does not make correcting entries timely enough for state fiscal close or federal fiscal close.

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



Recount for Office

Commented [JB6]: Updated for clarification

Explanation: Wisconsin statutes 9.01(1) (ag) requires the collection of fees from recount petitioners in certain situations. For State or Federal offices, the WEC is the filing officer and collects the filing fee from petitioners, if required. ~~requires any~~ Upon conclusion of a recount that does not change the determination of the election, fees collected ~~to shall~~ be distributed to the counties conducting the recount for these offices and retained by the commission to pay for actual cost incurred, with the balance returned to the petitioner.

Risks:

- WEC election administration staff incorrectly calculates, or does not collect, the fee payable from the recount petitioner.
- Fees collected are not timely distributed to the proper county.
- Refund due, if applicable, is not distributed to recount petitioner within the statute's timeline.

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

Control Activities

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

Performance Reviews

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

Physical and Electronic Controls

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

Physical Controls

- ~~The Administrator (or designee) issues to a~~ All WEC staff members ~~are issued~~ a photo identification/building access card. ~~These cards allow staff to freely access to WEC offices during and outside these normal business hours from the Administrator (or designee) on an as-needed basis. These cards activate the downstairs lobby doors that lead to the elevators, the stairwell doors to the WEC office floor, and the upstairs doors leading to the WEC staff work area. The parking area below the building is only accessed via these same access cards and is not open to the public.~~
- The WEC office is open to the public from 7:45am to 4:30pm weekdays. The public may access the office by alerting the front desk security guard they are here on WEC business. The security guard will call the WEC office phone number to alert WEC staff of the visitor. The WEC Reception staff answers that phone number and can allow entry to the public. ~~Since t~~The building is only accessible via staff access cards. ~~Therefore~~, during public access times, WEC staff will go down and greet the visitor in the first-floor lobby. ~~Upon hiring, staff receives access cards to freely access WEC offices during and outside these normal business hours from the Administrator (or designee) on an as-needed basis. These cards activate the downstairs lobby doors that lead to the elevators, the stairwell doors to the WEC office floor, and the upstairs doors leading to the WEC staff work area. The parking area below the building is only accessed via these same access cards and is not open to the public.~~
- During office hours, WEC staff provides physical security and oversight of agency assets & resources.

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- The WEC maintains secured storage areas for confidential records, such as locked file cabinets, secure safes, a secure technology room, and a locked storage room for records and additional supplies.
- WEC adheres to the General Records Schedule for Fiscal and Accounting Related Records, as promulgated by the DOA department Public Records Board to be found at: <https://publicrecordsboard.wi.gov/Pages/GRS/Statewide.aspx>
- Confidential records which are not required to be retained in-office are boxed for shipment to the State Records Center, per Records Disposition Authority (RDA).

Electronic Controls

- Each WEC employee is assigned system logon credentials by the DOA required to access state computer systems.
- Employee passwords for many state systems must be reset every 60 days.
- State systems are secured based on industry standard guidelines from CIS and NIST.
- Device health and security are continuously monitored by both the DOA and agency security and IT staff.
- Financial data is maintained in segregated systems and locations with access limited only to relevant staff and IT support.
- Remote access to the state financial system and to WEC files may only be acquired via the state's virtual private network (VPN).

Information Processing

Purchasing

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

- Segregation of Duties:
 - Authorization: Purchases of goods and services are authorized by WEC supervisors who determines if ~~that each~~ purchase is allowable and necessary. Accountant audits, approves, and dispatches purchase order in STAR.
 - Recordkeeping: Agency Asset Manager, currently agency IS Technical Services ~~Professional~~Senior, maintains inventory records of agency's higher-valued assets. All purchasing paperwork is retained for future reference.
 - Custody: WEC staff other than the approvers and program staff email the dispatched purchase order to the supplier. WEC reception staff receive goods.

Purchasing Card

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

- Segregation of Duties:
 - Authorization: Purchase of goods is authorized by WEC supervisors or is a reoccurring charge. WEC supervisors will determine if ~~the each~~ purchase is

allowable and necessary. Accountant audits and approves all purchases bi-weekly. Chief Administrative Officer reviews ~~all a statement of~~ purchases bi-weekly.

- Recordkeeping: Agency Asset Manager, currently agency IS Technical Services ~~ProfessionalSenior~~, maintains inventory records of agency's higher-valued assets. All purchasing paperwork is retained for future reference.
- Custody: WEC staff other than the approvers and program staff use their Purchasing Cards to order goods. WEC reception staff receive goods.

Accounts Payable

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

- Segregation of Duties:
 - Authorization: Accountant conducts an internal audit and approval of each payment vouchers for accuracy, completeness, and adequate supporting documentation and proper authorizations ~~is conducted by Accountant.~~
 - Recordkeeping: Accountant rReviews and ~~reconciling-reconciles~~of payment information ~~is performed~~ monthly. Invoices and vouchers are retained by the financial staff.
 - Custody: Department of Administration generates and sends paper checks or ACH ~~transactions~~payments.
- The purchasing form, bill of lading, receiving report, purchase order, and/or requisition are matched prior to payment.

Commented [JB8]: No change in our procedure; minor edits including adding small details and clarifications

Cash Disbursements (Subgrants)

Control activities are displayed in Appendix D-2.5 -- Cash Disbursements (Subgrants) Flowchart

- Segregation of Duties:
 - Authorization: Program staff approves recipients for subgrants. After performing pre-subgrant risk assessment, Accountant audits and approves STAR vouchers for payments.
 - Recordkeeping: Accountant creates and emails to each recipient an award letter as each award is granted. Accountant Rreviewings and ~~reconciling-reconciles~~ payment information ~~is performed by Accountant~~ weekly during the subgrant budget period and at the close of the subgrant.
 - Custody: DOA Treasury sends subgrant funds via ACH wire transfer or via checks to recipients.

Commented [JB9]: Minor changes: added details (including new risk assessment policy) and clarifications

Accounts Receivable & Cash Receipts

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

- Segregation of Duties:
 - Authorization: The audit and approval of deposits for cash and paper checks is initiated by the WEC Accountant and final approval is applied

Commented [JB10]: No change in our procedure; minor edits including adding small details and clarifications

by DOA. E-pay electronic ACH deposits are processed by U.S. Bank and approved by DOA in STAR, without any intervention by WEC staff.

- Recordkeeping: Deposit information is entered into the STAR accounting system and tracked internally, ~~either~~ manually for cash, either manually or automatically via our agency's Online Electronic Deposit (OED) machine and for paper checks, ~~or~~ automatically for ACH deposits. Accountant reviews and reconciles deposits weekly.
- Custody: Via the Financial staff, currency and coin are directly deposited at a U.S. Bank location while paper checks are scanned into our agency's Online Electronic Deposit (OED) machine and directly deposited into the U.S. Bank online system. Only U.S. Bank has custody of e-payment ACH electronic deposits.
- NSF checks returned by the bank are recorded, investigated, and secondary payment is requested by WEC staff. Accountant checks weekly for returned ACH payments.

General Services Billing

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

- Segregation of Duties:
 - Authorization: GSB charges are verified against fleet approval forms & mileage rates, printing & mailing information, records retention information, servers, and data storage, and/or other supporting documentation, to confirm the agency services were approved. This verification of each transaction is performed by the agency Financial Specialist and the agency IS Technical Services ~~Professional~~Senior. Afterward, the voucher and journal entry are audited and approved by the Accountant.
 - Recordkeeping: Transaction information is automatically loaded into the STAR accounting system, tracked internally, and reconciled monthly to internal accounting files.
 - Custody: The individuals confirming services were rendered are separate from the individuals receiving the benefits of the services, or these services were overhead costs.

Payroll

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

- Segregation of Duties:
 - Authorization: Management reviews and approves work hours recorded by staff.
 - Recordkeeping: Staff records their hours worked into STAR HR. Supervisors approve hours and send hours to the DOA payroll office electronically.
 - Custody: Payroll checks are generated at DOA and directly deposited into the employee's bank account. Pay-stubs are no longer distributed but are available online in STAR HR.

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

Travel Reimbursement for Employees

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

- Segregation of Duties:
 - Authorization: After travel, supervisors review and approve employee travel reimbursement requests. Financial Specialist reviews these requests for accuracy, completeness, and compliance with State travel policies and procedures and enters them in STAR when appropriate. Accountant audits and approves employee travel expenses.
 - Recordkeeping: Travel reimbursements for costs incurred by staff and all documentation are saved in STAR and paper copies or originals are retained by financial staff.
 - Custody: Travel reimbursements are completed by DOA HR staff and added to an employee’s paycheck.
- See also Appendix C – Position Numbers, Employee Names, and Classification Titles.

Travel Reimbursement for Non-Employees

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

- Segregation of Duties:
 - Authorization: Program supervisors review and approve non-employee travel reimbursement requests. Financial Specialist reviews these requests for accuracy, completeness, and compliance with State travel policies and procedures and enters them in STAR when appropriate. Accountant audits and approves employee travel expenses.
 - Recordkeeping: Travel reimbursements for costs incurred by non-employee individuals and all documentation are saved in STAR and paper copies or originals are retained by financial staff.
 - Custody: Reimbursement checks or ACH ~~deposit~~payment, if sent via a temporary hiring agency or jurisdiction, for example, are generated and sent by DOA.
- All travel costs incurred by the agency and travel reimbursements are reviewed by more than one individual, to ensure that these costs are allowable and in accordance with State travel policies and procedures.

Recount for Office

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

- Segregation of Duties:
 - Authorization: If a fee is required, as determined by WEC Election Administration staff, and depending upon the closeness of each political

race, counties estimate fee, petitioner pays estimated fee, DOA increases budget authority in our Recount Appropriation, and payment to counties for the actual cost of a recount is authorized by Accountant.

- Recordkeeping: Financial staff maintains counties' cost estimates, petitioner's payment documentation, counties' actual costs, and any refund or underpayment required to/from petitioner.
- Custody: DOA receives wire transfer from petitioner and distributes ACH ~~deposits~~ payments and/or checks to counties and refund check to petitioner.

Information & Communication

Information

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

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

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

Strengths:

- Processes and contains all the agency's financial transactions and information.
- Monitored by the Department of Administration.
- Extensive [online job aids manuals](#) and an email and telephone helpline are available for technical assistance.
- Uses multi-level approval settings for segregation of financial staff duties while processing transactions.
- Multiple tables organize information on a fiscal year and calendar year basis.
- Easy to access old transactions electronically.

Weaknesses:

- [Can be difficult](#) to learn new functionality.
- Not [always](#) user-friendly; can be difficult to understand input screens which pose a risk of user error.

Tasks to Minimize Weaknesses, Changes, or Improvements:

- Rely on [Wisconsin's](#) STAR Support and/or State Controller's Office for technical assistance.
- Checks and balances using multiple reviewers and approval layers.

VendorNet

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

Strengths:

- When properly used, VendorNet ensures state purchasing rules are followed.
- Clearinghouse of purchasing information.
- Updated frequently and immediately, as changes to contracts are made.

Weaknesses:

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

Tasks to Minimize Weaknesses, Changes, or Improvements:

- Training classes by DOA.
- Use the State Procurement Manual as reference.
- Attend State Agencies Purchasing Council (SAPC) monthly meetings and the WI State Procurement Conference for ongoing training opportunities.
- Use DOA support and technical assistance when necessary.

Communication

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

The following are methods used for communicating the roles, responsibilities, and significant matters relating to the internal controls plan within the agency:

- Financial Staff are given an internal control plan for review when starting employment and subsequently annually.
- The enacted internal control plan is accessible to all WEC staff on the agency's shared but secured computer drive.
- Financial team meetings.
- WEC general staff meetings.
- Training sessions.
- Memorandums.
- Management ensures the internal control plan is followed.
- Emails, instant messages (IMs), and phone calls.

The following are methods used for communicating the issues, resolutions, and significant matters relating to the internal controls plan outside the agency:

- When communicating with clerks, the agency follows a communication protocol of procedures and policies before sending information to a group of customers.
- Public Information Officer reviews communications prior to sending out.
- When working with vendors on significant procurements or with auditors, the agency uses a single point of contact for all communications.

Monitoring Activities

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

Monitoring Plan:

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

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

Procedures for responding to findings and recommendations reported by auditors:

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

Wisconsin Elections Commission



Internal Control Plan

Revised: February 2024

Table of Contents

Introduction.....	4
Control Environment.....	4
Mission Statement.....	4
Agency Description and Organization Chart.....	4
Personnel Policies and Procedures.....	7
Nonpartisan Requirement.....	7
Position Descriptions.....	7
Other Functional Guidance Materials Provided to Employees.....	7
Procurement Manual.....	7
Purchasing Card User Manual.....	7
Wisconsin Statutes.....	7
Risk Assessment.....	9
Agency Appropriations.....	9
1. State General Program Operations; General Purpose Revenue.....	9
2. Investigations.....	9
3. Training of Chief Inspectors (1) (bm) GPR Fund 100Appropriation 10600 – for training chief inspectors under s. 7.31.....	9
5. Voter ID Training (1) (c).....	9
8. Recount Fees.....	9
9. Materials and Services.....	10
10. Gifts and Grants Fund.....	10
12. Federal Aid Account.....	10
14. Federal Aid; Election Administration Fund (1) (x).....	10
15. Federal Aid; Election Administration Fund (1) (x).....	10
Systems and Tools.....	11
STAR.....	11
VendorNet.....	12
STAR HCM (Payroll Time).....	12
Federal Time Reporting.....	12
Transaction Cycles.....	13
Purchasing Approval.....	13
Grant Applications.....	14
Accounts Receivable & Cash Receipts.....	14
Payroll.....	15
Travel Reimbursement for Employees.....	15
Travel Reimbursement for Non-employees.....	16
Recount for Office.....	17
Control Activities.....	18
Performance Reviews.....	18
Physical and Electronic Controls.....	18
Physical Controls.....	18
Electronic Controls.....	19
Information Processing.....	19
Purchasing.....	19
Purchasing Card.....	19

Accounts Payable.....	19
Cash Disbursements (Subgrants)	20
Accounts Receivable & Cash Receipts.....	20
General Services Billing	21
Payroll.....	21
Travel Reimbursement for Employees	21
Travel Reimbursement for Non-Employees	22
Recount for Office	22
Information & Communication.....	23
Information	23
STAR.....	23
VendorNet.....	24
Communication.....	24
Monitoring Activities	25

Introduction

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

Control Environment

Mission Statement

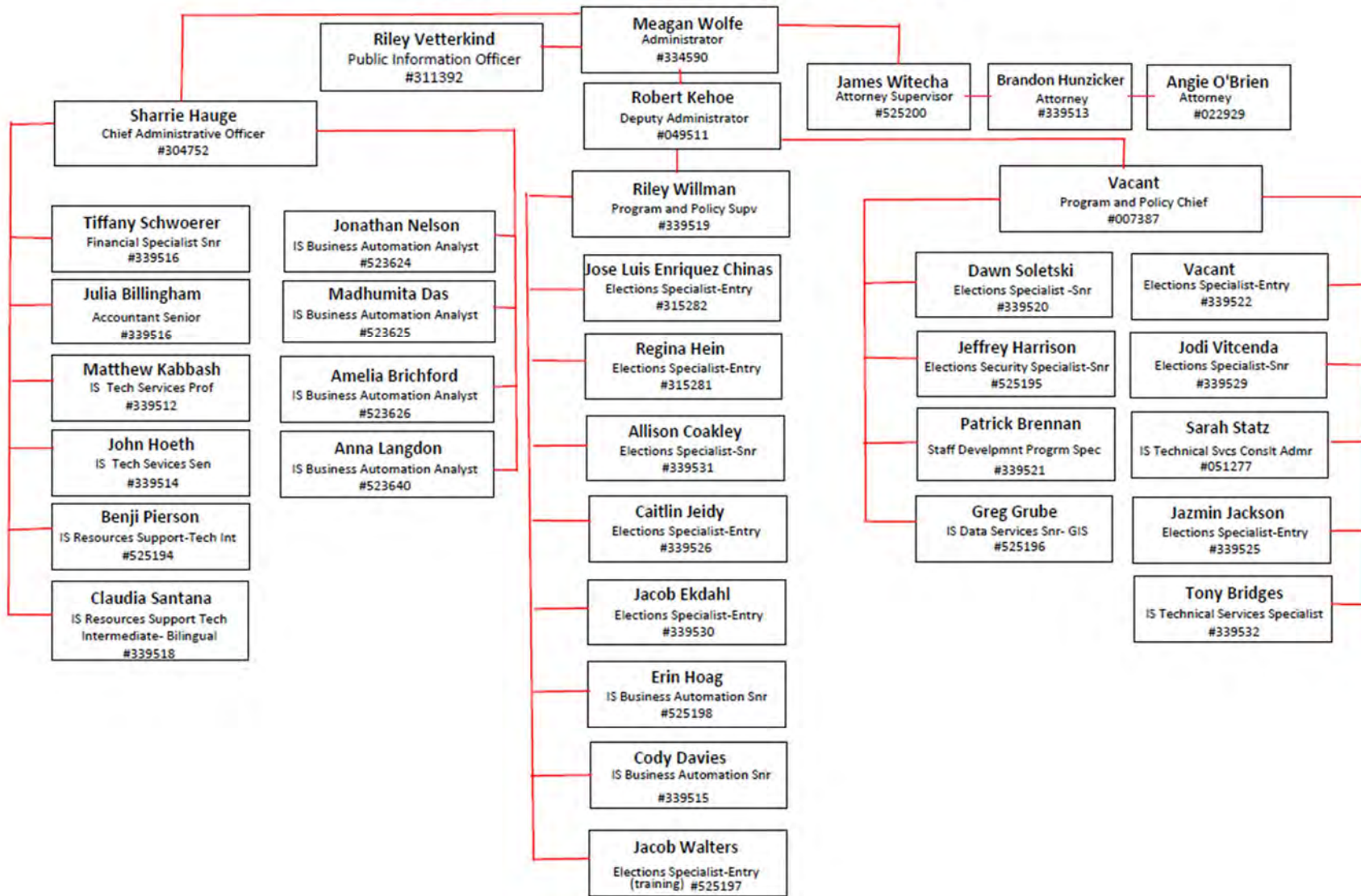
The mission of the Commission is to enhance representative democracy by ensuring the integrity of Wisconsin's electoral process through the administration of Wisconsin's elections laws and the dissemination of information, guidance and services to local election officials, candidates, policymakers, voters,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

Agency Description and Organization Chart

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. The legislative leadership of the two major political parties that received the largest number of votes for president shall prepare a list of three individuals such that each major political party has prepared one list. The governor shall choose one nominee from each list. A detailed description of the appointment of Commissioners is provided in WIS. STAT. §15.61. The Elections Commission and the Department of 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 7.25 SEGF full-time employees for a total of 36.0 FTE.

WISCONSIN ELECTIONS COMMISSION



Personnel Policies and Procedures

All permanent and project WEC staff are required to attend a Department of Administration (DOA) orientation upon appointment. During orientation, staff are directed to the DOA Intranet site <https://dpm-hr-region1.wi.gov/Pages/Home.aspx>. where they receive training announcements, wellness information, policies, forms, and job aids. After orientation, all employees receive a formal email from DOA which signifies their understanding that they will abide by work rules, code of ethics and other guidelines contained therein. At WEC, new employees are directed to read Agency Policy Memos 24-29 (Appendix C.1) addressing Classifications, Compensation, Leave Management, Travel Expenses, Recruitment and Selection, and Miscellaneous (Probation).

Nonpartisan Requirement

The staff of the WEC are required by [Wis. Stat. § 5.05\(4\)](#) to be nonpartisan. This quality is instilled in every employee during agency training and is a significant part of the culture at the WEC.

Position Descriptions

Employee position descriptions are available upon request. Agency management periodically reviews employee position descriptions to ensure employee work assignments accurately reflect what is in their position description, and then updates them, as necessary. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Other Functional Guidance Materials Provided to Employees

Procurement Manual

The state procurement manual communicates the required policies and procedures for purchasing commodities and services throughout the state and is available online as part of the VendorNet System at <https://vendornet.wi.gov/Home.aspx>. The Wisconsin Procurement Manual is directly available at: <https://doa.wi.gov/ProcurementManual/Pages/default.aspx>

Purchasing Card User Manual

The DOA Purchasing Card User Manual is a document used by the WEC staff which defines a purchasing card, its proper uses, and associated internal control policies and procedures governing usage by Elections Commission staff members. Staff who need to use purchasing cards for their job duties are issued this user manual which they are required to read and follow. See first page of Appendix G - Purchasing Cardholders and User Manual for a listing of cardholder names and associated programs/grants. The DOA Purchasing Card Manual is available at: <https://doa.wi.gov/DEO/PCMANUAL.pdf>

Wisconsin Statutes (Chapters 5 to 10 and 12)

The WEC administers and enforces Wisconsin law pertaining to:

- [Chapters 5](#), Elections – General Provisions; Ballots and Voting Systems

- [Chapter 6](#), The Electors
- [Chapter 7](#), Election Officials; Boards; Section and Duties; Canvassing
- [Chapter 8](#), Nominations, Primaries, Elections
- [Chapter 9](#), Post-Election Actions; Direct Legislation
- [Chapter 10](#), Election Notices
- [Chapter 12](#), Prohibited Election Practices.

Program staff members are expected to have a high-level working knowledge of their controlling statutes, along with various inter-related statutes which may affect the conduct of elections in the state.

Risk Assessment

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

Agency Appropriations

The WEC's budgetary appropriations under [Wis. Stat. s. 20.510](#) are as follows:

1. State General Program Operations; General Purpose Revenue (1) (a) – GPR Fund 100 Appropriation 10100 – general program operations of the commission, including the printing of forms, materials, manuals, and election laws under s. 7.08 (1) (b), (3), and (4), and the training of election officials under s. 5.05 (7).
2. Investigations (1) (be) – GPR Fund 100 Appropriation 10500 – funds the cost of investigating potential violations of chs. 5 to 10 and 12, as authorized by the Commission.
3. Training of Chief Inspectors (1) (bm) GPR Fund 100 Appropriation 10600 – for training chief inspectors under s. 7.31.
4. Special Counsel (1) (br) – GPR Fund 100 Appropriation 10700 – for the compensation of special counsel appointed as provided in s. 5.05 (2m) (c) 6.
5. Voter ID Training (1) (c) – GPR Fund 100 Appropriation 10900 – funds training of county and municipal clerks concerning voter identification requirements provided in 2011 Wisconsin Act 23.
6. Election Administration Transfer (1) (d) – GPR Fund 100 Appropriation 11000 – to meet federal requirements for the conduct of federal elections under P.L. 107-252, to be transferred to the appropriation account under par. (t).
7. Elections Administration (1) (e) – GPR Fund 100 Appropriation 11100 – for the administration of chs. 5 to 10 and 12.
8. Recount Fees (1) (g) – PR Fund 100 Appropriation 12000 – petitioners fees to be apportioned to the commission and the county clerks or county board of election commissioners as prescribed in s. 9.01 (1) (ag). All moneys received on account of recount petitions filed with the commission shall be credited to this appropriation account.

9. Materials and Services (1) (h) – PR Fund 100 Appropriation 12100 – for the costs of publishing documents, locating and copying records, and conducting administrative meetings and conferences, for compiling, disseminating, and making available information prepared by and filed with the commission, and for supplies, postage, and shipping. All moneys received by the commission from collections for sales of publications, for copies of records, for supplies, for postage, for shipping and records location fees, and for charges assessed to participants in administrative meetings and conferences, except moneys received from requesters from sales of copies of the official registration list, shall be credited to this appropriation account.
10. Gifts and Grants (1) (jm) – PR Fund 100 Appropriation 12300 –to carry out the purposes, not inconsistent with the law, for which gifts, grants, and bequests to the commission are made. All moneys received by the commission from gifts, grants, and bequests shall be credited to this appropriation account.
11. Election Security and Maintenance (1) (jn) – PR Fund 100 Appropriation 12500 – moneys received from requesters from the sales of copies of the official registration list for the purpose of election security and system maintenance. *(Note: Monthly interest income earned on this cash balance is properly allocated monthly.)*
12. Federal Aid (1) (m) – PR-F Fund 100 Appropriation 14000 –to be used for the administration of chs. 5 to 10 and 12. All moneys received from the federal government, as authorized by the governor under s. 16.54, that are not appropriated under par. (x), shall be credited to this appropriation account.
13. Election Administration (1) (t) – SEG Fund 220 Appropriation 16000 –from the election administration fund, the amounts in the schedule to meet federal requirements for the conduct of federal elections under P.L. 107-252. All moneys transferred from the appropriation account under par. (d) shall be credited to this appropriation account.
14. Federal Aid; Election Administration Fund (1) (x) – SEG-F Fund 220 Appropriation 18000 – all moneys received from the federal government, as authorized by the governor under s. 16.54, to be used for election administration costs under P.L. 107-252. *(Note: This Appr. was used for the previous federal H101 and H251 grant Help America Vote Act of 2002 (HAVA) awards, now both spent and closed.)*
15. Federal Aid; Election Administration Fund (1) (x) – SEG-F Fund 220 Appropriation 18200 – all moneys received from the federal government, as authorized by the governor under s. 16.54, to be used for election administration costs under P.L. 107-252. *(Note: This Appr. is used for the HAVA Election Security federal grant. The purpose of the Election Security grant is to “improve the administration of elections for Federal office, including to enhance election technology and make election security improvements” to the systems, equipment and processes used in federal elections. Monthly interest income earned on this cash balance is properly allocated monthly.)*

Systems and Tools

STAR

The WEC staff enters financial transactions into STAR (the state's accounting program). WEC performs an internal audit on every transaction before the transaction is approved. Some staff have dual roles, such as processor and approver, that seem to present an issue with separation of duties; however, because of our agency's small size, this is a situation that we cannot prevent and still be able to function when staff is absent or when an approver needs to edit a transaction. Staff does only use one of their roles for any given transaction at a time, preserving the separation of duties in practice, and STAR will not allow a user to both enter and approve the same transaction.

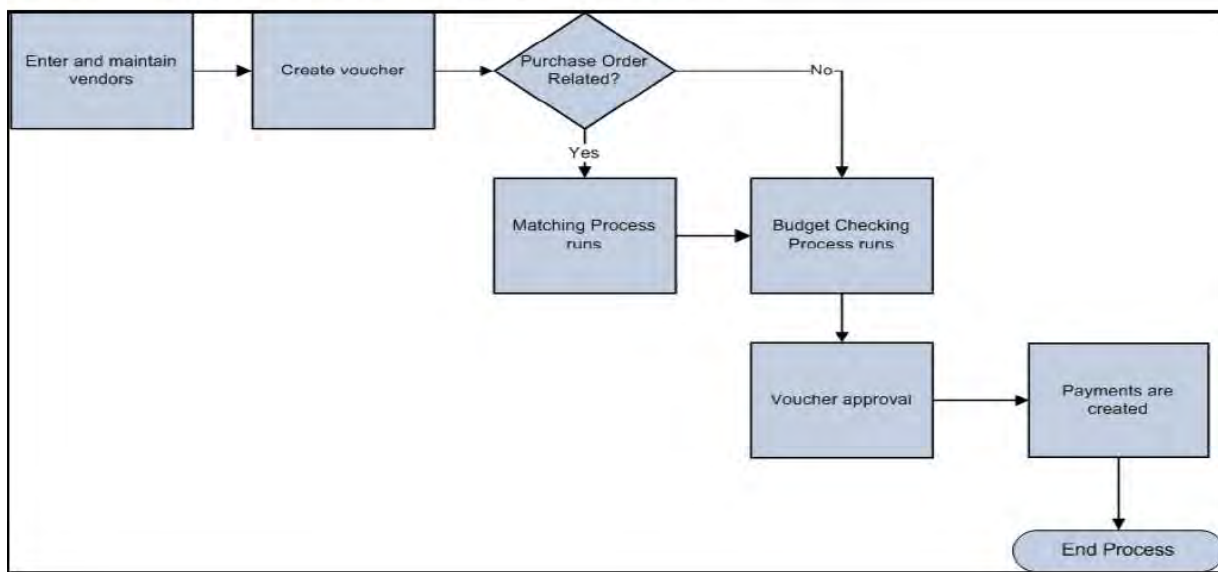
The STAR Payment Process is as follows:

: General Voucher Processing



Accounts Payable End-to-End Process

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



STAR Security Access is Set up as Follows:

Primary Staff involved:

Financial Specialist Senior: currently Tiffany Schwoerer

Senior Accountant/Financial Manager: currently Julia Billingham

Secondary Staff involved:

IS Resources Support Tech Intermediate - Bilingual: Claudia Santana

Chief Administrative Officer: currently Sharrie Hauge

Within the STAR Finance module, security roles have been assigned to staff to process or approve vouchers and for other functionalities within the STAR Finance module. Our agency's internal WEC STAR Security Team initiates a new role request, and another member of our STAR Security Team approves of that request. If that new request necessitates a separation of duty (SOD) override, that role request will also need approval from the DOA STAR Security Team.

The WEC STAR Security Team consists of:

Chief Administrative Officer: currently Sharrie Hauge
 IS Technical Services Senior: currently John Hoeth
 Senior Accountant: currently Julia Billingham

In the assigned financial roles detailed below, even though some staff, such as the Accountant, may process OR approve a voucher, STAR will not allow them to approve a voucher they processed.

STAR security levels for payments are set up as follows:

Staff	Security / Approval Levels
Financial Specialist or IS Resources Support Tech	AP Processor, Reporter, Viewer
Accountant or Chief Administrative Officer	AP Processor, Reporter, Viewer, Approver, Maintainer, and Supervisor

VendorNet

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

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

VendorNet is available at: <https://vendornet.wi.gov/>

STAR HCM (Payroll Time)

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

Federal Time Reporting

All WEC employees who are either funded by federal grant money or work on federal projects report their time spent on specific federal activities directly into STAR HCM. Taskprofiles have been created with individualized Program Codes to track time spent on these specific federal activities. As the employees submit their time in STAR HCM, they are certifying their time spent on allowable activities to maintain compliance with federal cost principles. Supervisors review and approve employees' bi-weekly timesheet to certify their employees' time spent on these federal activities.

During employee onboarding, each employee is educated about which Taskprofiles they should be using to accurately track their time. Upon new tasks creation and periodically, the WEC Accountant will email all staff with timekeeping reminders and give verbal reminders in our bi-weekly staff meetings so that employees are correctly entering their time based on federal tasks performed. The Accountant also performs periodic audits of the payroll data to ascertain that employees are correctly reflecting their tasks in the entering of their Taskprofiles.

All IT Developers who serve the WEC as non-WEC employees complete bi-weekly timesheets that document their time spent on specific federal and state-funded activities and sign to certify their stated time spent on these activities. Their immediate project lead reviews their time submitted then their department supervisor signs and approves their timesheet to verify their time spent on these federal and state-funded activities. These timesheets were created by the Accountant and Financial Specialist in collaboration with the immediate project lead to determine which activities would be allowable under the federal grant(s) and how best to identify those allowable activities.

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

Transaction Cycles

Purchasing Approval

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

Risks:

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

See Appendix D-1 for the Purchasing Approval flowchart.

Accounts Payable

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

Risks:

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

See Appendix D-2 for the Accounts Payable flowchart.

Cash Disbursements (Subgrants)

Explanation: Providing financial assistance, funded by our federal grants, to eligible recipients in accordance with terms of a subgrant agreement.

Risks:

- WEC's Subgrant Risk Assessment & Monitoring Policy is not followed.
- Recipient uses monies awarded for goods or services outside the scope of the subgrant terms and conditions.
- Recipient falsifies information on subgrant application.
- Recipient does not send back proof of proper expenditures when awarded a non-reimbursable subgrant.

See Appendix D-2.5 for the Cash Disbursements (Subgrants) flowchart.

Grant Applications

Explanation: Applying for financial assistance from the Election Assistance Commission (EAC) in the form of a federal grant award.

Risks:

- Agency fails to follow procedure and accepts federal grant without first getting governor's approval.
- Wire transfer gets lost with DOA and does not get to agency.

See Appendix D-3 for the Grant Applications flowchart.

Accounts Receivable & Cash Receipts

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

Risks:

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

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

General Services Billing

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

Risks:

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

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

Payroll

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

Risks:

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

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

Travel Reimbursement for Employees

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

Risks:

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

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

Travel Reimbursement for Non-employees

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

Risks:

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

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

Federal Project Time Reporting & Payroll Adjusting Entry

Explanation: WEC employees working on multiple projects which include a federal grant are required to accurately use the STAR HCM Taskprofiles to account for their time spent on each specific allowable activity within each federal grant and to maintain compliance with federal cost principles. WEC supervisors review entered time and selected Taskprofiles. Accountant reviews all data. If corrections need to be made, Accountant does so via Journal Entries in STAR Financial.

Risks:

- Employee enters time incorrectly or is unable to account for time worked on federal projects.
- Employee or supervisor does not verify time worked, thereby disallowing federal labor costs.
- Accountant does not make correcting entries timely enough for state fiscal close or federal fiscal close.

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

Recount for Office

Explanation: [Wisconsin statute 9.01\(1\) \(ag\)](#) requires the collection of fees from recount petitioners in certain situations. For State or Federal offices, the WEC is the filing officer and collects the filing fee from petitioners, if required. Upon conclusion of a recount that does not change the determination of the election, fees collected shall be distributed to the counties conducting the recount for these offices and retained by the commission to pay for actual cost incurred, with the balance returned to the petitioner.

Risks:

- WEC election administration staff incorrectly calculates, or does not collect, the fee payable from the recount petitioner.
- Fees collected are not timely distributed to the proper county.
- Refund due, if applicable, is not distributed to recount petitioner within the statute's timeline.

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

Control Activities

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

Performance Reviews

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

Physical and Electronic Controls

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

Physical Controls

- The Administrator (or designee) issues to all WEC staff members a photo identification/building access card. These cards allow staff free access to WEC offices during and outside normal business hours on an as-needed basis. These cards activate the downstairs lobby doors that lead to the elevators, the stairwell doors to the WEC office floor, and the upstairs doors leading to the WEC staff work area. The parking area below the building is only accessed via these same access cards and is not open to the public.
- The WEC office is open to the public from 7:45am to 4:30pm weekdays. The public may access the office by alerting the front desk security guard they are here on WEC business. The security guard will call the WEC office phone number to alert WEC staff of the visitor. The WEC Reception staff answers that phone number and can allow entry to the public. Since the building is only accessible via staff access cards, during public access times, WEC staff will go down and greet the visitor in the first-floor lobby.
- During office hours, WEC staff provides physical security and oversight of agency assets & resources.
- The WEC maintains secured storage areas for confidential records, such as locked file cabinets, secure safes, a secure technology room, and a locked storage room for records and additional supplies.
- WEC adheres to the General Records Schedule for Fiscal and Accounting Related Records, as promulgated by the DOA department Public Records Board to be found at: <https://publicrecordsboard.wi.gov/Pages/GRS/Statewide.aspx>
- Confidential records which are not required to be retained in-office are boxed for shipment to the State Records Center, per Records Disposition Authority (RDA).

Electronic Controls

- Each WEC employee is assigned system logon credentials by the DOA required to access state computer systems.
- Employee passwords for many state systems must be reset every 60 days.
- State systems are secured based on industry standard guidelines from CIS and NIST.
- Device health and security are continuously monitored by both the DOA and agency security and IT staff.
- Financial data is maintained in segregated systems and locations with access limited only to relevant staff and IT support.
- Remote access to the state financial system and to WEC files may only be acquired via the state's virtual private network (VPN).

Information Processing

Purchasing

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

- Segregation of Duties:
 - Authorization: Purchases of goods and services are authorized by WEC supervisors who determine if each purchase is allowable and necessary. Accountant audits, approves, and dispatches purchase order in STAR.
 - Recordkeeping: Agency Asset Manager, currently agency IS Technical Services Senior, maintains inventory records of agency's higher-valued assets. All purchasing paperwork is retained for future reference.
 - Custody: WEC staff other than the approvers and program staff email the dispatched purchase order to the supplier. WEC reception staff receive goods.

Purchasing Card

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

- Segregation of Duties:
 - Authorization: Purchase of goods is authorized by WEC supervisors or is a reoccurring charge. WEC supervisors will determine if each purchase is allowable and necessary. Accountant audits and approves all purchases bi-weekly. Chief Administrative Officer reviews a statement of purchases bi-weekly.
 - Recordkeeping: Agency Asset Manager, currently agency IS Technical Services Senior, maintains inventory records of agency's higher-valued assets. All purchasing paperwork is retained for future reference.
 - Custody: WEC staff other than the approvers and program staff use their Purchasing Cards to order goods. WEC reception staff receive goods.

Accounts Payable

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

- Segregation of Duties:
 - Authorization: Accountant conducts an internal audit and approval of each payment voucher for accuracy, completeness, and adequate supporting documentation and proper authorizations.
 - Recordkeeping: Accountant reviews and reconciles payment information monthly. Invoices and vouchers are retained by the financial staff.
 - Custody: Department of Administration generates and sends paper checks or ACH payments.
- The purchasing form, bill of lading, receiving report, purchase order, and/or requisition are matched prior to payment.

Cash Disbursements (Subgrants)

Control activities are displayed in Appendix D-2.5 -- Cash Disbursements (Subgrants) Flowchart

- Segregation of Duties:
 - Authorization: Program staff approves recipients for subgrants. After performing pre-subgrant risk assessment, Accountant audits and approves STAR vouchers for payments.
 - Recordkeeping: Accountant creates and emails to each recipient an award letter as each award is granted. Accountant reviews and reconciles payment information weekly during the subgrant budget period and at the close of the subgrant.
 - Custody: DOA Treasury sends subgrant funds via ACH wire transfer or via checks to recipients.

Accounts Receivable & Cash Receipts

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

- Segregation of Duties:
 - Authorization: The audit and approval of deposits for cash and paper checks is initiated by the WEC Accountant and final approval is applied by DOA. E-pay electronic ACH deposits are processed by U.S. Bank and approved by DOA in STAR, without any intervention by WEC staff.
 - Recordkeeping: Deposit information is entered into the STAR accounting system and tracked internally, manually for cash, either manually or automatically via our agency's Online Electronic Deposit (OED) machine for paper checks, and automatically for ACH deposits. Accountant reviews and reconciles deposits weekly.
 - Custody: Via the Financial staff, currency and coin are directly deposited at a U.S. Bank location while paper checks are scanned into our agency's Online Electronic Deposit (OED) machine and directly deposited into the U.S. Bank online system. Only U.S. Bank has custody of e-payment ACH electronic deposits.

- NSF checks returned by the bank are recorded, investigated, and secondary payment is requested by WEC staff. Accountant checks weekly for returned ACH payments.

General Services Billing

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

- Segregation of Duties:
 - Authorization: GSB charges are verified against fleet approval forms & mileage rates, printing & mailing information, records retention information, servers, and data storage, and/or other supporting documentation, to confirm the agency services were approved. This verification of each transaction is performed by the agency Financial Specialist and the agency IS Technical Services Senior. Afterward, the voucher and journal entry are audited and approved by the Accountant.
 - Recordkeeping: Transaction information is automatically loaded into the STAR accounting system, tracked internally, and reconciled monthly to internal accounting files.
 - Custody: The individuals confirming services were rendered are separate from the individuals receiving the benefits of the services, or these services were overhead costs.

Payroll

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

- Segregation of Duties:
 - Authorization: Management reviews and approves work hours recorded by staff.
 - Recordkeeping: Staff records their hours worked into STAR HR. Supervisors approve hours and send hours to the DOA payroll office electronically.
 - Custody: Payroll checks are generated at DOA and directly deposited into the employee's bank account. Paystubs are no longer distributed but are available online in STAR HR.
- Each bi-weekly payroll register is reviewed by a financial staff member, separate from the manager who requests employee payroll funding additions, changes, and deletions. See also Appendix C – Position Numbers, Employee Names, and Classification Titles.

Travel Reimbursement for Employees

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

- Segregation of Duties:
 - Authorization: After travel, supervisors review and approve employee travel reimbursement requests. Financial Specialist reviews these requests for accuracy, completeness, and compliance with State travel policies and procedures and enters them in STAR when appropriate. Accountant audits and approves employee travel expenses.

- Recordkeeping: Travel reimbursements for costs incurred by staff and all documentation are saved in STAR and paper copies or originals are retained by financial staff.
- Custody: Travel reimbursements are completed by DOA HR staff and added to an employee's paycheck.
- See also Appendix C – Position Numbers, Employee Names, and Classification Titles.

Travel Reimbursement for Non-Employees

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

- Segregation of Duties:
 - Authorization: Program supervisors review and approve non-employee travel reimbursement requests. Financial Specialist reviews these requests for accuracy, completeness, and compliance with State travel policies and procedures and enters them in STAR when appropriate. Accountant audits and approves employee travel expenses.
 - Recordkeeping: Travel reimbursements for costs incurred by non-employee individuals and all documentation are saved in STAR and paper copies or originals are retained by financial staff.
 - Custody: Reimbursement checks or ACH payment, if sent via a temporary hiring agency or jurisdiction, for example, are generated and sent by DOA.
- All travel costs incurred by the agency and travel reimbursements are reviewed by more than one individual, to ensure that these costs are allowable and in accordance with State travel policies and procedures.

Recount for Office

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

- Segregation of Duties:
 - Authorization: If a fee is required, as determined by WEC Election Administration staff, and depending upon the closeness of each political race, counties estimate fee, petitioner pays estimated fee, DOA increases budget authority in our Recount Appropriation, and payment to counties for the actual cost of a recount is authorized by Accountant.
 - Recordkeeping: Financial staff maintains counties' cost estimates, petitioner's payment documentation, counties' actual costs, and any refund or underpayment required to/from petitioner.
 - Custody: DOA receives wire transfer from petitioner and distributes ACH payments and/or checks to counties and refund check to petitioner.

Information & Communication

Information

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

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

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

Strengths:

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

Weaknesses:

- Can be difficult to learn new functionality.
- Not always user-friendly; can be difficult to understand input screens which pose a risk of user error.

Tasks to Minimize Weaknesses, Changes, or Improvements:

- Rely on Wisconsin's STAR Support and/or State Controller's Office for technical assistance.
- Checks and balances using multiple reviewers and approval layers.

VendorNet

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

Strengths:

- When properly used, VendorNet ensures state purchasing rules are followed.
- Clearinghouse of purchasing information.
- Updated frequently and immediately, as changes to contracts are made.

Weaknesses:

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

Tasks to Minimize Weaknesses, Changes, or Improvements:

- Training classes by DOA.
- Use the State Procurement Manual as reference.
- Attend State Agencies Purchasing Council (SAPC) monthly meetings and the WI State Procurement Conference for ongoing training opportunities.
- Use DOA support and technical assistance when necessary.

Communication

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

The following are methods used for communicating the roles, responsibilities, and significant matters relating to the internal controls plan within the agency:

- Financial Staff are given an internal control plan for review when starting employment and subsequently annually.
- The enacted internal control plan is accessible to all WEC staff on the agency's shared but secured computer drive.
- Financial team meetings.
- WEC general staff meetings.
- Training sessions.
- Memorandums.
- Management ensures the internal control plan is followed.
- Emails, instant messages (IMs), and phone calls.

The following are methods used for communicating the issues, resolutions, and significant matters relating to the internal controls plan outside the agency:

- When communicating with clerks, the agency follows a communication protocol of procedures and policies before sending information to a group of customers.
- Public Information Officer reviews communications prior to sending out.
- When working with vendors on significant procurements or with auditors, the agency uses a single point of contact for all communications.

Monitoring Activities

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

Monitoring Plan:

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

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

Procedures for responding to findings and recommendations reported by auditors:

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

Wisconsin Elections Commission
Rules Regarding Partisan Activity of Commission Staff
Adopted December 14, 2016

The staff of the Wisconsin Elections Commission shall be nonpartisan pursuant to Wis. Stat. ss. 5.05(2m) and 5.05(4). Political neutrality is imperative so staff can maintain the confidence of the Commission, the individuals and organizations that the Commission regulates, and the public. Therefore, all staff members are prohibited from participating in any political activity that compromises the ability of that person to discharge with neutrality, efficiency, and integrity his or her duties and obligations to the Commission.

Employees who wish to participate in any political activities shall disclose their intentions to the Administrator. If the Administrator decides an employee's involvement may reasonably compromise the employee or the Commission, the Administrator will review the situation and make a determination as to whether the involvement in the political activity is appropriate. The Administrator may also authorize employees to participate in certain activities that have a business purpose consistent with the agency's mission, that have historical significance, or are merely collateral to a prohibited political activity.

Employees are strongly encouraged to consult with the Administrator prior to any activity that may be perceived as compromising the employee's ability to objectively perform their official responsibilities.

In addition to the provisions of Wis. Stat. s. 230.40, prohibited activities include, but are not limited to the following:

1. Being a candidate for any partisan office (national, state, or local).
2. Being a member of any national, state, or local political party.
3. Directly or indirectly soliciting, receiving, or making contributions to any political party or partisan candidate for public office.
4. Soliciting votes in support of or in opposition to any party or partisan candidate for public office.
5. Circulating or signing nomination papers or petitions, including recall petitions, for partisan political office.
6. Serving as an agent of any political party or partisan candidate in any capacity (e.g., polling place observer, delegate, partisan poll worker, or get out the vote activities).
7. Publicly supporting or opposing a partisan candidate for public office or political party office, or making statements regarding partisan candidates or elected

officials in a political advertisement, broadcast, campaign literature, social media, or similar material or forum.

Seeking Elective Office

Any employee who wishes to run for partisan elective office must take an unpaid leave of absence effective from the time nomination papers can first be circulated, and must resign (or be terminated) if and when such nomination papers are filed.

Any employee who files a campaign registration statement to register as a candidate for partisan elective office prior to the time that nomination papers can first be circulated shall report that filing to the Administrator, who shall place the employee on unpaid leave until the nomination papers are filed or until the employee is no longer a candidate for partisan office.

In addition to avoiding partisan activities, staff should also avoid running for nonpartisan office if the Commission is the filing officer for that contest. This would put the staff member in the position of enforcing campaign finance regulations upon her or his own committee, or against potential opponents. Any employee seeking a nonpartisan office where the Commission is the filing officer is required to take an unpaid leave of absence from the time the employee files a campaign registration statement until the employee is no longer a candidate. If the employee is elected, the employee shall resign or be terminated.

Wisconsin Human Resources Handbook

Chapter 370

Classification Policies and Procedures for the Analysis of Reclassification and Reallocation Requests

Sec. 370.010	Introduction	Sec. 370.080	Withdrawing Reclassification
Sec. 370.020	Statutory and Rule Authority	Sec. 370.090	Compensation
Sec. 370.030	Definitions	Sec. 370.100	Effective Date Policy
Sec. 370.040	Exclusions	Sec. 370.110	Documentation of Decision
Sec. 370.050	Submitting a Reclassification or Reallocation Request	Sec. 370.120	Classification Appeals
Sec. 370.060	Analyzing a Reclassification	Sec. 370.130	Administrative Information
Sec. 370.070	Competition and Competitive Examination	Attachment #1	Reclassification Analysis Flowchart
		Attachment #2	Sample Reclassification Denial Letter

Sec. 370.010 Introduction

Reclassification is a personnel transaction used to allocate or assign a filled position to a different classification (“class”) when the position has experienced logical and gradual changes to the point where a different classification becomes more appropriate or when the incumbent has attained the specified education or experience required in a formally defined progression series.

Reallocation is another personnel transaction used to allocate or assign a filled position to a different classification based on one of a number of reasons that are specifically described in the Wisconsin Administrative Code. This chapter provides detailed guidance on how to classify positions, and how to conduct analyses of reclassification and reallocation requests.

Budget constraints are not considered valid reasons to deny reclassification or reallocation requests. Positions must be correctly classified based on the duties permanently assigned to the positions.

Sec. 370.020 Statutory and Rule Authority

1. “After consultation with the appointing authorities, the director shall allocate each position in the classified service to an appropriate class on the basis of its duties, authority, responsibilities or other factors recognized in the job evaluation process. The director may reclassify or reallocate positions on the same basis.” s. 230.09(2)(a), Wis. Stats.
2. “Appointing authorities shall notify the director of any changes in the duties or responsibilities of individual positions which may affect the classification level of the position. Notification shall be in accordance with the procedures established by the director.” s. ER 3.03(1), Wis. Adm. Code.

3. “If after review of a filled position the director reclassifies or reallocates the position, the director shall determine whether the incumbent shall be regraded or whether the position shall be opened to other applicants.” s. 230.09(2)(d), Wis. Stats.
4. Section 15.02(4), Wis. Stats., states in part, “The head may delegate and re-delegate to any officer or employee of the department or independent agency any function vested by law in the head.”
5. “Class specifications shall be the basic authority for the assignment of positions to a class.” s. ER 2.04(2), Wis. Adm. Code.

Sec. 370.030 Definitions

The following are definitions of terms used in this chapter:

1. **Administrative Professional Level:** Work that requires the exercise of analytical ability, judgment, and discretion and the application of a substantial body of knowledge of principles, concepts and practices applicable to one or more fields of administration or management. While these positions do not require specialized education, they do involve the type of skills (analytical, research, writing, judgment) gained through a college-level education or through progressively responsible work experience. Administrative professional level work may be performed as part of the principal mission or program of an agency or subcomponent, or it can be performed as a service function that supports the agency’s mission or program. Employees engaged in administrative professional level work are concerned with analyzing, evaluating, modifying, and developing basic programs, policies, and procedures that facilitate the work of agencies and their programs. They apply knowledge of administrative analysis, theory, and principles in adapting practice to the unique requirements of a specific program.
2. **Advanced Level:** A concept that appears in some classification specifications intended to describe work that is beyond the objective level within a class series. Not all positions are expected to attain the advanced level. The classification specification defines the requirements for the advanced level in terms of duties and responsibilities and discusses whether positions can be reclassified to that level or whether competition is required.
3. **Allocation:** The initial assignment of a position to the appropriate class by the director as provided in s. 230.09(2), Wis. Stats. ER 3.01(1), Wis. Adm. Code.
4. **Allocation Pattern:** A description of different job or position types used within a classification or classification series. Allocation patterns identify different job types within a classification or different levels within a classification series. For example, within the Revenue Auditor classification series, the classification specification identifies the following allocation pattern for Individual Income Tax Office Auditors: the Revenue Auditor classification level is used as the entry level progressing to the developmental level; the Revenue Auditor 3 classification level is the objective level; and the Revenue Auditor 4 classification level is the advanced level. Representative positions within a classification specification can also be considered allocation patterns. However, it is possible that not all allocation patterns will be identified in the classification specification. Allocation patterns may be established by the Agency Human Resources Office for delegated classifications without being formally identified in the classification specification. They should be formally documented within that agency, and OSER should be informed of existence of the allocation patterns in order to determine if the classification specification needs to be modified.
5. **Best Fit:** Positions are classified based on the majority of duties performed (more than 50 percent) of the work assigned to and performed by the position when compared to the class concepts and definition of the classification specification or through other methods of position analysis. Position analysis defines the nature and character of the work through the use of any or all of the following: definition statements; listing of areas of specialization; representative examples of work performed; allocation patterns of representative positions; job evaluation guide charts, standards or factors; statements of inclusion and exclusion; licensure or

certification requirements; and other such information necessary to facilitate the assignment of positions to the appropriate classification.

6. **Classification:** A grouping of positions that perform similar duties and responsibilities and require similar knowledge, skills, and abilities.
7. **Classification Specification:** A document that defines the nature and character of the work of the class through the use of any or all of the following: definition statements; listings of areas of specialization; representative examples of work performed; allocation patterns of representative positions; job evaluation guide charts, standards or factors; statements of inclusion and exclusion; and such other information necessary to facilitate the assignment of positions to the appropriate classification.
8. **Competition:** Opening a position to other candidates. If it is determined that a filled position should be opened to other candidates, the position may be filled through many different transaction types such as promotion, transfer, demotion, reinstatement, etc. For the purposes of this chapter, competition is not synonymous with competitive examination. Refer to section 370.070 of this handbook chapter for more detailed information on competition and competitive examination and descriptions of situations requiring the processing of certification requests.
9. **Competitive Examination:** A method of evaluating an applicant's ability to perform the duties of the job. Refer to section 370.070 of this handbook chapter for more detailed information on when competitive examination may be required.
10. **Confidential:** Section 111.81(7), Wis. Stats., excludes from the definition of employee for collective bargaining purposes "individuals who are privy to confidential matters affecting the employer-employee relationship . . ." Refer to *Wisconsin Human Resources Handbook Chapter 324—Confidential Management or Supervisor Exclusions for Positions in the Classified Service* for more detail.
11. **Developmental Level:** An intermediate progression level between the entry and objective levels within in a classification series. At a developmental level, the employee is given progressively more complex assignments and/or receives decreasing levels of supervision compared to that at the entry level. This process is designed to enable the employee to develop the competence necessary to independently perform the full range of job duties at the objective level.
12. **Entry Level:** The first level in a progression classification series. Entry level positions function under close supervision and for a majority of the time perform the least complex duties assigned to that position type. Employees at the entry level may perform only parts of a process, procedure, or project; perform the less complex processes, procedures, or projects assigned to that position type; and often function under the direction or mentoring of a more experienced employee in that occupational area.
13. **Filled Position Transfer:** Form of competition where an employee stays in the same position number while the position is assigned new duties that may result in the position remaining in the same classification or moving to a different classification assigned to the same or counterpart pay range. The incumbent is selected to remain in the position, provided due consideration was given to other individuals and the incumbent's qualifications for the position were assessed in relation to the job requirements.
14. **Lead worker:** An employee whose permanently assigned duties include training, assisting, guiding, instructing, assigning and reviewing the work of two or more permanent full-time equivalent classified employees in the Lead worker's work unit as assigned and documented on the work unit's organization chart. Lead workers do not have supervisory authority as defined under s. 111.81(19), Wis. Stats.

Usually, lead workers will be required to lead the work of two or more employees in order to be credited with lead worker duties. Lead workers cannot "share" the responsibility of leading the work of employees. For example, if two positions lead the work of one employee each and together jointly lead the work of one more employee, neither position will meet the definition of lead worker. In certain circumstances, leading the work

of one other employee may justify lead worker status, if the employees are located in a geographically remote office or are in the field.

Note: Agencies use a variety of other terms to describe non-supervisory leadership positions such as project manager, project leader, team leader, project team leader, and project coordinator. These terms are not synonymous with lead worker and additional analysis is required to determine if individuals in these roles function as lead workers. Also, the classification significance of these roles cannot be determined in the abstract and must be evaluated based on the specific class factors and definitions contained in the relevant class specification.

As a general rule, when the work of the Lead worker is significantly different from that of the work s/he leads or the Lead worker performs advanced level duties while leading objective level employees, a separate lead work level is likely to exist within the classification series. When the work of the Lead worker is significantly similar to the work of others s/he leads, the lead work function is likely to be described within the objective level classification definition.

15. **Management:** Section 111.81(13), Wis. Stats., excludes management personnel from the definition of employee for collective bargaining purposes. Section 111.81(13) defines “management” as “those personnel engaged predominately in executive and managerial functions, including such officials as division administrators, bureau directors, institution heads, and employees exercising similar functions and responsibilities as determined by the [Wisconsin Employment Relations] Commission.” Refer to *Wisconsin Human Resources Handbook* Chapter 324 for more detail.
16. **Objective Level:** The classification level that any employee in any position allocated to that classification series can reasonably expect to achieve. This class level is then determined to be the objective level for all positions with similar duties and responsibilities, in that series. Objective level employees must satisfactorily perform the full range of job duties assigned to that position type under general supervision.
17. **Paraprofessional:** Work that is similar to “professional” work but does not have the breadth and depth of true professional work. A paraprofessional employee performs duties that are a narrow, specialized subset of professional duties, does not perform the full range of duties assigned to professional employees, or performs duties of lesser scope, impact, and complexity than duties assigned to professional employees. Paraprofessional duties support the work of professional employees. A paraprofessional employee may carry out or implement plans or projects that are developed, planned, and managed by professional employees, based on extensive experience and supplemental on-the-job training rather than on formal academic education in the discipline itself. Paraprofessional work is performed in a narrow or highly specialized area of the overall occupation and requires a high degree of practical knowledge and skill. The paraprofessional employee often works with considerable independence for significant periods of time. This independence, however, does not alter the nature and character of the work, which is to support a professional discipline.
18. **Position:** “[A] group or set of duties and responsibilities, which require the services of an employee on a part-time or full-time basis.” s. 230.03(11), Wis. Stats.
19. **Position Description:** A structured document that assigns duties and responsibilities to a position. Refer to *Wisconsin Human Resources Handbook* [Chapter 310—Completion and Use of the Position Description](#) for more detailed information.
20. **Professional:** Section 111.81(15), Wis. Stats., states, “‘Professional employee’ means:
 - (a) Any employee in the classified service who is engaged in work:
 1. Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;
 2. Involving the consistent exercise of discretion and judgment in its performance;
 3. Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time;

4. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes; or
- (b) Any employee in the classified service who:
1. Has completed the courses of specialized intellectual instruction and study described in par. (a)(4); and
 2. Is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in par. (a).”

Professional work requires a high order of analytical ability combined with a comprehensive knowledge of (1) the functions, processes, theories, and principles of the occupational area; and (2) the methods used to gather, analyze, and evaluate information.

Professional work cannot be standardized or routine and requires independent judgment and discretion. It involves many “gray areas” that require substantial analysis and judgment to reach the appropriate conclusion and requires education and training in the principles, concepts, and theories of the occupational area. These are most often gained through the completion of a four-year degree in a specified curriculum at a college or university. In a limited number of circumstances, such knowledge may be gained through on-the-job experience.

Professional work requires creativity, analysis, evaluation, and interpretation. It involves applying or interpreting natural law, principles, or theory; evaluating the research of others; and assessing the need for and validity of proposed changes and improvements in procedures and methods. Professional responsibility involves the ability to reason from existing knowledge to unexplored areas; to adapt methods to circumstances that deviate from the standards; and to stay abreast of and evaluate technical subjects, analyses, and proposals.

21. **Progression Series:** A multiple-level classification series where employees are expected to progress by reclassification to the objective level if they satisfactorily perform the full range of duties assigned to the objective level classification for a majority of the time. Progression series often have some combination of entry, developmental and objective level classifications.
22. **Reallocation:** The assignment of a position to a different class by the director as provided in s. 230.09(2), Stats., based upon:
 - (a) A change in concept of the class or series.
 - (b) The creation of new classes.
 - (c) The abolishment of existing classes.
 - (d) A change in the pay range of the class.
 - (e) The correction of an error in the previous assignment of a position.
 - (f) A logical change in the duties and responsibilities of a position. Or
 - (g) A change in the level of accountability of a position such as that resulting from a reorganization when the change in level of accountability is the determinant factor for the change in classification. s. ER 3.01(2), Wis. Adm. Code.
23. **Reclassification:** The assignment of a filled position to a different class by the director as provided in s. 230.09(2), Stats., based upon a logical and gradual change to the duties or responsibilities of a position or the attainment of specified education or experience by the incumbent. s. ER 3.01(3), Wis. Adm. Code.
24. **Regrade:** The determination of the director under 230.09(2)(d), Stats., that the incumbent of a filled position which has been reallocated or reclassified should remain in the position without opening the position to other candidates. s. ER 3.01(4), Wis. Adm. Code.

25. **Supervisor/Supervisory:** Section 111.81(19), Wis. Stats., defines a supervisor as any individual “who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline employees, or to adjust their grievances, or to authoritatively recommend such action” and “whose principal work is different from that of . . . subordinates.” Refer to *Wisconsin Human Resources Handbook*, [Chapter 324—Confidential, Management or Supervisor Exclusions for Positions in the Classified Service](#), for more detail.

Usually, positions will be required to supervise the work of three or more permanent, full-time equivalent, classified employees in order to be credited with supervisory duties because the amount of time required to support the supervisory designation is likely justified by the supervision of at least three employees. Supervising fewer than three employees may not meet the Wisconsin Employment Relations Commission’s *de minimus* test for supervisory duties. Supervisors cannot “share” supervision of employees.

Note: The U.S. Department of Labor Fair Labor Standards Act requires the supervision of at least two permanent full-time equivalent employees as one of the conditions for meeting the executive test for exemption from the overtime provisions of the federal Fair Labor Standards Act.

26. **Support work:** Involves proficiency in one or more functional areas in certain limited phases of a specified program. The work usually does not require knowledge of the interrelationships among functional areas or organizations.

Employees follow established methods and procedures. They may occasionally develop work plans or recommend new procedures related to individual assignments or the immediate work unit. Support work can be performed based on a practical knowledge of the purpose, operation, procedures, techniques, and guidelines of the specific program area or functional assignment. Employees learn to do the work on the job, sometimes requiring many years of experience and may attend specific training courses related to their work.

27. **Technical or Technician:** Similar to “paraprofessional,” this is work that is similar to professional work but does not have the breadth and depth of true professional work, usually in a scientific or technical field such as electronics, computers, etc. Technical employees carry out or implement plans or projects based on extensive experience and supplemental on-the-job training rather than on formal academic education in the discipline itself. They carry out tasks, methods, procedures, and/or computations that are laid out either in published or oral instructions and covered by established precedents or guidelines. Technical work is performed in a narrow or highly specialized area of the overall occupation and requires a high degree of practical knowledge and skill, care and precision. A technical employee does not perform the full range of duties assigned to professional employees, but does perform duties that are a narrow, specialized subset of the professional duties or performs duties of lesser scope, impact, and complexity than duties assigned to professional employees. Technical duties support the work of professional employees. A technical employee may carry out or implement plans or projects that are developed, planned, and managed by professional employees. Some technical work may appear similar to that performed by employees doing beginning-level professional work in the same general occupational field. The experienced technical employee often works with considerable independence for significant periods of time. This independence, however, does not alter the nature and character of the work, which is to support a professional discipline.

Sec. 370.040 Exclusions

1. According to s. ER 3.05, Wis. Adm. Code, “The position of a classified employee shall not be reclassified while the employee is on a temporary interchange under s. 230.047, Stats.”
2. Positions may not be classified, reclassified, or reallocated based on temporarily assigned or acting duties.
3. Limited term employees (LTEs) are not eligible for regrade upon reclassification or reallocation. Nor are they eligible to compete in promotional examinations.

Note: When classification surveys or new classifications are implemented, LTEs do not receive reallocation notices. Instead, the DOA and UW Payroll systems process class code/class title changes for the LTEs and notify agencies of the changes.

4. According to s. ER 3.015(3)(a) and (b), incumbents who are serving the first six months of a trial or probationary period and who have not performed the permanently assigned duties and responsibilities for a minimum of six months are not eligible to be regraded as a result of reclassification or reallocation under ER 3.01(2)(f), Wis. Adm. Code.

Sec. 370.050 Submitting a Reclassification or Reallocation Request

A reclassification or reallocation request may be initiated in one of the following three ways through submission of appropriate documentation:

1. If the first-line supervisor or above in the direct organizational chain of command requests that the position be reviewed for proper classification or recommends a specific classification change, the minimum required documentation is an updated position description (PD) signed by the supervisor, an accurate organization chart and written reasons for the request. Supervisors should consult their agency's policies and procedures for any additional documentation required by the Human Resources Office.
2. If a position's incumbent requests that his/her supervisor review the level of the position and the supervisor takes no action within 30 days or denies the reclassification request, the required documentation from the incumbent is a written request which includes a statement of the events (including the dates when the events took place) which have occurred in regard to the request for a classification review. Incumbents should consult their agency's policies and procedures on how to initiate a reclassification request.
3. If a position incumbent has attained the specified education or experience required by the appointing authority for regrade in a position identified in a classification series where the class levels are differentiated on that basis, the documentation, as determined by the appointing authority, must be submitted by the incumbent and/or appropriate supervisor.

Sec. 370.060 Analyzing a Reclassification or Reallocation Request

Positions are classified, reclassified, or reallocated. Employees may be regraded at the time a position is reclassified or reallocated. Such factors as an employee's current pay rate, length of service, special training or experience not required for the work of the classification, or quality of performance do not justify a classification action, nor does volume of work unless it significantly affects the complexity and/or responsibility level of the position in question. Outside offers of employment or salary increases granted to other employees are not adequate reasons for reclassifying positions.

Reclassification is a personnel transaction used to allocate (i.e., assign) a filled position to a different classification when the position has experienced logical and gradual changes to the point where a different classification becomes more appropriate or when the incumbent has attained the specified education or experience required in a formally defined progression series. Reclassification is the exception rather than the norm for most positions in classified civil service unless the position is in a designated progression series. This is due to the fact that most positions in state service are classified at either the objective or advanced level and movement to the advanced level frequently requires competition.

Reallocation is the assignment of a position to a different classification. Reallocations occur due to:

1. A change in concept of the class or series.
2. The creation of new classes.
3. The abolishment of existing classes.
4. A change in the pay range of the class.

5. The correction of an error in the previous assignment of a position.
6. A logical change in the duties and responsibilities of a position.
7. A change in the level of accountability of a position such as that resulting from a reorganization when the change in level of accountability is the determinant factor for the change in classification.

(See s. ER 3.01(2), Wis. Adm. Code.)

Refer to Attachment #1 for a flowchart describing the general sequence of events for the analysis of most reclassifications.

Steps in Analyzing a Reclassification or Reallocation Request

1. Determine the duties and responsibilities assigned to the position.
 - a. Ensure that a current PD which accurately reflects the position's duties and responsibilities has been developed by the incumbent's supervisor and has been signed and dated by all necessary parties.

Note: If there is a discrepancy between what the employee indicates he/she is doing and what management determines are the assigned duties of the position, every attempt should be made to resolve this problem before the final PD is prepared. Human Resources should discuss the duties and time assignments with the supervisor and employee and review time sheets, work logs, and other records to determine time spent on the duties. If no agreement can be reached, the final PD should reflect the duties as assigned by management. The employee should then be instructed to perform the duties as described and requested to sign the PD as an indication of his/her awareness of the assigned duties (not necessarily of his/her agreement with said assignment). If the employee refuses to sign the PD, the supervisor should note that on the PD. The employee is still held responsible and accountable for performing the duties assigned to the position.

If a goal comprises a large percentage (e.g., 40 percent or more) of the position's time, Human Resources may want to ask the supervisor to break this large percentage down into smaller, more specific time percentages for the worker activity statements. For example, if a position spends 50 percent of its time on Goal A, the supervisor may indicate that the position spends 15 percent of its time on worker activity statement A1, 5 percent on A2, and so on. If there is no more specific identification of the time spent on the worker activity statements, Human Resources must assume that the time percentage assigned to that goal is equally distributed to each of the worker activity statements.

- b. If the PD is general, vague, inaccurate, or incomplete, Human Resources should ask the supervisor to clarify and revise and more specifically describe the goals, worker activity statements, and knowledge, skills, and abilities on the PD.
- c. Obtain all other necessary materials such as:
 - 1) Organization charts.
 - 2) Copies of old PDs.
 - 3) Confidential, management or supervisory exclusion analysis forms.
 - 4) Agency-specific reclassification justification or memo completed by the position's supervisor describing the logical and gradual changes that occurred to the position's duties.

Note: For more detailed information, refer to *Wisconsin Human Resources Handbook* Chapter 310—Completion and Use of the Position Description, Chapter 330—Preparation and Use of Organization Charts, and Chapter 324—Confidential, Management or Supervisor Exclusions.

2. Determine the appropriate classification of the position.

- a. It is common for positions in state classified civil service to perform a combination of duties from different classification levels or different classifications. Compare the duties and responsibilities of the position to the classification specifications for the position's present classification, the proposed classification, and related classifications that might define the duties and responsibilities of the position. Determine which class specification best defines the position (i.e., "best fit").

It may be difficult to identify the appropriate classification for a position if it doesn't neatly fit an existing classification. Use the classification specification that most specifically describes the position's duties rather than one that generally describes such duties and responsibilities. Even if the position performs some of the duties identified in the more general classification specification, the position must be classified using the most specific classification specification that exists.

Example: A position spends the majority of its time developing and monitoring the department's biennial and annual operating budgets and conducting program, organizational, policy, legislative and fiscal analyses. Although some of the duties performed might be described by the Program and Policy Analyst classification specification, the majority of the duties are analytic functions that are more specifically described by the Budget and Policy Analyst-Agency classification specification. Budget and Policy Analyst-Agency is the more appropriate classification for this position.

- b. Compare the duties and responsibilities of the position to similar positions within the agency and in other state agencies. This information should substantiate the "best fit" decision.

Comparing a position to other similar positions is especially helpful when applying a general classification specification, such as Administrative Manager or Office Operations Associate. The specification language itself may be general and comparing similar positions based on specific duties and responsibilities is strongly encouraged under such circumstances.

Note: Information about positions in other agencies can be obtained from OSER or directly from the agency or campus that has similar position(s). It can be helpful to consult with Human Resources staff in OSER, other agencies, or campuses to identify similar positions. Each agency is required to maintain files of position descriptions for all positions within their agency and OSER maintains files of a number of position descriptions from all state agencies. Many agencies are now maintaining electronic position descriptions, which are easier to share.

- c. If a classification decision cannot be made based on the desk review of the materials received, an in-person audit (i.e., interview) should be conducted. Refer to "Conducting Classification Audits" at <http://oser.state.wi.us/docview.asp?docid=5921> for tips on how to conduct audits.
3. Determine the nature of the changes that have occurred in the duties and responsibilities of the position.

If changes have occurred and support changing the classification of the position, determine whether the changes were logical. If the changes were logical, determine if they were also gradual.

Compare the new PD to the last transactional PD that was formally reviewed for classification purposes (e.g., certification request, reclassification request, or reallocation request). Updated PDs which may have been developed since the last transactional PD was processed should also be included and given consideration in this review because they document changes that occurred in the interim.

Note: When calculating the changes that have occurred, focus on the changes that support changing the classification of the position. For example, if a position dropped 20 percent lower-level duties that were replaced by 20 percent higher-level duties that resulted in a different classification being more appropriate, the time percentage change that occurred to this position would be the 20 percent addition of higher-level duties, rather than a 40 percent change in duties.

Note: The Agency Human Resources Office should always carefully review updated PDs. In accordance with *Wisconsin Human Resources Handbook* Chapter 310—Completion and Use of the Position Description, the Human Resources Manager’s signature on the PD indicates that the position is appropriately classified. If the position is not classified correctly, the appropriate transaction must be initiated to correct it.

It is important to remember that it is natural for all positions to change over time. Positions can be reclassified or reallocated to a higher, lower, or the same or counterpart pay range. The assignment of additional duties at the same classification level does not result in a different classification level being more appropriate. Changes must be significant in relation to the relevant class specifications in order for reclassification or reallocation to be appropriate. Reclassification or reallocation may also be appropriate if there are relatively small time percentage changes, provided they result in a position spending the majority of its time on a different level within the current classification series or a different classification.

a. Were the changes logical?

- 1) Logical changes are changes that are reasonably related to the previous duties or responsibilities of the position. Generally, if the changes are reasonably related to the previous duties, satisfactory performance of the original duties or responsibilities of the position should provide any incumbent with a reasonable expectation that the changed duties or responsibilities will be satisfactorily performed.

“Reasonably related” means that the changes to the position were a natural outgrowth or progression of the previously assigned duties. The new duties are an extension and are of a similar nature to the previously assigned duties that were the basis for the original classification of the position and do not require extensive additional education, training, or mentoring for the incumbent to learn to perform the additional duties. Learning to perform the changed duties may require additional education, training, or mentoring, provided the subject matter is directly related to the original underlying knowledge, skills, and abilities of the position.

Examples of reasonably related duties:

Example A: An Office Operations Associate position orders routine supplies, maintains inventories, and identifies the sources for and orders special supplies. This is the only position in the work unit that performs such duties. It may be logical to assign the position the responsibility for contacting vendors to acquire information to compare prices and quality of the products.

Example B: An Engineering Technician-Transportation position reviews permits for utility right-of-way activities. A new permit program is created that requires the review of permits for driveway access to a roadway. It may be logical to assign the new access permit reviews to this position because it is already reviewing other permits for legal compliance.

Example C: A section has a filled Financial Specialist 2 and a vacant Financial Specialist 3 position. The Financial Specialist 3 position is abolished due to budget cutbacks. Forty percent of the vacant Financial Specialist 3 position’s duties are assigned to the Financial Specialist 2 position, which is the only Financial Specialist position left within that unit. It may be logical to assign these duties to the Financial Specialist 2 position because these duties are reasonably related to the previously assigned duties.

Examples where the duties are **not** reasonably related:

Example A: An Offset Press Operator position being assigned Graphic Designer duties. The Offset Press Operator position was a production worker, and the assignment of graphics design work would not be a logical change because the employee would have to acquire unrelated, specialized technical training to perform the Graphic Designer duties. Even if the employee classified as Offset Press Operator possessed those skills required of Graphic Designers, the graphic design duties are unrelated to the Offset Press Operator duties; one position is mass producing what the other position has created.

Example B: An Office Operations Associate position being assigned certified Nursing Assistant duties. Even if the incumbent possesses or acquires certification as a Certified Nursing Assistant, these changes would not be reasonably related. The changes to the position occurred based on the knowledge, skills, and abilities of the particular incumbent and are not a natural outgrowth of previously assigned duties and responsibilities.

Example C: A position that was hired to perform routine filing and copying being assigned IS Technician duties. The employee hired had extensive experience working with personal computers and is in the process of taking information systems training at a technical college. The supervisor starts adding IS Technician duties to the position, such as installing software on desktop PCs, and eventually submits the position for reclassification to one of the IS Technician classifications. The changes that occurred to this position are not reasonably related because they are based on the knowledge and skills possessed by the incumbent rather than the knowledge, skills, and abilities required by the position for which the employee was hired. The position wasn't originally filled to perform IS Technician duties, and the examination used to fill the position didn't test for such knowledge, skills and abilities.

- 2) Movement of a position from one bargaining unit to another is rare but may be considered logical in very limited situations. Such changes must be reviewed carefully on a case-by-case basis, and the transactions must be approved by OSER.
 - 3) If more than 50 percent of the duties or responsibilities of a position have changed since the position was last formally reviewed for classification purposes (such as for a certification request, reclassification request, or reallocation request), and those changes may affect the classification of the position, the changes are not considered logical changes to a position but are the creation of a new position.
 - 4) **Initial assignment or complete removal of lead work, supervisory or managerial duties or responsibilities are not logical changes.** Such changes constitute such a major change in the concept of a position that they no longer meet the concept of logical.
- b. Were the changes gradual?
- 1) Changes in assigned duties of 25 percent or less are considered gradual changes.
 - 2) Generally, changes are not gradual if they:
 - a) constitute a significant portion of the position (more than 25 percent) and occur over a period of less than six months.
 - b) occur abruptly resulting from a reorganization, changes in the equipment used to perform the work, or a reassignment of duties from a vacant or abolished position.
 - c) result from the removal of a supervisory level.

Examples of changes considered gradual:

Example A: If the duties that constitute the reason for the class level change were previously at least 35 percent of the position, the expansion of such duties to 60 percent of the total position will likely be considered gradual.

Example B: A Facilities Repair Worker position spends 30 percent of its time welding. When this vacant position is filled, the supervisor hires an employee with extensive welding experience. Over several years, the percentage of time spent on welding increases to 40 percent, then to 55 percent. This is the only position in the work unit that performs welding. The expansion of the welding duties to 55 percent may be considered gradual.

Example C: An Office Operations Associate position was filled with a PD identifying 38 percent of the position's time being spent on Purchasing Associate duties. Over a one-year period, the percentage of time spent on Purchasing Associate duties increases to 51 percent. The increase in time spent on the Purchasing Associate duties is likely considered gradual.

Example D: A position experienced 40 percent job change over a one-year period. This may be considered a gradual change, depending on the specifics of the situation.

Examples of changes that are **not** considered gradual:

Example A: As a result of reorganization, a position that provided secretarial and administrative support to a Bureau Director now reports to a Division Administrator. The position will be reviewed for appropriate classification as a result of the reorganization. The changes that occurred to the position are not gradual because they happened at a singular point in time as a result of the reorganization.

Example B: A work unit has one Office Associate position and one Office Operations Associate position. The Office Operations Associate incumbent terminates from state civil service and the Office Associate position is assigned 40 percent of the vacant position's duties. Although the changes that occurred to the Office Associate position may be considered logical, they were not gradual because they resulted abruptly from the assignment of duties from a vacant position.

4. Determine the appropriate type of position classification action to be taken if a change in classification is appropriate.

a. Where the change in classification is appropriate because of changes in duties or responsibilities.

1) If the changes in the duties and responsibilities are determined to be both logical and gradual, reclassify the position.

Note: Changes that result in the reclassification of a position from one bargaining unit to a different bargaining unit, and/or the reclassification of a position between broadbands (other than those within a recognized progression series) are rare and should be carefully evaluated on a case-by-case basis. There are limited circumstances where such reclassifications can meet the requirements for logical and gradual change. Transactions such as these are not delegated and must be approved by OSER.

2) If the changes in the duties and responsibilities are determined to be logical but fail to meet the criteria for gradual, reallocate the position under ER 3.01(2)(f), Wis. Adm. Code.

3) If changes in the position fail to meet the criteria for logical, and a new position is created (i.e., more than 50 percent of the duties have changed), allocate the newly created position to the appropriate classification and process a certification request to initiate a staffing action.

- b. Where the change in classification is appropriate for a reason other than a change in duties or responsibilities.
 - 1) If the reason for the change in classification is the level of accountability of the position (such as that resulting from reorganization), reallocate the position under ER 3.01(2)(g), Wis. Adm. Code.
 - 2) If ER 3.01(2)(a) through (e), Wis. Adm. Code, reasons apply, reallocate the position.
 - 3) If the reason for the change in classification is the attainment of specified education or experience by the incumbent as specified in the classification specification, reclassify the position under ER 3.01(3), Wis. Adm. Code.
- 5. Determine whether the incumbent should be regraded or the position opened to competition.

In order to make this determination, apply the following guidelines and rule provisions.

- a. Where no changes have occurred in the duties and responsibilities, and the position will be reallocated under ER 3.01(2)(a) through (e), Wis. Adm. Code, regrade the incumbent if the appointing authority determines that his/her performance is satisfactory.
- b. Where changes in a position support a reallocation under ER 3.01(2)(f) or (g), Wis. Adm. Code, or reclassification, regrade the incumbent unless:
 - 1) The appointing authority has determined that the incumbent's job performance is not satisfactory.

Note: Refer to "Conducting Classification Audits" at <http://oser.state.wi.us/docview.asp?docid=5921> for additional information on auditing an employee when the supervisor identifies unsatisfactory performance in association with a reclassification or reallocation request.

- 2) The incumbent has not satisfactorily attained specified training, education, or experience in a position identified in a classification series where the class levels are differentiated on this basis.
- 3) The incumbent is serving the first six months of a trial or probationary period.
- 4) The incumbent has not performed the permanently assigned duties and responsibilities for a minimum of six months. The six-month period may include a portion of the trial or probationary period. In rare circumstances, a maximum of three months of a six-month trial or probationary period may be applied if appropriate justification is provided.

Note: Whether an individual is placed on probation or not, incumbents must perform the duties and responsibilities that they were hired for or appointed to for a minimum of three months. Therefore, **nine** months from the date the incumbent was appointed to the position is the absolute earliest date that any incumbent can be regraded. This should be a rare occurrence, and the supervisor must provide documentation stating why this is appropriate (e.g., the incumbent had relevant prior education or work experience).

- 5) The OSER Director has determined that the position should be filled by competitive examination, even though changes in the position may have been logical and qualify as a reallocation under ER 3.01(2)(f) or (g), Wis. Adm. Code; or logical and gradual and qualify as a reclassification.

Example: A department decides to reorganize to reduce the number of supervisory levels. As a result of the reorganization, a supervisory position that formerly reported to a bureau director will now report to the division administrator and will be assigned additional responsibilities. Although this supervisory position could be reallocated under ER 3.01(2)(g), Wis. Adm. Code, and the incumbent regraded, management determines that they will hold a competitive examination to ensure that the person selected is qualified to perform the assigned duties.

- c. Competition is appropriate under conditions such as the following:
- 1) A position was selected to be assigned duties and responsibilities which warrant a different classification title at a higher, lower, or the same classification level where such assignments could reasonably have been assigned to other positions. Holding competition allows other employees the opportunity to be considered for the position.
 - 2) A position was assigned the duties of a previously vacant position for which competition was held and subsequently cancelled.

Example A: Two Facilities Repair Worker positions have 30 percent of their time assigned to welding. When these two vacant positions are filled, the supervisor hires two employees with extensive welding experience. Over several years, the supervisor determines that the percentage of time spent on welding for one of the positions will need to increase to 55 percent which could result in a change in the classification. Since the increase in welding duties could reasonably be assigned to either of the two positions, competition must be held to fill the position that will spend 55 percent of its time on welding.

Example B: A work unit has two Office Associate positions and one Office Operations Associate position. The Office Operations Associate incumbent terminates from state civil service and one of the Office Associate positions needs to be assigned higher level duties from the vacant position that will affect the classification of the position to which the duties are assigned. These higher-level duties could reasonably be assigned to either of the two Office Associate positions; therefore, it would be necessary to hold competition to assign the higher level duties.

6. Determine what happens to the incumbent of a filled position who is not immediately regraded when a position is reclassified or reallocated.
- a. If an incumbent of a filled position which is reallocated or reclassified is not regraded due to unsatisfactory performance or lack of attainment of specified training or experience, initiate the layoff process or change the duties and responsibilities assigned to the position to reflect the current position classification.
 - b. If an incumbent is not regraded because the administrator has determined that the position should be filled by competitive examination, the employee may temporarily serve in the position on an acting basis, under Ch. ER-MRS 32, Wis. Adm. Code, or on a temporary basis, until such time as a permanent appointment is made or the duties and responsibilities assigned to the position can be changed to reflect the current position classification. The employee must be notified in writing of this status.
 - c. If an incumbent is not regraded because he/she is serving the first six months of a probationary period and/or has not performed the permanently assigned duties for a minimum of six months, the employee may remain in the position pending completion of these time requirements. The effective date of the reclassification request should be modified to reflect the date the incumbent completes the six-month probationary period and/or has performed the permanently assigned duties for the minimum six months.

Sec. 370.070 Competition and Competitive Examination

Part of the classification analysis process for a filled position is determining which transaction to use in assigning the position to the appropriate classification.

There are situations where reclassification is not appropriate because the changes to the position are not logical and gradual, and situations where reallocation is not appropriate because the changes are not logical. Under such circumstances, a certification request must be processed and the position must be filled through competition.

There are also situations where the OSER Director has determined that the position should be filled by a competitive process rather than by reclassification or reallocation. For the purposes of this chapter, competitive process means that (1) the pool of potential candidates considered for the position is not exclusively limited to the position's incumbent; and (2) the process is consistent with the merit principles, that the individual selected for the position must be qualified for the position as determined through a job-related assessment process. A competitive process does not always require a formal open selection process with a job announcement and examination.

In situations where reclassification or reallocation is not appropriate, the action to be taken depends on the type of transaction:

1. If the appropriate classification for the filled position is a classification assigned to a higher pay range, a certification request must be processed, and the position must be filled by competitive examination which may result in a promotion if the incumbent is the candidate selected.

Note: There are situations where a transfer opportunity must be opened up to the relevant applicant pool, such as if a position was formally downgraded for developmental purposes. The possibility for reclassification to the higher level must be clearly noted in the announcement. Refer to bulletin OSER-0139-MRS for additional information on downgrading positions for developmental purposes (http://oser.state.wi.us/bulletins/bulletin_get.asp?bid=357)

2. If the appropriate classification for the position is at the same or counterpart pay range level, the correct transaction is a filled position transfer and a certification request must be processed to document the assignment of the new duties to the position.

Example: An agency's district office eliminates a vacant Information Systems Supervisor 2 position due to budget constraints. There are too many positions for one position to supervise, so management determines that a lead worker position needs to be created. There are sixteen positions in the work unit and the supervisor wants to use one of them for the new lead worker position. Based on the classification specification, the addition of lead worker responsibilities will not serve as the basis for a different classification level. Reclassification or reallocation would not be appropriate because the addition of lead worker duties does not constitute a logical change in duties. It may be appropriate to transfer one of the employees into this position by processing a replace-changed duties certification request, using the selected employee's position number. In consultation with Human Resources staff, the supervisor may choose to allow any of the sixteen employees to apply for the position or the supervisor can evaluate the pool of sixteen candidates and select one of the employees to be appointed to the position without a formal application process. It's still a transfer, still a form of competition without requiring a competitive examination, as long as the supervisor applied some objective judgment, consideration, and evaluation in selecting which employee will be assigned those duties. If the supervisor announced the position and only one employee applied, it's still a transfer and still a form of competition because other employees had the opportunity to apply for the position, but chose not to do so.

Sec. 370.080 Withdrawing Reclassification Requests

A request may be withdrawn at any time prior to the final classification determination being issued by the Human Resources Office, by the party initiating the request, regardless of whether that is the supervisor, manager or the employee. All such requests must be in writing. In some situations where the employee withdraws the reclassification request, the supervisor may need to revise the employee's position description. If the supervisor/division administrator requests withdrawal, the employee should also be notified in writing by the

supervisor/division administrator of the withdrawal. If the employee disagrees with the action, s/he may initiate a new reclassification request in accordance with agency procedures for self-initiating such a request.

Sec. 370.090 Compensation

Regraded employees whose positions are reclassified to a class assigned to a higher pay range under s. ER 3.01(3), Wis. Adm. Code, or reallocated under s. ER 3.01(2), Wis. Adm. Code, have their pay rate adjusted in accordance with the relevant contract language or nonrepresented Compensation Plan language on pay administration, as appropriate.

If the employee also has reinstatement eligibility or restoration rights to the higher pay range, the employee's pay is calculated in accordance with s. ER 29.03(3), (6) or (7), Wis. Adm. Code, the relevant contract language, or nonrepresented Compensation Plan language on pay administration, as appropriate.

Note: The rules were revised in 1983 to prevent "yo-yo" progression whereby an employee accepts a demotion and the position is reclassified or reallocated at a later date to a higher classification level to which the employee has reinstatement eligibility or restoration rights. The intent of this provision is to treat the reclassification or reallocation as a reinstatement or restoration for pay purposes rather than as a regrade that may provide the employee with an additional pay increase.

Refer to Bulletin OSER-0022-MRS-CLR/LR/PP for definitions of upward classification movements and higher level classes within the same broadband. (http://oscr.state.wi.us/bulletins/bulletin_get.asp?bid=210)

Sec. 370.100 Effective Date Policy

1. The transactions below are effective at the beginning of the first pay period following effective receipt of the request. Effective receipt of a request may be made by any office within the operating agency that has been delegated, in writing, effective receipt authority by the appointing authority. However, a later effective date may be designated by the appointing authority when the conditions which warrant the reclassification/regrade or reallocation/regrade (e.g., attainment of required education or experience, performance of duties and responsibilities for six months, etc.) will not occur until such later date.
 - a. Delegated and nondelegated reclassification regrade actions and reallocation regrade actions based on the correction of an error in the previous assignment of a position taken under s. ER 3.01 (1)(e), Wis. Adm. Code.
 - b. A logical change in the duties and responsibilities of a position under s. ER. 3.01(f), Wis. Adm. Code.
 - c. A permanent change in the level of accountability of a position such as that resulting from a reorganization when the change in level of accountability is the determinant factor for the change in classification under s. ER. 3.01(g), Wis. Adm. Code.
2. Effective Dates for Regrades Resulting From Reallocation Actions under s. ER 3.01(1)(a) through (d), Wis. Adm. Code.
 - a. Reallocations based on the modification, creation, or abolishment of classifications under s. ER 3.02(a), (b), or (c), Wis. Adm. Code, respectively.

According to s. 230.09(2)(am), Wis. Stats., the authority to modify, create or abolish classifications is limited to the OSER Director or his/her designee.

- 1) For all classifications, represented and not represented by a certified collective bargaining unit:

The effective date for the modification, creation, or abolishment of classifications is the first day of the first pay period following the approval by the OSER Director or a later date if the Director specifies a later date.

Note: The creation or abolishment of classifications is a prohibited subject of bargaining under s.111.91(2)(b)(2), Wis. Stats.

- b. Reallocations based on the assignment or reassignment of classifications to pay ranges under s. ER 3.02(d), Wis. Adm. Code.

According to s. 230.09(2)(b), Wis. Stats., the OSER Director has the authority to assign and reassign nonrepresented classifications to pay ranges.

According to s. 111.91(1)(1), Wis. Stats., the assignment of classifications to pay ranges is a mandatory subject of bargaining.

- 1) For classifications not represented by a certified collective bargaining unit:

The assignment or reassignment of classifications to pay ranges will be the first day of the first pay period following the approval by the OSER Director or a later date if the Director specifies a later date.

- 2) For classifications represented by a certified collective bargaining unit:

The assignment or reassignment of classifications to pay ranges shall be the first day of the first pay period following the approval by the OSER Director or a later date if the Director specifies a later date **unless** the Director negotiates a different date as part of a collective bargaining agreement regarding the effective date of the assignment or reassignment of classifications to pay ranges.

3. Agency reorganization classification actions.

Wis. Stats. 230.09(2)(c) states:

“If anticipated changes in program or organization will significantly affect the assignment of duties or responsibilities to positions, the appointing authority shall, whenever practical, confer with the director within a reasonable time prior to the reorganization or changes in program to formulate methods to fill positions which are newly established or modified to the extent that reclassification of the position is appropriate. In all cases, appointing authorities shall give written notice to the director and employee of changes in the assignment of duties or responsibilities to a position when the changes in assignment may affect the classification of the position.”

The Department of Administration (DOA) Division of Executive Budget and Finance publishes guidelines which indicate when reorganization plans must be submitted to DOA for review and approval. Certain reorganizations are delegated to the agencies and do not require approval by DOA. For nondelegated reorganizations which require DOA approval, agencies submit proposals to the DOA Division of Executive Budget and Finance and to OSER. DOA reviews and evaluates the reorganization plans to ensure the structural change will accomplish goals such as to make public services more responsive or accessible to the public, to improve program and fiscal decision making, to improve efficiency, and to accommodate new services or functions. DOA authorizes agencies to proceed with the reorganization, but does not set the effective date of actual implementation of permanent changes to positions' responsibilities.

In accordance with the DOA guidelines, “Personnel transactions which carry out a reorganization still must be subsequently approved by OSER and the DOA budget analyst.” Reorganization changes are implemented by certification request as replaced duties. Under some limited circumstances, a logical change reallocation may be processed in lieu of a certification action.

OSER must review the nondelegated classification actions which formally implement the reorganization. As always, upon DOA approval of the proposed reorganization, agencies may immediately assign or reassign duties and responsibilities to staff. These assignments are temporary until formal action is taken to permanently implement the changes by processing either a certification request or a reallocation request.

Nondelegated reorganization-related classification actions become effective the first day of the first pay period following the date of OSER's approval of the certification or reallocation requests, unless the reallocation request designates an earlier effective date and OSER approves that date.

Delegated reorganization classification actions become effective the first day of the first pay period following the date of approval of the certification or reallocation requests by the Agency Human Resources staff, unless the reallocation request designates an earlier effective date that the Agency HR office has approved.

4. Multiple and/or Simultaneous Transactions.

According to s. ER 3.03(4), Wis. Adm. Code, requests for reallocation, reclassification, or regrade are canceled when an employee resigns, retires or is terminated from pay status in the position prior to the effective date of the requested action.

However, requests for reallocation, reclassification, or regrade must be processed if an employee resigns, retires, is terminated and/or transfers, demotes, etc., on the same or later date as the requested action is to take effect. (See s. ER 29.04, Wis. Adm. Code, for order of application when multiple pay adjustments occur on the same date.)

Sec. 370.110 Documentation of Decision

1. Agencies use a variety of reclassification or reallocation write-up formats to document reclassification or reallocation analyses. Human Resources staff use these forms to document the changes that have occurred to the position, compare the position to the relevant classification specifications, compare to other positions within state civil service, and explain why regrade is appropriate and whether or not competition may be necessary. The comparison of the position to the classification specification should consist of more than a quotation of the classification specification language; the comparison should specifically cite goals and worker activities that meet the specification language.
2. Documenting reclassification or reallocation denials.
 - a. It is particularly important to document a reclassification or reallocation denial because:
 - 1) The letter provides the employee with a detailed description of the analysis that was conducted and explains the reasons the reclassification or reallocation was denied.
 - 2) For a nondelegated decision, the agency's denial letter provides information to OSER regarding why the request was denied. OSER is responsible for making the final classification decision for nondelegated classification actions.
 - 3) The letter informs the employee of the right to appeal and the process to follow in order to file an appeal.
 - 4) The denial letter serves as a crucial exhibit if the employee appeals the decision to either the Office of State Employment Relations or the Wisconsin Employment Relations Commission.
 - 5) A well-documented denial letter should provide the employee with the facts supporting the denial and may result in an employee choosing not to appeal the classification decision to either

the Office of State Employment Relations or the Wisconsin Employment Relations Commission.

- b. Denial letters must be addressed to the individual who initiated the reclassification request. If the supervisor initiated the request, the denial letter should be addressed to the supervisor. If the employee initiated the request, the denial letter should be addressed to the employee.

OSER processes the nondelegated denial letter and the accompanying reclassification or reallocation analysis documentation through the agency human resources office for appropriate distribution within the agency. Agencies should develop internal procedures for processing all reclassification and reallocation denials to ensure that the employee's supervisor or manager receives the denial letter for distribution to the employee and to document when the employee received the decision.

The denial letter must document the changes that have occurred to the position, the comparison of the position to the relevant classification specifications, comparisons to other positions within state civil service, and whether regrade is appropriate and whether competition is necessary. Refer to Attachment #2 for a sample denial letter.

Denial letters must include the employee's right to appeal the classification decision.

- 1) Standard delegated reclassification appeal rights language:

If the employee disagrees with this decision, s/he may appeal this action to the Wisconsin Employment Relations Commission, 4868 High Crossing Blvd.; Madison, WI 53704-7403. Appeals must be made in writing and must be received by the Wisconsin Employment Relations Commission within 30 calendar days from the effective date of the decision or the employee's notification of such decision, whichever is later. The employee should contact the Wisconsin Employment Relations Commission directly to receive information on the procedures for filing an appeal (including any applicable filing fees).

- 2) Standard nondelegated reclassification appeal rights language:

If the employee disagrees with this decision, s/he may appeal this action to the Director of the Office of State Employment Relations, by submitting a written request to the employee's agency Human Resources Manager. Appeals must be made in writing and must be received by the agency Human Resources Manager within 30 calendar days from the effective date of the decision or the employee's notification of such decision, whichever is later. Upon receipt of the written appeal, the agency Human Resources Manager will forward the employee's request and pertinent materials to the Office of State Employment Relations.

- 3) If OSER denies a nondelegated reclassification request, the employee's appeal rights are to the Wisconsin Employment Relations Commission, and the language is the same as under (2)(b)(2) above (the delegated reclassification appeal rights language).

- c. It is strongly recommended that agencies use the [*Employee Notification Form: Receipt of Reclassification or Reallocation Decision \(OSER-DMRS-204\)*](#) to document an employee's receipt of reclassification or reallocation denial. This form documents when the employee received notification of the decision and assists in determining whether the employee's appeal was filed in a timely manner.

Sec. 370.120 Classification Appeals

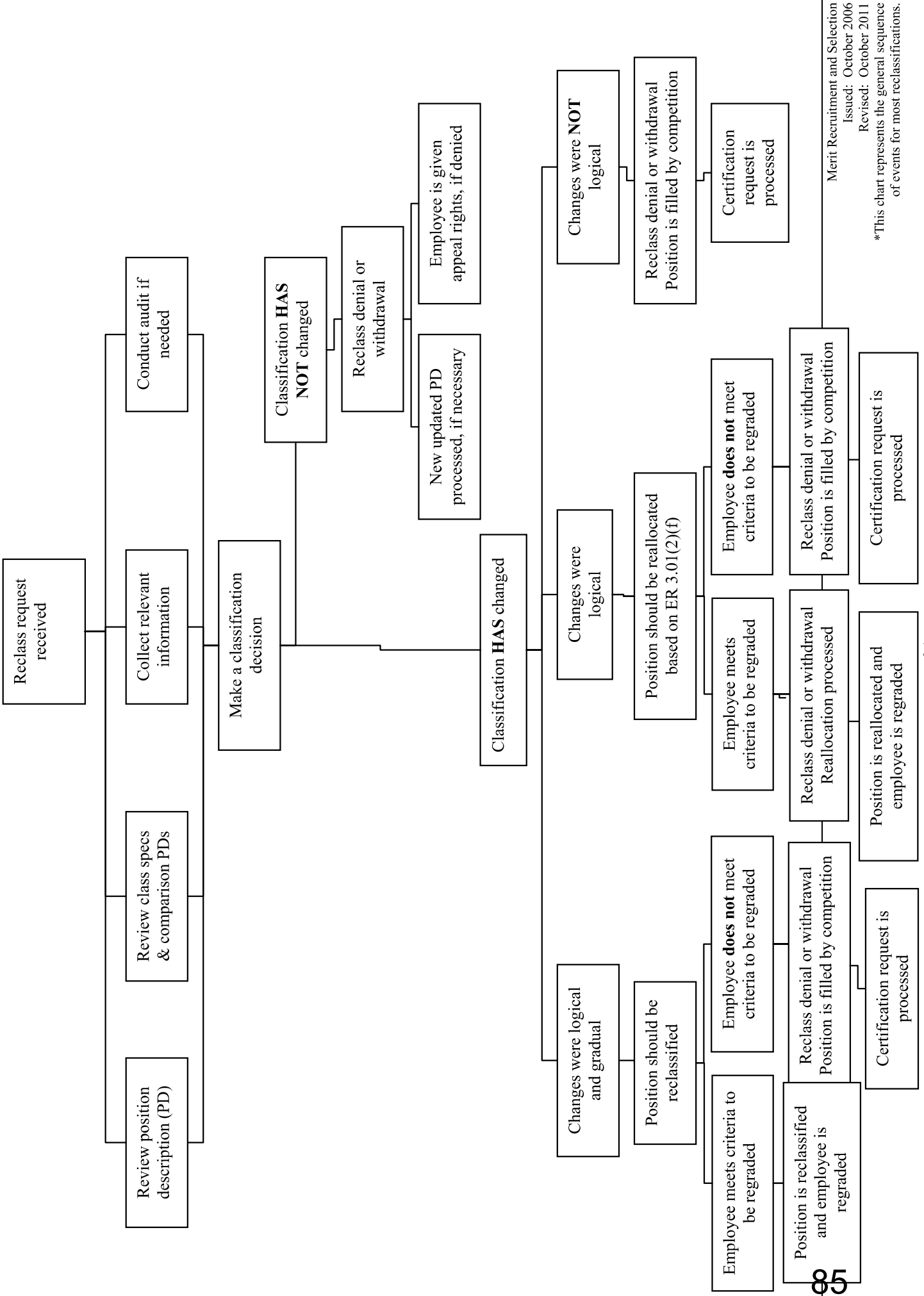
Please see *Wisconsin Human Resources Handbook* Chapter 420—Appeal Procedures for Classification Actions, for additional information on classification appeals. (<http://oser.state.wi.us/docview.asp?docid=1392>)

Sec. 370.130 Administrative Information

This chapter replaces Wisconsin Personnel Manual Chapter 332—Job Classification – Policies and Procedures published in 1983 and DER Bulletin CLR/POL-57 published on Effective Dates for Classification Related Actions, which should be discarded.

In October 2011 the chapter was revised to update the address of the Wisconsin Employment Relations Commission, titles of some classifications that are no longer used, remove delegation to the Administrator of the Division of Merit Recruitment and Selection, and make other minor typographical revisions.

RECLASSIFICATION ANALYSIS FLOWCHART*



Merit Recruitment and Selection
 Issued: October 2006
 Revised: October 2011
 *This chart represents the general sequence of events for most reclassifications.

**SAMPLE RECLASSIFICATION DENIAL LETTER
For Delegated and Nondelegated Reclassifications**

Date:

To: Name of Addressee (i.e., person who initiated the request)

From: Auditor Name
Agency Name

Subject: Reclassification Request for (employee's name), # _____

The introductory section should include:

- Name of the employee (unless the memo is addressed to the incumbent).
- Organizational location of the position.
- Current and requested classification levels.
- Date and location of the audit.
- Name of the Auditor.
- Names of other individuals contacted.
- Statement of comparisons to the relevant classification specifications.
- Statement regarding comparisons to comparable and contrasting positions.
- The resulting classification decision.

Next, summarize the duties and responsibilities of the position, citing the goals and important worker activity statements from the old and new position descriptions. Include the dates of the PDs used for the evaluation.

Describe the changes that have occurred to the position since it was last reviewed for classification purposes, including time percentage changes, the addition of new duties, duties that are no longer performed, or how the duties have become more complex.

Cite the relevant classification specifications and compare the new position description to the specifications, including comparisons to the inclusion and exclusion statements, definition language, and representative positions. Clearly explain why the position does not compare favorably to the requested classification specification requirements, citing required classification factors that the position does not meet in terms of scope, impact, complexity, discretion, and accountability. Explain why the position is more appropriately described by the current classification specification, again citing specific language from that specification. In some cases, a classification other than the current or requested class is more appropriate for the position and a detailed explanation should be provided.

Compare the incumbent's position to comparable and contrasting positions both within the incumbent's agency and within other state agencies. For example, if a request for a Human Resources (HR) Specialist–Senior is being denied reclassification to the HR Specialist–Advanced level, the comparable positions would be appropriately classified HR Specialist–Senior positions and the contrasting positions would be HR Specialist–Advanced positions. Specifically explain why the incumbent's position does not compare favorably to the comparison positions in terms of scope, impact, complexity, discretion, and accountability factors described in the classification specification.

Summarize the conclusion reached as a result of the classification analysis.

The final section states the employee's right to appeal the decision to the appropriate authority. (Refer to *Wisconsin Human Resources Handbook* Chapter 370.120 for standard appeal rights language.)

If the Office of State Employment Relations denies the reclassification request, the employee's appeal rights are to the Wisconsin Employment Relations Commission.

Wisconsin Human Resources Handbook

Chapter 504

Official Hourly Rate (OHR)

Sec. 504.010	Introduction	Sec. 504.060	Effective Date of
Sec. 504.020	Statutory and Rule Authority		Compensation Adjustments
Sec. 504.030	Definitions	Sec. 504.070	Referral of Questions
Sec. 504.040	Conversion of OHR to Other Rates	Sec. 504.080	Administrative Information
Sec. 504.050	Pay Adjustments—Calculating a New OHR		

Sec. 504.010 Introduction

The primary use of the Official Hourly Rate (OHR) is for payroll calculation purposes. Classified state employees are paid for hours in pay status each two-week period (i.e., biweekly). It has also been determined by the Department of Administration, Division of Personnel Management that computations of pay rates for most employees subject to this biweekly payroll cycle, who are covered under the Compensation Plan for non-represented employees, are based on the OHR rounded to two decimal places for base pay rates and supplemental pay. The OHR is also used when negotiating pay rates or pay ranges and supplemental pay for represented employees.

Sec. 504.020 Statutory and Rule Authority

Subsection 16.53 (1)(d)(1), Wis. Stats., provides that “. . . the secretary [of the Department of Administration], with the approval of the Joint Committee on Employment Relations, shall fix the time . . . and frequency for payment of salaries due elective and appointive officers and employees of the state. As determined under this subdivision, the salaries shall be paid either monthly, semimonthly or for each 2-week period.”

Subsection 16.53(1)(d)(3), Wis. Stats., provides that “In order to utilize modern accounting methods in processing payrolls, the Department of Administration may convert and adjust salaries of all state officers and employees so that they are payable in equal payments throughout the year. To this end, the secretary may promulgate rules necessary to administer this subdivision.”

The Department of Labor has determined that state employees are paid on a salary basis and therefore, while the OHR methodology is used to calculate wages earned, the consequent hourly rate amount is independent of the Fair Labor Standards Act (FLSA) decision as to whether an employee is considered or treated as an “hourly” employee (non-exempt) or “salaried” employee (exempt). See Chapter 520 – Fair Labor Standards Act (FLSA), of the *Wisconsin Human Resource Handbook* for further information on the Salary Basis Test.

Sec. 504.030 Definitions

1. “**Base pay**” or “**basic pay**” means the pay rate excluding any overtime or supplementary compensation.
2. “**Supplemental pay**” means an amount paid in addition to the base pay in recognition of factors or conditions not reflected in the base pay (e.g., Physician Board Certification Add-On, Supervisor Add-On, Certified Public Accountant Add-On, Certified General Appraiser Add-on, etc.).

Sec. 504.040 Conversion of OHR to Other Rates

In announcing positions and associated pay rates or pay ranges, it may be more appropriate to list a rate or range other than hourly. For example, most professional managerial positions are often announced with annual pay rates or ranges. When converting the OHR to other rates, the following formula is used:

Biweekly Rate	=	OHR	x	80	(hours)
Monthly Rate	=	Divide the annual rate by 12			
Annual Rate	=	OHR	x	2080	(hours)

When establishing a biweekly, monthly or annual rate, round to two decimal places using normal rounding procedures (i.e., if the third digit is 5 or greater round up; if the third digit is less than five round down).

Note: Agencies should exercise caution when using bi-weekly, monthly, or annual rates. Rounding and/or using other than actual hours will often result in bi-weekly, monthly, or annual rates that differ from the amount an employee actually receives.

Sec. 504.050 Pay Adjustments—Calculating a New OHR

When an OHR is affected by a pay adjustment, the following rounding procedure is used for both base pay rates and supplemental pay:

The computation is carried out to five decimal places and any digits beyond the fifth decimal place are dropped. If any digit other than zero appears in the third, fourth or fifth decimal column, the digit in the second decimal column is rounded up.

\$.4321012345	Results of Initial Calculation
\$.43210 12345	All digits beyond the 5 th decimal place dropped
\$.43210	Determine if any positive digit is in the 3 rd , 4 th or 5 th place beyond the decimal
\$.44	Round up the 2 nd digit because there is a positive digit in the 3 rd , 4 th <u>or</u> 5 th place

Note: Use of two decimal places for base pay rates is effective June 28, 2015. For transactions prior to that date or retroactive adjustments prior to that date, base pay rates will be calculated out to three decimal places and then rounded up to two decimal places effective June 28, 2015. Any subsequent adjustments will be calculated as provided above.

Sec. 504.060 Effective Date of Compensation Adjustments

Except as provided in s. 20.923(3), Wis. Stats., all compensation adjustments for state employees shall be effective on the beginning date of the pay period nearest the statutory or administrative date. For employees on a bi-weekly payroll, the administrative effective date is alternating Sundays as published by the Office of the State Controller (Central Payroll Section) in the Department of Administration.

Sec. 504.070 Referral of Questions

Questions should be directed to staff of the Classification and Compensation Section.

Sec. 504.080 Administrative Information

This handbook chapter was originally issued with Bulletin P-862 May 24, 1977 as Chapter 504 of the *Wisconsin Personnel Manual*. This handbook chapter was revised in September 2004 to incorporate the information into the *Wisconsin Human Resources Handbook*.

This handbook chapter was revised July 2015 to implement an Official Hourly Rate of two decimal places instead of three decimal places for base pay rates and the calculation of annual rates based on 2080 hours.

This chapter was revised February 2016 to indicate that monthly rates are to be determined by dividing the annual rate by 12. Pursuant to the changes introduced by 2015 Wisconsin Act 55, in July 2015, the Office of State Employment Relations was eliminated and the functions were transferred into the newly created Department of Administration, Division of Personnel Management. This chapter was updated to reflect the changes in terminology that resulted from the organizational restructuring.

In June 2018, minor updates were made to ensure that the information is current and to update the formatting of the chapter to align with the Wisconsin Human Resources Handbook standards. In May 2017, the Bureau of Compensation and Labor Relations was modified to be the Bureau of Compensation and Employment Relations. Updates were made to reflect this name change.

Chapter 504 was updated in August 2018 to reflect organizational changes that occurred to the Division of Personnel Management in conjunction with the implementation of Shared Services. The Bureau of Compensation and Employment Relations was divided into two separate bureaus: The Bureau of Classification and Compensation and the Bureau of Employee Management.

Wisconsin Human Resources Handbook

Chapter 704

Annual Leave Options

Sec. 704.010	Introduction	Sec. 704.060	Proration
Sec. 704.020	Statutory and Rule Authority	Sec. 704.070	Eligible Employee Notification
Sec. 704.030	Definitions	Sec. 704.080	Referral of Questions
Sec. 704.040	Eligibility	Sec. 704.090	Administrative Information
Sec. 704.050	Available Annual Leave Options		

Sec. 704.010 Introduction

Employee decisions regarding optional use of annual leave accrued during a calendar year must be made prior to the end of that year. In addition to use of annual leave during the calendar year, these options may be in the form of termination leave credits, sabbatical leave credits, and cash payments. The purpose of this chapter is to provide guidance in determining these other annual leave options for eligible employees.

Note: Permanent and Project Crafts Workers are not eligible to convert annual leave to sabbatical/termination leave, per Section K of the Compensation Plan.

Represented public safety employees may have similar annual leave options, but the collective bargaining agreement should always be referenced for specific language regarding the options available to them unless changed by mutual agreement. The proration and notification processes established in this chapter will also apply to represented public safety employees unless otherwise provided for in the applicable collective bargaining agreement or by mutual agreement.

Sec. 704.020 Statutory and Rule Authority

1. “Except as otherwise provided in the compensation plan under s. 230.12:
 - (a) Employees at the 160-hour, 176-hour, or 184-hr rate under sub. (1) or (1m) may, in the year earned, elect to receive not more than 40 of those hours of earned annual leave as credit for termination leave or as accumulated sabbatical leave.
 - (b) Employees at the 200-hour rate under sub. (1) or (1m) may, in the year earned, elect to receive not more than 80 of those hours of earned annual leave among one or more of these options:
 1. Not to exceed 40 hours in cash;
 3. As credit for termination leave;
 4. As accumulated sabbatical leave.
 - (bm) Employees at the 216-hour rate under sub. (1) or (1m) may, in the year earned, elect to receive not more than 120 of those hours of earned annual leave among one or more of these options:
 1. Not to exceed 40 hours in cash.
 2. As credit for termination leave.
 3. As accumulated sabbatical leave.
 - (c) Employees with less than the 160-hour rate under sub. (1) or (1m) who have accumulated, at any time during the employee's continuous state service, a minimum of 520 hours of sick leave may elect to receive not more than 40 hours of earned annual leave as credit for termination leave or as accumulated sabbatical leave or both. An election under this paragraph shall be made in the year in which the annual leave is earned.”
[s. 230.35\(1p\), Wis. Stats.](#)

2. Provisions similar to those in s. 230.35(1p), Wis. Stats., are provided in s. ER 18.02(5)(a), (b), and (bm), Wis. Adm. Code.
3. “The number of hours available for use under (a), (b), and (bm) shall be prorated at the pertinent annual leave rate or rates for employees who work less than 2080 hours during the calendar year.” (These are references to Adm. Code provisions, not the statutory paragraphs quoted in 1., above.)
[s. ER 18.02\(5\)\(c\), Wis. Adm. Code.](#)

Sec. 704.030 Definitions

1. **Base Pay:** “The pay rate excluding any overtime or supplementary compensation.” [s. ER 1.02\(5\), Wis. Adm. Code](#)
2. **Employee:** “Means any person who receives remuneration for services rendered to the state under an employer-employee relationship in the classified or unclassified civil service except:
 - (a) Elected officials;
 - (b) Employees of the University of Wisconsin system;
 - (c) Unclassified staff of the legislature not identified under s. 20.923 (4), Stats.;
 - (d) Unclassified staff of a legislative service agency under subch. IV of ch. 13, Stats.;
 - (e) Stenographers employed under s. 230.08 (2)(g), Stats; and
 - (f) Staff of the state court system.”
[s. ER 18.01\(2\), Wis. Adm. Code](#)
3. **Sabbatical Leave:** “Annual leave which was deferred during the year earned to be used in a subsequent year to extend the annual leave, unless used for termination leave.” [s. ER 18.01\(7\), Wis. Adm. Code](#)
4. **Termination Leave:** “Annual leave which was deferred during the year earned to be used in a subsequent year to extend an employee’s termination date or for payment in a lump sum upon termination.” [s. ER 18.01\(8\), Wis. Adm. Code](#)

Sec. 704.040 Eligibility

The annual leave options covered in this chapter are only applicable to individuals who meet the definition of “employee” in section 704.030 of this handbook chapter. In addition, Limited Term Employees are not eligible for annual leave benefits.

All employees who earn annual leave at or above the 160-hour rate, and employees at less than the 160-rate who have accumulated a minimum of 520 hours of sick leave, are eligible to exercise annual leave options.

To gain eligibility by accumulating sick leave, the employee must have a sick leave balance of at least 520 hours at the end of the October “B” payroll period in the current year. Once an employee gains eligibility in this manner, the eligibility continues even if the employee’s accumulated sick leave balance subsequently drops below 520 hours. If the employee moves to another agency, the eligibility designation will move with them in STAR HCM.

An employee who gained eligibility by accumulating sick leave does not gain an additional 40 hours after attaining the 160-hour rate of earned annual leave.

The options for which a represented public safety employee is eligible will be determined based on the provisions of the collective bargaining agreement on the date eligibility is determined.

Sec. 704.050 Available Annual Leave Options

Annual leave options available to eligible employees are those provided in s. 230.35(1p), Wis. Stats. (See section 704.020 of this handbook chapter.) Options available to eligible represented public safety employees may be similar, but see the collective bargaining agreement for variance from the statutory provisions.

Decisions on annual leave options must be made by an employee prior to the end of the calendar year. If an employee fails to meet this deadline, the annual leave shall be treated as though the options were not available. If an employee chooses the cash option, the amount should be included in the last paycheck of the calendar year.

Note: Section 40.02(22)(b)(11), Wis. Stats., excludes cash payments as leave options and lump sum payments at termination for unused leave credits (including sabbatical and termination leave credits) from the definition of “earnings” for retirement purposes. Therefore, no retirement earnings or service credits are generated on such payments. However, when sabbatical and termination leave credits are used as deferred annual leave or to extend an employee’s termination date, the leave does generate retirement earnings and service credits.

Cash-out payments shall be based on an employee’s **base pay rate** as of December 31 of the calendar year for which the option is taken.

Sec. 704.060 Proration

In accordance with s. ER 18.02(5)(c), Wis. Adm. Code, annual leave options of eligible employees “shall be prorated at the pertinent annual leave rate or rates for employees who work less than 2080 hours during the calendar year.” A proration of leave options is required if an eligible employee works part-time or has been on an unpaid leave of absence during the calendar year.

Proration for **all** eligible full-time employees may be necessary anytime a new annual leave rate is reached during a calendar year. However, no proration is necessary for full-time employees if eligibility is based on the accumulation of 520 hours of sick leave. Also, no proration is necessary in the calendar year a full-time employee reaches the 160-hour rate if the employee is also eligible due to sick leave accumulation.

Employees who begin a calendar year at a level not allowing a cash-out but reach a cash-out level during the calendar year may convert to cash only those hours generated for use after reaching the cash-out level.

To determine the number of annual leave hours available for use under various options, Central Payroll performs the following calculation:

1. Estimate regular hours worked (excluding overtime and compensatory time) based on leave allocation hours.
2. Multiply the result of step 1 by the following conversion factors for full-time positions:
 - a. 40 divided by 2080 = 0.019231
 - b. 60 divided by 2080 = 0.028846
 - c. 80 divided by 2080 = 0.038462
 - d. 120 divided by 2080 = 0.057692
3. Round the hours calculated to whole hours by dropping all fractions of an hour.

However, these proration calculations often need manual adjustments by agency payroll staff to reflect a more accurate estimate of hours based on information that is unavailable to Central Payroll or cannot be included in the system’s calculation.

The following chart provides examples of annual leave option proration.

	Hrs worked at 184 hr rate	Hrs avail for use at 184 hr option		Hrs worked at 200 hr rate	Hrs avail for use at 200 hr option		Max hrs term/sabb option*	Max hrs cash option*
Employee A	1040	20		1040	40		60	40
Employee B	1560	30		520	20		50	20
Employee C	520	10		0	0		10	0
Employee D	N/A	N/A		1040	40		40	40

* Total combined hours used under the termination/sabbatical options and the cash payment option may not exceed the **lesser** of the following amounts:

1. Whole hours available for utilization under the applicable contract or rules/statutes; or
2. Whole hours of unused leave.

Sec. 704.070 Eligible Employee Notification

Each agency, under the instructions from Central Payroll, shall provide eligible employees with written verification of the number of annual leave hours available for option election based on information available at the end of the October “B” payroll period each calendar year. Agencies shall adjust this number if the employee’s level of annual leave earned changes between the October “B” payroll period and the end of the calendar year or for any other reason instructed by Central Payroll. As mentioned in other parts of this chapter, other manual adjustments by the agencies may be necessary for factors of which Central Payroll either is not aware or cannot implement in the payroll system.

An employee option selection for a cash payment must be made by a date set and communicated by Central Payroll to be included in the last payroll check of the calendar year.

Sec. 704.080 Referral of Questions

Questions should be directed to staff of the Bureau of Classification and Compensation, Division of Personnel Management, in the Department of Administration.

Sec. 704.090 Administrative Information

This handbook chapter was revised November 25, 1992, to extend the annual leave options based on accumulation of 520 hours of sick leave to certain represented employees. The purpose of this revision is to update the chapter based on changes to annual leave schedules, eligibility and option amounts that have been made to the statutes and various collective bargaining agreements since that date.

This handbook chapter was revised June 2018 to generally remove distinctions between represented and non-represented staff. Pursuant to the changes introduced by 2015 Wisconsin Act 55, in July 2015, the Office of State Employment Relations was eliminated and the functions were transferred into the newly created Department of Administration, Division of Personnel Management. Additionally, in May 2017, the Bureau of Compensation and Labor Relations was modified to be the Bureau of Compensation and Employment Relations. This chapter was updated to reflect the changes in terminology that resulted from the organizational restructuring and the bureau name change. The chapter is also updated to reflect the change to using 2080 hours instead of using 2088 hours for calculating sabbatical pro-rations.

Chapter 704 was updated in August 2018 to reflect updates to Ch. ER 18, Wis. Adm. Code for the definition of employee and inclusion of the 184-hour rate to match statute. Additionally, the chapter was updated to reflect

organizational changes that occurred to the Division of Personnel Management in conjunction with the implementation of Shared Services. The Bureau of Compensation and Employment Relations was divided into two separate bureaus: The Bureau of Classification and Compensation and the Bureau of Employee Management.

Wisconsin Human Resources Handbook

Chapter 764

Reimbursement for Applicant's Travel Expense

Sec. 764.010	Introduction
Sec. 764.020	Statutory Authority
Sec. 764.030	Basic Concepts
Sec. 764.040	Procedures
Sec. 764.050	Administrative Information

Sec. 764.010 Introduction

This handbook chapter provides administrative guidance on the payment for reimbursement of applicant travel expenses. Reimbursements may be made to applicants for all or part of actual and necessary travel expenses incurred in connection with oral examination and employment interviews.

Sec. 764.020 Statutory Authority

Section 20.916 (2), Wis. Stats., and Section F 11.00 of the Compensation Plan provide reimbursement for all or part of actual, reasonable, and necessary travel expenses incurred by an applicant in connection with reporting for and participating in oral examinations and employment interviews for positions in State Civil Service.

Sec. 764.030 Basic Concepts

1. Reimbursement may be made only if it is necessary for effective recruitment, and shall conform to the travel schedule amounts established for state employee travel expenses. Payment of expenses must be consistent with the applicable provisions of section 20.916, Wis. Stats., and must be made in accordance with the established agency plan assuring equitable treatment of all candidates.
2. A plan for applicant travel reimbursement should be made for each position to be filled if it is determined that reimbursement is appropriate. Each applicant must be notified of the specific reimbursement plan before the expenses are incurred.
3. The agency determines if applicants are to be reimbursed for travel expenses incurred during the participation of an examination or interview.
4. All candidates must be given the same consideration in accordance with an agency plan for determination of such reimbursement. Each plan must include specific guidelines assuring equitable treatment. For example:
 - a. Reimburse each applicant for travel expenses in excess of \$25.00.
 - b. Partially reimburse each applicant for travel expenses by paying a specified amount, such as \$100, or varying the flat grant depending upon distance traveled to the exam or interview site.

Sec. 764.040 Procedures

1. Agency
 - a. Determine that reimbursement of applicant's travel expenses is appropriate in accordance with the criteria cited in 20.916, Wis. Stats.
 - b. Prior to the exam and/or interview, develop a plan to include supporting justification to meet the criteria for reimbursement prior.
 - c. Notify candidates of the requirements for reimbursement of travel expenses, including the address to which two signed copies of the Travel Voucher (DOA-6107) and supporting receipts must be sent when the travel is completed.
 - d. Process the submitted Travel Voucher (DOA-6107), Taxpayer Identification Number (TIN) Verification form (DOA-6448) along with any supporting receipts in order to make a payment directly to the applicant.
 - e. Submit any modifications to the Taxpayer Identification Number (TIN) Verification form (DOA-6448) to the State Controller's Office - Division of Executive Budget and Finance.
2. State Controller's Office - Division of Executive Budget and Finance

Process all modifications to the information provided in the Travel Voucher Taxpayer Identification Number (TIN) Verification form (DOA-6448).

Sec. 764.050 Administrative Information

This handbook chapter was updated to post electronically. No administrative changes were made since last revised on May 3, 1983, to give agencies delegation for authorizing and reimbursing applicants for travel expenses consistent with the provisions in 20.916, Wis. Stats.

In June 2018, minor updates were made to ensure that the information is current and to update the formatting of the chapter to align with the Wisconsin Human Resources Handbook standards. In May 2017, the Bureau of Compensation and Labor Relations was modified to be the Bureau of Compensation and Employment Relations. Updates were made to reflect this name change.

Chapter 764 was updated in August 2018 to reflect organizational changes that occurred to the Division of Personnel Management in conjunction with the implementation of Shared Services. The Bureau of Compensation and Employment Relations was divided into two separate bureaus: The Bureau of Classification and Compensation and the Bureau of Employee Management.

Wisconsin Human Resources Handbook

Chapter 104

Procedures for Staffing Permanent Positions

Sec. 104.010	Introduction	Sec. 104.100	Post Certification Activities
Sec. 104.020	Statutory and Rule Authority	Sec. 104.110	Staffing Records and Retention
Sec. 104.030	Definitions	Sec. 104.120	Administrative Information
Sec. 104.040	Timeline to Fill a Vacancy	Attachment #1	Sample Recruitment Checklist
Sec. 104.050	Options to Fill a Vacancy	Attachment #2	Selection Assessment Strategy
Sec. 104.060	Preparation for Recruitment	Attachment #3	Sample Confirmation of Participation
Sec. 104.070	Recruitment Activities		
Sec. 104.080	Assessment Administration, Evaluation, and Registers		
Sec. 104.090	Certification		

Sec. 104.010 Introduction

The purpose of this chapter is to provide a general overview of the staffing process. More detailed information and explanations for specific procedures, including statutory and rule authority, can be found in the referenced chapters. For represented positions, it also assumes that all necessary steps are taken which are required by union contract(s) when staffing positions.

The information in this Chapter applies to permanent classified positions. (See [Chapter 228](#) of the *Wisconsin Human Resources Handbook* for staffing information on project positions, and [Chapter 224](#) of the *Wisconsin Human Resources Handbook* for information on Limited Term Employment (LTE).)

Sec. 104.020 Statutory and Rule Authority

1. “It is the policy of the state and the responsibility of the director and the administrator to maintain a system of personnel management which fills positions in the classified service through methods which apply the merit principle, with adequate civil service safeguards.” s.230.01(2)(a), Wis. Stats.
2. “Recruitment for classified positions shall be an active continuous process conducted in a manner that assures a diverse, highly qualified group of applicants; and shall be conducted on the broadest possible base consistent with sound personnel management practices and an approved affirmative action plan or program. Due consideration shall be given to the provisions of s. 230.19.” s.230.14(1), Wis. Stats.
3. “In advertising openings in the classified civil service, the state may not require as a condition of application that an applicant be a college graduate unless the opening is a position as a forensic scientist in a state or regional crime laboratory or unless the opening must be filled by an incumbent holding a credential, as defined in s. 440.01 (2) (a), or other license, permit, certificate or registration in an occupation regulated by law and college graduation is required to obtain the occupational credential, license, permit, certificate or registration. s.230.14(3m), Wis. Stats.
4. “The director shall require persons applying for a position in the classified service to file an application and resume with the bureau.” s.230.16(1)(a), Wis. Stats.

5. “The director may require in connection with the application such supplementary work history, educational transcripts, statements of physicians or others having knowledge of the applicant, as needed for qualification evaluations.” s.230.16(1)(am), Wis. Stats.
6. “Except as provided in subd. 2., the director may not request a person applying for a position in the civil service, on an application or otherwise, to supply information regarding the conviction record of the applicant, or otherwise inquire into or consider the conviction record of the applicant before the applicant has been certified for the position. This paragraph does not prohibit the director from notifying an applicant for a position in the civil service that, by law or policy, a particular conviction record may disqualify an applicant from employment in a particular position.” s.230.16(ap)(1), Wis. Stats and s.230.16(ap)(2): “If a particular conviction record disqualifies applicants for a certain position in the state civil service, the director may request a person applying for the position to supply information regarding the conviction record of the applicant, or otherwise inquire into or consider the conviction record of the applicant, to determine whether the applicant's conviction record disqualifies him or her for the position before the applicant is certified for the position.”
7. “To be eligible for transfer, an employee shall be qualified to perform the work of the position to which the employee would transfer after customary orientation provided for a newly hired worker in the position.” ch. ER-MRS 15.01, Wis. Adm. Code
8. “Reappointment under this chapter may be either permissive at the discretion of the appointing authority or mandatory as required by the law or rule of the director. In those instances where an employee or former employee has ‘eligibility’ for reinstatement, the action is permissive. In those instances where an employee or former employee has the ‘right’ of restoration, the action is mandatory.” ch. ER-MRS 16.01, Wis. Adm. Code.
9. “To be eligible for demotion, an employee must be qualified to perform the work of the position after the customary orientation provided for a newly hired worker in the position.” ch. ER-MRS 17.01, Wis. Adm. Code.
10. “The director shall provide, by rule, for exceptional methods and kinds of employment to meet the needs of the service during periods of disaster or national emergency, and for other exceptional employment situations such as to employ the mentally disabled, the physically disabled and the disadvantaged.” s. 230.08(7), Wis. Stats.
11. “The director shall establish criteria for evaluating applicant qualifications and shall require the same or equivalent competitive procedure for all applicants competing for eligibility on a register except as may be provided in ch. ER-MRS 27.” s. ER-MRS 6.05(1), Wis. Adm. Code. (See also s. 230.213, Wis. Stats. regarding special recruitment.)
12. “Competitive procedures may include any technique or techniques which the director deems appropriate to evaluate applicants.” s. ER-MRS 6.05(2), Wis. Adm. Code.
13. “All competitive procedures shall be:
 - a. Based on information from job analysis, position analysis or other equivalent information documenting actual job tasks to be performed or skills and knowledges required to perform job tasks, or both;
 - b. Developed in such a manner as to establish the relationship between skills and knowledges required for successful performance in the competitive procedure and skills and knowledges required for successful performance on the job;
 - c. Supported by data documenting that the skills and knowledges required for successful performance in the competitive procedure are related to skills and knowledges which differentiate among levels of job performance;
 - d. Sufficiently reliable to comply with appropriate standards for validation; and
 - e. Objectively rated or scored.”

s. ER-MRS 6.05(3), Wis. Adm. Code.

14. “In the interest of sound personnel management, consideration of applicants, and service to agencies, the director may set a standard for proceeding to subsequent steps in the selection process, provided that all applicants are fairly treated and due notice has been given. The director shall utilize appropriate scientific techniques and procedures in administering the selection process, in rating the results of any evaluations used in the selection process, and in determining the relative ratings of the competitors.” s. 230.16(5), Wis. Stats.
15. “Appointing authorities shall give written notice to the director of any vacancy to be filled in any position in the classified service. The director shall certify, under this subchapter and the rules of the director, from the register of eligibles appropriate for the kind and type of employment, the grade and class in which the position is classified, any number of names at the head thereof. In determining the number of names to certify, the director shall use statistical methods and personnel management principles that are designed to maximize the number of certified names that are appropriate for filling the specific position vacancy. Up to 2 persons considered for appointment 3 times and not selected may be removed from the register for each 3 appointments made.” s. 230.25(1), Wis. Stats.
16. “The administrator and the director shall provide an appointing authority with access to the personnel files of any individual who currently holds a position whom the appointing authority intends to make an offer of employment.” s.230.13(3)(c), Wis. Stats.
17. “An appointing authority may not make an offer of employment to any individual who currently holds a position unless the appointing authority has reviewed the personnel file of the individual.” s. 230.15(7), Wis. Stats.
18. “Any person employed or appointed contrary to this subchapter, or to the rules established thereunder, shall be paid by the appointing authority so employing or appointing, or attempting to employ or appoint that person, the compensation agreed upon for any service performed under such appointment or employment, or attempted appointment or employment, or in case no compensation is agreed upon, the actual value of such services and any expenses incurred in connection therewith, and shall have a cause of action against such appointing authority, for such sum and for the costs of the action. No appointing authority shall be reimbursed by the state for any sums so paid or recovered in any such action.” s.230.41, Wis. Stats.

Note: Additional statutory and rule authority can be found in the referenced *Wisconsin Human Resources Handbook* chapters.

Sec. 104.030 Definitions

1. **Certification:** A list of candidates from the register who will be moved on to any post-certification selection process (e.g. phone screen, interview, another post-cert assessment, etc.). These are the candidates who have been identified as the most qualified candidates based upon evaluation of their assessment materials.
2. **Exceptional Employment Situations:** Employment opportunities in agencies where: (1) vacancies have been set aside, as part of an approved affirmative action plan, to provide training and permanent employment to economically disadvantaged or disabled individuals; (2) special statutory or funding requirements for specific positions require applicants who meet established eligibility requirements; or (3) the employment situation occurs as a result of disaster or national emergency. See ch. ER-MRS 27, Wis. Adm. Code.
3. **Job Analysis:** A systematic process used to identify the tasks, duties, responsibilities and work conditions associated with a job and the knowledge, skills, abilities, and other characteristics required to perform that job.
4. **Register:** List of applicants who have completed the application process and have been deemed eligible or minimally qualified. Applicants may be assigned passing civil service scores and be ranked on the register

based on those scores if the assessment used a numerical score to determine eligibility. If the assessment applied pass/fail or eligible/not eligible criteria to applicants and (by default) therefore no numerical score, all applicants deemed passing or eligible will be placed on the register.

5. **Vacancy:** “A classified position to which a permanent appointment may be made after the appointing authority has initiated an action to fill that position.” s. ER-MRS 1.02(34), Wis. Adm. Code

Sec. 104.040 Timeline to Fill a Vacancy

Pursuant to s. 230.05(7) Wis. Stats. and s. 230.25(2)(b) Wis. Stats., the timeline for filling a classified vacancy is 60 days. Thirty (30) days are permitted from the date an appointing authority submits a request for certification to the Bureau of Merit Recruitment & Selection (BMRS) until the date the certification list is generated. The appointing authority will then have 30 days from the date of certification to make a hire for the position. The appointing authority is also required to report the number of days it took to make an offer of employment for a vacant position after receiving a certification list.

In order to determine and monitor the complete hiring process, agencies will record the date a vacant position is authorized to fill through the agency’s internal position control process and the effective start date of the employee hired into the vacancy. Once the position is authorized to fill, a number of steps occur internal to the agency including preparatory work for the recruitment by human resources and any internal movement. The date of the job announcement will serve as the request for certification date for all positions which undergo open competition. Agencies will complete the selection process by entering the date of first offer made and the start date into Wisc.Jobs. Both dates are documented to establish a more accurate and complete timeline.

Agency human resources staff will be responsible for overseeing the selection process to ensure vacancies are filled within the established timeline. A recruitment checklist is recommended to aid in establishing the timeline and roles of all participants during the selection process. See Attachment #1 for a sample recruitment checklist.

BMRS actively monitors timelines involved in the selection process and the Director retains authority to ensure agencies are meeting both 30 day requirements. Exceeding the second 30 day requirements is permitted only in the exceptional instance of a selection process in which the number and duration of assessments required for selection exceed the 30 days permitted post-certification. This exception must be made by the BMRS Director.

Sec. 104.050 Options to Fill a Vacancy

Before developing the process to create a new register, the following options may be considered:

1. Transfer.
 - a. Voluntary: Agencies may announce a non-career executive vacancy for permissive transfer applicants on an agency or employing unit basis outside of Wisc.Jobs. If internal applicants will be considered prior to posting the position for open recruitment, agencies are required to have an internal transfer policy and an announcement of an internal transfer opportunity is required. (See ch. ER-MRS 15, Wis. Adm. Code.)

Transfers between agencies may only be considered along with open candidates. The job announcement will specify whether employees seeking transfer are required to complete the initial competitive selection procedures. Alternatively, an agency may use the job announcement to refer transfer candidates to a point of contact to provide guidance in lieu of providing the instruction or detail in the job announcement.

- b. Involuntary: Involuntary transfers are not delegated and require review and authorization of the director before such an action is initiated. Involuntary transfers are not permissible between agencies.

2. Reinstatement/Restoration. An employee or former state employee may be considered to fill vacancies in the same, counterpart or lower class. In those instances where an employee or former employee has *eligibility* for reinstatement, the consideration for appointment is permissive. This is distinguished from the *right* of restoration in which the offer of employment is mandatory for employees such as those affected by layoff, returning from an approved leave of absence, or other specified circumstance. (See ch. ER-MRS 16, Wis. Adm. Code.)

External candidates with reinstatement eligibility may only be considered during the open recruitment process. Internal candidates with reinstatement eligibility may be considered along with internal transfers if permitted by agency policy.

Note: External candidates are individuals that are not currently employed at an agency.

Note: Effective July 1, 2016, reinstatement eligibility of former employees is limited to those who separated, without misconduct, prior to July 1, 2016. Such persons retain eligibility for five years from the date of separation.

Employees laid off from state service prior to July 1, 2016 maintain restoration through the original period of eligibility. However, a person who has obtained permanent status in class and is affected by layoff on or after July 1, 2016 is eligible for reinstatement up to 3 years from the date of layoff. (See [Chapter 238](#) –Personnel Transactions, of *Wisconsin Human Resources Handbook* for more information on reinstatement and restoration.)

3. Voluntary Demotion. An employee with permanent status in class may request voluntary demotion within an agency to a position in the same employing unit or to a position in a different employing unit. Employees may also request voluntary demotion between agencies through an application submission during the recruitment process. The job announcement will specify whether employees seeking demotion are required to complete the initial competitive selection procedures or will refer the candidate to an agency point of contact for additional instruction. (See ch. ER-MRS 17, Wis. Adm. Code.)
4. Existing Register. Determine if it is possible to certify candidates from an existing register for the same classification within the agency or at another agency. Agencies are required to use an existing register created within their agency within the previous 30 days for the same classification (or series), within the same geographical area and where the job analysis demonstrates similar requirements.
5. Related Register. It may be possible to use a register established for a similar position in the same or higher pay range created within or outside of the agency. For more information on the use of related registers see [Chapter 204](#) —Assessment Evaluation and Register Establishment, of the *Wisconsin Human Resources Handbook*, for procedures on requesting use of a related register and completing a *Request to Use Related Register* form (DOA-15516).
6. Noncompetitive Appointment for Certain Disabled Veterans. Qualified veterans with a 30% or more service-connected disability are eligible for non-competitive appointment to permanent positions in classified civil service under s. 230.275, Wis. Stats. (See Policy Bulletin [DPM-0456-MRS](#) – Delegation of Non-Competitive Appointment of Certain Disabled Veterans, for more information.)
7. Exceptional Methods of Employment. An appointing authority may request that exceptional methods of employment be used to fill vacancies which have been set aside to provide training and permanent employment to economically disadvantaged individuals or persons with disabilities; where special funding requirements for special positions require applicants to meet established eligibility criteria; or to meet the needs of state service during periods of disaster or national emergency. (See ch. ER-MRS-27, Wis. Adm. Code.)

Sec. 104.060 Preparation for Recruitment

1. **Position Description Development.** Developing an accurate position description is the first requirement of any selection process. The position description is needed for determining the duties and responsibilities of the position and the relative importance of tasks performed and knowledge required of the person filling the vacancy. An accurate position description is also necessary for classifying the position. (See [Chapter 310](#) of the *Wisconsin Human Resources Handbook* for more information on position description development.)

The job analysis process (below) includes a review and, if needed, an update of the Position Description (DOA-15302) to ensure that the tasks and goals of the job are accurately documented before identifying the criteria for the recruitment. If adjustments are made to the PD, it may need to be reviewed for classification purposes. (See [Chapter 176](#) – Competitive Selection Procedures of the *Wisconsin Human Resources Handbook* for more information.)

2. **Request to Staff Position.** A request to fill or staff a position must be submitted by the hiring manager along with the position description to be reviewed by HR. HR will review the request to staff and obtain the necessary approvals (noted below) before a request for certification is made to BMRS. Agencies are permitted to use an internal request to staff form or may use the version used by Department of Administration (DOA). If not already included in the agency's request to staff process, a Certification Request form must be completed and maintained. Agencies are responsible for maintaining all pertinent approvals and authorization dates for BMRS review.

Approvals Required

- a. **Budget Approval.** Ensure that all necessary budget approvals (i.e., permission to permanently fill the vacancy) are obtained prior to beginning staffing actions.
 - b. **Classification Approval.** Regardless of whether a vacancy is for a new or an existing position, classification approval must be obtained.
 - c. **Hiring Above the Minimum (HAM), Temporary Appointment Maximum (TAM), Raised Hiring Rate (RHR) Approval.** Some staffing transactions involving HAM, TAM or RHR require the approval of the Department of Administration, Division of Personnel Management, Bureau of Classification and Compensation. (See [Chapter 560](#) – Raised Minimum Rate (RMR), of the *Wisconsin Human Resources Handbook* and [Chapter 508](#) – Hiring Above the Minimum (HAM) and Temporary Appointment Maximum (TAM) for Classified Positions of the *Wisconsin Human Resources Handbook* for more information.)
 - d. **Sign-On Bonus Approval.** For positions where recruitment has been, or is anticipated to be, difficult, a sign-on bonus may aid in attracting applicants. Sign-on bonuses require the approval of the Department of Administration, Division of Personnel Management, Bureau of Merit Recruitment and Selection. (See Policy Bulletin [DPM-0466-MRS](#) - Policies and Procedures for Sign-On Bonuses under Section A-5.05 of the 2017-2019 Compensation Plan for more information.)
 - e. **Appointing Authority Approval.** The request to staff must be reviewed and approved by the agency appointing authority (typically the Deputy Secretary or equivalent). The appointing authority may also permit an internal transfer and demotion process before making the formal request for certification to BMRS.
3. **Probationary Periods.** A probationary period of at least one year is required for all original, promotional, supervisory, and management appointments. Lengthened probationary periods of up to two years for administrative, technical, and professional positions may be requested by an appointing authority. BMRS maintains approval records for lengthened probationations by classification. (See [Chapter 116](#) – Probationary Periods of the *Wisconsin Human Resources Handbook*.)

4. Trial Periods. A single trial period of two years is required for initial appointments to the career executive program. (See [Chapter 156](#) – Career Executive Employment, of the *Wisconsin Human Resources Handbook*.)
5. Job Analysis. The job analysis is essential in order to identify the minimum duties, knowledge, skills and abilities needed for the position to be successfully performed. This step establishes the foundation for the selection process and the requisite content validity. The process involves the hiring manager, or identified job experts, reviewing the position description with human resources to identify job related criteria appropriate to measure applicants throughout the entire competitive selection process. The hiring manager or supervisor is established as the job expert in most instances except when additional job experts are needed. In this instance, job experts other than the hiring supervisor must complete a Job Expert Certificate ([DOA-15511](#)). Minimally required criteria, preferred criteria and any special or limiting requirements resulting from the job analysis are documented on the Selection Assessment Strategy form (Attachment #2 DOA-15336).
6. Selection Assessment Strategy. The Selection Assessment Strategy form (Attachment #3 DOA-15336) is required in order to properly document the selection strategy and assessment techniques used throughout the selection process. During the course of completing of this document, the Human Resources professional determines the best and most efficient method of selection based on the identified criteria from the job analysis, the supervisor’s expectations, knowledge of the anticipated applicant pool and labor market, knowledge of a myriad of assessment techniques, etc. in order to determine the most efficient and effective strategy.

The Selection Assessment Strategy form is required for every recruitment effort. However, for efficiency purposes, the Selection Assessment Strategy form may be reused to fill a subsequent vacancy provided the document is still relevant and appropriate as established by a review from human resources and the job expert. This option is only available within the same classification, at the same agency, when the criteria remain the same, and the assessment techniques proved successful, valid and reliable. In this instance the Human Resources professional will review the Selection Assessment Strategy to determine whether any changes are necessary and document the review. (See [Chapter 176](#) – Competitive Selection Procedures of the *Wisconsin Human Resources Handbook* for more information.)

7. Assessment Development. Assessments are developed based on the specific training, experience, knowledge, skill, ability and competency needed to perform the job. There is no one best assessment suitable for all circumstances. Human resources specialists must select the most appropriate approach and develop a strategy to provide the best service and results related to the position, in consideration of the size of specific applicant pool and the market forces impacting the classification. Subject Matter Experts (SMEs) or job experts are involved in assessment development to ensure it is job related. If an assessment is developed to be used by more than one agency or to fill more than one position, SMEs from representative agencies must be included in the process. (See [Chapter 176](#) – Competitive Selection Procedures of the *Wisconsin Human Resources Handbook*.)

Note: Agencies are precluded from conducting or otherwise requiring information regarding an applicant’s conviction record during the initial assessment process(es). Conviction record review is a post-certification activity unless the BMRS Director previously authorized use of a conviction record during the assessment phase because a particular conviction record would disqualify an applicant for employment in the position. (See [Chapter 246](#) – Verifying Applicant Information and Securing Applicant Background Checks of the *Wisconsin Human Resources Handbook* for more information.)

Sec. 104.070 Recruitment Activities

1. Job Announcements. The purpose of the job announcement is to advise the public, and other state employees, of a vacancy while properly conveying the duties, requirements and work expectations of the position. Announcements for vacancies in the classified civil service include the criteria established from the job analysis and documented as “minimum qualifications” and “preferred qualifications”. Announcements

provide an overview of the position and other pertinent information to the applicant at the time of application. The purpose of the job announcement is to properly convey the duties and qualifications of the position to all potential applicants. A minimum seven-calendar day posting period is required for permanent position vacancy announcements. The vacancy is considered approved by BMRS for certification on the date the Job Announcement is posted. (See [Chapter 136](#)—Job Announcements, of the *Wisconsin Human Resources Handbook* for complete details.)

2. Recruitment. Vacancies in the classified civil service are announced online at [Wisc.Jobs](#), the official mechanism for public notification of job vacancies. Agencies may choose additional means of advertising vacancies, and are recommended to contact Enterprise Recruiting within BMRS for advertising suggestions and coordination.

All positions are treated as underutilized for the purpose of recruiting. DPM, through partnership between Bureau of Equity and Inclusion (BEI) and BMRS will establish the methods and strategy to ensure vacancy opportunities are shared in the most broad and inclusive manner. Agencies will establish an internal process to ensure Affirmative Action staff (AA) are involved in the recruitment strategy at the agency level. The process might include quarterly meetings between AA and HR or regular review of recruitment efforts by AA. In the event the agency does not have dedicated AA support, this process may include additional involvement with BEI.

3. Application Process. The application process varies by classification but always includes an application and resume. Each announcement contains specific information describing the appropriate application procedures. (See [Chapter 164](#)—Application Process, of the *Wisconsin Human Resources Handbook*.)

Sec. 104.080 Assessment Administration, Evaluation, and Registers

1. Assessment Administration. The type of assessment selected determines how it will be administered. In addition, different assessment techniques are appropriate at different points of the process and will be adjusted based on the size of the applicant pool. (See [Chapter 176](#) – Competitive Selection Procedures, of the *Wisconsin Human Resources Handbook* for information regarding administration of assessments.)
2. Assessment Evaluation. There are three major categories of civil service assessments: simple screen, objective, and rated. A simple screen is an easily identified cursory evaluation of minimum qualifications in which a second party offers no beneficial objectivity. Objective assessments may be scored by machine to determine raw scores or civil service scores. Rated assessments are evaluated by a panel made up of one or more subject matter experts. These raters independently assign scores or eligibility, using benchmarks and their job-related expertise. Specific panel member information can be found in [Chapter 176](#) – Competitive Selection Procedure. To calculate civil service scores for assessments when necessary, follow the procedure outlined in [Chapter 204](#) – Assessment Evaluation and Register Establishment, of the *Wisconsin Human Resources Handbook*.
3. Security of Selection Process Materials. Fair and equal opportunity to compete in an objective selection process depends upon the security of application materials and other materials related to the selection process. All individuals who participate in the development, administration, evaluation, and retention of recruitment materials are required to follow the security procedures outlined in [Chapter 192](#) – Security of Confidential Selection Process Materials, of the *Wisconsin Human Resources Handbook*. Any individual involved as a panel member for either assessment materials review or interview should be provided with a *Confirmation of Participation* (See Attachment #3).
4. Establishing an Employment Register. An employment register consists of the names and scores or eligibility results of a civil service assessment. Individuals included on the register are those that have been deemed to meet the minimum requirements of a position. Registers which utilize scores will include a rank of all applicants who receive a passing score. Registers are generally active for a period of three months to one year from the date they are established. Length of time is determined based on the type of assessments utilized to create the register. An appointing authority may request a register to be reactivated provided that

the age of the register does not exceed 3 years. (See [Chapter 204](#) – Assessment Evaluation and Register Establishment, of the *Wisconsin Human Resources Handbook*.)

5. Eligibility Notification. All applicants must be notified of their eligibility or score and rank when appropriate. (See [Chapter 204](#) – Assessment Evaluation and Register Establishment, of the *Wisconsin Human Resources Handbook*.)

Sec. 104.090 Certification

Certification is the process used to determine the number and names of candidates from a register who will be considered further or referred directly to interview for a specific position vacancy. Any time a numerical score and rank is applied during the assessment process expanded certification rules must be applied. The candidates who are eligible for employment consideration will be certified by category. “Basic” (BAS) is the first category that will exist on all certifications. Other candidates may be certified under the following categories: veteran status (VET), disabled expanded certification (DEC), minority expanded certification (MEC), women expanded certification (WEC), and disabled eligible (DEL), in that order. (See [Chapter 212](#)—Certification Procedures, of the *Wisconsin Human Resources Handbook* for more information on how registrants are certified.)

Sec. 104.100 Post Certification Activities

Certified candidates may be evaluated by multiple selection techniques post certification provided all applicants are given equal consideration. The process to make a final selection includes, at minimum, the following steps:

1. Conducting Interviews. The employment interview is a critical part of the hiring process. Although the State of Wisconsin may use a variety of selection tools much of the hiring decision hinges on the interview between the employer and the candidate. At least one interview is required for selection. (See [Chapter 176](#) – Competitive Selection Procedures, of the *Wisconsin Human Resources Handbook* for more information.)
2. Reference Checks: Checking references is frequently the final selection activity a hiring manager engages in and is an important part of the selection process. Reference checks help obtain additional candidate-related information which helps to determine the candidate's overall employability, ensures the protection of the current employees, property, and information of the organization. At least two supervisory reference checks must be conducted on every job candidate, regardless of the position for which they are applying. Examples include checks of past employment, education, job-related accomplishments, etc.

The best and preferred references generally come from former supervisors. However in the event the candidate has limited work experience, (students, member of the military, etc.) teachers or other community leaders will suffice. Peer and subordinate references may also be of use but do not fulfil the requirement of a supervisory reference.

Note: Prior to an offer being extended to an employee that holds a position within state service (i.e. permanent, project, or LTE), the employee's current supervisor shall be contacted as one of the supervisory references and a review of their P-file is required.

3. Background Checks. The background check process refers to a broad category of verifications which must occur prior to hire. Selective Service Registration (see s.230.143, Wis. Stats) shall be conducted on all new hires where applicable. Additional criminal and non-criminal checks may be conducted when necessary. Agencies are responsible for compliance with the provisions of Wisconsin's Fair Employment Act throughout the hiring process, including the use of an applicant's criminal history. The Act places limitations on an employer's use of an applicant's or employee's pending charge or conviction record when making an adverse employment decision. Agencies are responsible to the public to ensure programs are carried out in a legal, effective, safe, and humane manner. (See [Chapter 246](#)—Verifying Applicant Information and Securing Applicant Background Checks, of the *Wisconsin Human Resources Handbook*.)

4. Verification of Applicant Information. Prior to appointment, and when applicable, the following information provided by the successful candidate must be verified by the appointing authority: employment eligibility (I-9) under the Immigration Reform and Control Act of 1986, veterans status, veteran disability, race/ethnicity, and any special requirements, where applicable. (See [Chapter 220](#)—Hiring Aliens and I-9 Verification and [Chapter 246](#)—Verifying Applicant Information and Securing Applicant Background Checks, of the *Wisconsin Human Resources Handbook*.)
5. Appointment Letter. All agencies are required to provide a candidate a written letter of appointment including specific terms of employment such as effective date (and start date if different), classification, rate of pay, probationary period to be served, work location, hours of work, FLSA status and overtime expectations, supervisor name and contact, and other agency relevant details such as orientation requirements. These letters may be provided via postal mail or email. The appointment letter must be provided no later than the employee's first day of employment. (See ch. ER-MRS 12.08, Wis. Adm. Code.)
6. Reports of Action (ROA). ROAs must be recorded for all certified candidates. The established ROAs are: selected (SE), declined offer (DO), not selected (NS), failed to respond (FR), not interested (NI), not available (NA), failed to show for an interview (FS), not contacted (NC), not eligible (NE), and unable to locate (UL). (See [Chapter 212](#)—Certification Procedures, of the *Wisconsin Human Resources Handbook*.)

Sec. 104.110 Staffing Records and Retention

Except as noted elsewhere, follow the [General Records Schedule: Human Resources and Related Records](#) for retention and management of records generated by the staffing process. The human resources staff is responsible for maintaining all the records as well as copies of any relevant documents created as part of the staffing process (e.g., class approvals, job analysis, selection assessment strategy, statistical analysis, etc.). BMRS staff are responsible for maintaining records for non-delegated transactions. (See [Chapter 176](#)—Competitive Selection Procedure and Assessment Options and [Chapter 248](#)—Delegation – Staffing of the *Wisconsin Human Resources Handbook*.)

There are two separate files which are required to be maintained when staffing a vacancy: (1) Validation File and (2) Recruitment File. These files may be maintained in paper or electronic format but must be stored in a manner which is easily retrievable and meets the established appropriate security of the materials. Agencies may combine, or keep separate, the validation and the recruitment file at their discretion.

The documentation required in each of the files is as follows:

1. Validation File.
 - a. Rated Position Description and documentation of the job analysis;
 - b. The assessments tools used to measure the criteria identified from the job analysis, including all benchmark criteria used to evaluate applicants;
 - c. Job Expert Certificate (if applicable);
 - d. Documentation of which recruitment file the validation was used for if applicable;
 - e. Any other relevant documentation.
2. Recruitment File.
 - a. Selection Assessment Strategy;
 - b. Job announcement;
 - c. Submitted application materials including, but not limited to, resumes, submitted assessments and related documents;
 - d. Score sheets (if applicable);
 - e. Statistical analysis of the assessments used;
 - f. Register of eligible applicants;
 - g. List of certified applicants;
 - h. Interview questions and benchmarks;

- i. Rater or interviewer notes, score sheets, and remarks;
- j. Documentation of P-file review (if applicable);
- k. Reference check;
- l. Reports of Action for certified applicants;
- m. Documentation of applicant disposition notification;
- n. Any recruitment checklists used.

Note: Interview notes may be stored in the recruitment file or separately by the agency. The HR specialist who conducted the recruitment is responsible for knowing the location of the materials and for ensuring the materials are properly maintained as well as easily retrieved.

Sec. 104.120 Administrative Information

This chapter was issued in February 1990 for the *Wisconsin Personnel Manual*.

Information has been updated throughout the chapter to reference current procedures and new *Wisconsin Human Resources Handbook* chapters (January 2003).

In June 2009, section 104.110, Staffing Records and Retention, was added to the chapter to clarify that agencies should maintain all documents related to staffing vacancies. References to other *Wisconsin Human Resources Handbook* chapters were updated, and references to the paper *Current Opportunities Bulletin* were removed.

In December 2010, minor updates were made to ensure that the information is current. Most notably, in section 104.070(4), the exam types Application Materials Review and Achievement History Questionnaire were replaced with Training and Experience Assessment to coincide with changes to Chapter 176—Exam Development, of the *Wisconsin Human Resources Handbook*.

In October 2014, section 104.040(2), Options to Fill a Vacancy (Transfer) was revised to allow for delegation of transfer appointments that are within the same classification and agency and include a salary increase, provided documentation exists to support such a transfer. The section was also revised to include instructions on the maintenance of such required documentation.

In July 2016, Chapter 104 underwent a review and update pursuant to changes introduced by 2015 Wisconsin Act 55 and by 2015 Wisconsin Act 150. In July 2015, the Office of State Employment Relations was eliminated and the functions were transferred into the newly created Department of Administration, Division of Personnel Management. This chapter was updated to reflect the changes in terminology that resulted from the organizational restructuring. This chapter was also updated to address changes in procedural guidance and provide policy clarification. Included were creation and replacement of attachments. Major modifications included an update of the selection process as a whole and specific reference to updated or newly created WHRH chapters.

In August 2018, Chapter 104 was updated to reflect the updated Administrative Codes, delete references to Random Rank and centered exam centers, change references from the Bureau of Affirmative Action to the Bureau of Equity and Inclusion, deleted the Job Analysis form and incorporated the new Selection Assessment Strategy form, deleted references to the transfer review process, and added clarifying language regarding reference checks and P-file review prior requirements.

Job/Working Title:		Recruitment ID/Cert#:		Job Announcement Code:	
Hiring Manager (HM):		HR Specialist:		Recruitment Type:	
Date Request To Fill (RTF) Initiated:		Career Executive		Transfer ___ Related Register ___ Open ___	
Date Approved To Fill:	Date Certification Requested:	HM	HR	AA	DPM
Date Cert Due:	Date Cert Created:	X	X	X	X
Date First Offer Due:	Date of First Offer:	X	X	X	X
Task	Timeframe/Requirements	HM	HR	AA	DPM
Preliminary Activities					
1. Hiring Manager submits Request to Fill and PD.	HR classifies position description and submits Request to Staff/Fill for approval	X			
2. Initial discussion of Selection Assessment Strategy and outline staffing plan.	HR researches previous recruitment to provide potential guidance to hiring manager. Also includes planning target dates for completion of process.	X	X		
3. Complete internal transfer process (if applicable).	If internal transfers will be considered prior to open recruitment, HR will post opportunity internally.		X		
4. Complete the Selection Assessment Strategy and Job Expert Certificate (if applicable).	Hiring Manager and other SMEs involved in the assessment process (other than the hiring manager) will need to complete the Job Expert Certificate. HR and Hiring manager conduct job analysis which includes identifying minimally required and preferred from PD.	X	X		
5. Create assessment tools.		X	X		
6. Identify panel members (including interviewers).		X			
7. Finalize Selection Assessment Strategy form.	Minimum two diverse panel members, best practice three.	X	X	X	
Cert Request to Cert Created					
8. Publish Announcement.	HR and AA will review assessment tools for approval.				
9. Conduct recruitment; place ads, social media, outreach.	30 calendar day limit from Date Cert Requested to Date Cert Created	X			
10. Submit interview questions and benchmarks for approval.	Minimum application period per policy = 7 calendar days.	X	X	X	
11. Email confirmation to panel members.	HR informs AAO of open recruitment and strategies.	X	X	X	
	AAO approves interview questions/benchmarks, if not previously approved.		X		
	Email includes statement regarding confidentiality and fair and unbiased assessment practices.		X		
12. Prepare materials for panel, brief panel and set review date.	If scored, must have panel briefing.		X		
13. Enter and analyze assessment results, create register.			X		
14. Send Cert list to hiring manager.			X		
Cert Created to Offer					
15. Apply additional assessment(s), if applicable. (Repeat #13, enter and analyze)	30 calendar day limit from Date Cert Created to Date First Offer Due	X	X		
16. Conduct interviews and check references.	Screen be applied post Cert. If scored, must have panel briefing.	X			
17. Prepare and receive required written hiring reason.		X	X		
18. Conduct background check. Review P-File (if applicable). Verify Selective Service registration, Veteran Status and Vet disability (if applicable).	Hiring Manager submits a written reason for hiring decision (BEI specified options) and hiring justification (recommended) for the recommended hire to HR for approval. For veteran verification review DD214 and federal disability rating document (if applicable). Enter completed background check into person profile.	X	X		
19. Make job offer and create appointment letter.	Hiring Manager makes offer of employment. Once offer is accepted HR will create and send appointment letter	X	X		
20. Enter hire into necessary system(s).	This includes the HM's hiring reason decision (BEI specified options).	X	X		
Comments:					

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL MANAGEMENT
DOA-15536 (REV. 8/2018)
S. 230.43, WIS. STATS.



Selection Assessment Strategy

Wisconsin Human Resources Handbook (WHRH) Chapter 176 reviews the method and options for development of assessments throughout the selection process. Criteria used in the assessments are derived through job analysis. This form establishes the documentation of these criteria and thus serves as the validity foundation. The HR Specialist is responsible for ensuring the job analysis and the assessments are appropriately linked in order to establish the basis for validity. DPM recommends the HR Supervisor or a second HR Specialist review this document to confirm adherence to these standards. Copies of each assessment tool are attached to this form for documentation. See also WHRH 104 for additional information.

Classification/Series:	Job Expert:
Working Title (If applicable):	Job Announcement(s):

Step 1. Work with the position's supervisor (or other established job expert) to ensure the PD is accurate and then identify the duties, knowledge, skills and abilities (KSAs) necessary for a new employee to succeed in the position. Identify minimum qualifications required at hire and/or preferred qualifications for use in assessment of the candidates. Attach documentation (from the PD or in another format).

Step 2. Convert statements from the PD into criteria to assess training and experience for minimum qualification or preferred qualification. Avoid State specific terms to ensure a more open selection process. Referencing the source statement (task, KSA, etc.) below or within the PD creates the tie for content validity. Identify below the criteria that will be used in each Pre-certification and Post-certification assessment respectively.

Note: Panel composition (Pre-certification or Post-certification). See WHRH 176.100 and 176.110 for panel composition requirements, Pre- and Post-Certification, respectively.

Pre-Certification Assessment(s)

Assessment Type	Criteria Assessed – Indicate (R) or (P)	Assessment Tool	Scale Used / Cert Rule	Names of Participants (Identify diverse participants with an asterisk where needed)
1. Initial assessment (required)		Choose an item.	Choose an item.	1.
		Other:	Choose an item.	2.
			Other:	3.
				4.

Initial Assessment Adjusted? Yes No ****If Yes, Indicate the new scale and cert rule below. Also identify any new participants that were not included above.**

Scale Used	Cert Rule	Names of Participants (Identify diverse participants with an asterisk where needed)
Choose an item.	Choose an item.	1.
	Other:	2.
		3.

2nd Level Human Resources Review:

Attachment #2 cont.

Assessment Type	Criteria Assessed – Indicate (R) or (P)	Assessment Tool	Scale Used	Names of Participants (Identify diverse participants with an asterisk where needed)
Additional assessment <i>(optional – add additional as appropriate)</i>	1.	Choose an item.	Choose an item.	1.
	2.	Other:	Other:	2.
	3.			3.
	4.			
Initial interview <i>(required)</i>	1.	INTERVIEW	MTA, A, LTA	1.
	2.			2.
	3.			3.
	4.			
Additional interview <i>(optional – add additional as appropriate)</i>	1.	Choose an item.	Choose an item.	1.
	2.	Other:	Other:	2.
	3.			3.
	4.			

**If recruiting for multiple levels of the same classification series, identify differentiating criteria (training and/or experience) for use in determining level placement of candidate.

Level Criteria

Classification Level: Standard/Entry Objective Senior Advanced/Cons/Admin

1. Criteria:

Classification Level: Standard/Entry Objective Senior Advanced/Cons/Admin

2. Criteria:

Classification Level: Standard/Entry Objective Senior Advanced/Cons/Admin

3. Criteria:

Process Notes:

By addition of their name to this form, the HR Specialist is signifying understanding and agreement of the confidentiality of the selection process and all developed assessment materials including relay of these expectations to the job expert.

Date: _____
 Date: _____
 Human Resources Specialist:
 2nd Level Human Resources Review:

SAMPLE CONFIRMATION OF PARTICIPATION

This email confirms your participation as a panel member for the evaluation of applicants for _____ (classification &/or position). By participating in this process you confirm that you are qualified to participate in this aspect of the selection process for this position or classification due to being the immediate supervisor of the position, having performed all or most of the duties or similar (past or present), or have special knowledge that would make you otherwise qualified. In addition, your participation confirms your understanding that all materials and information you gain access to during this process are considered special or confidential within the meaning of s. 230.43, Wis. Stats. and agree to keep this information confidential and not to copy the materials, discuss them with anyone not specifically authorized by the Human Resources Representative or allow any unauthorized person to access the materials. A violation of this agreement is a misdemeanor punishable by fine of not less than \$50 nor more than \$1,000 or by imprisonment for not more than one year in the county jail or both. Lastly, your participation in this process must ensure fair and unbiased consideration of all candidates based on job-related criteria.

Wisconsin Human Resources Handbook

Chapter 116

Probationary Periods

Sec. 116.010	Introduction	Sec. 116.070	Positions Brought Into Classified Service
Sec. 116.020	Statutory and Rule Authority	Sec. 116.080	Dismissal While on Probation
Sec. 116.030	Definitions	Sec. 116.090	Administrative Information
Sec. 116.040	Probationary Periods	Attachment #1	Probationary Periods
Sec. 116.050	Lengthened Probationary Periods		
Sec. 116.060	Extensions of Probationary Periods		

Sec. 116.010 Introduction

This chapter provides guidance and information related to probationary periods. The purpose of a probationary period is to evaluate an employee's performance to determine if the person is effectively able to carry out the assigned duties and responsibilities on a continuing basis. The employee attains permanent status in class upon successful completion of the probationary period. This handbook chapter provides guidance on the required probationary periods for original, promotional, and permissive probationary periods. Information on extended and lengthened probationary periods is also included. Trial periods for Career Executive positions are covered in Chapter 156 – Career Executive Employment, of the *Wisconsin Human Resources Handbook*.

Sec. 116.020 Statutory and Rule Authority

1. All original and all promotional appointments to permanent, sessional and seasonal positions in the classified service must serve a one year probationary period. However, the administrator may extend the probationary period for a maximum of 12 additional months. Probationary periods for an individual with a disability may be extended for up to one additional year (not to exceed 2 years). (Reference [s. 230.28, Wis. Stats](#) and Ch. [ER-MRS 13, Wis. Adm. Code](#).)
2. “The administrator may authorize a longer probationary period not to exceed 2 years for any administrative, technical or professional position, in order to provide the appointing authority assurance that the employee has had adequate exposure to the various responsibilities which are a part of the position or classification.” s. 230.28(1)(b), Wis. Stats.
3. Section 230.046(2), Wis. Stats., states, in part, that “After initial appointment to a supervisory position, each appointing authority shall ensure that each classified service supervisor successfully completes a supervisory development program.”
4. “An employee who transfers between agencies **may** be required by the appointing authority to serve a probationary period, **except** that a probationary period **shall be** required upon transfer to any position identified in s. ER-MRS 13.02(1) . . .” (Emphasis added). See s. ER-MRS 15.03, Wis. Adm. Code. See below for reference to s. ER-MRS 13.02(1), Wis. Adm. Code.
5. “In the case of an understudy, intern, trainee, student cooperative program or an apprentice appointment, the probationary period shall be lengthened by the total length of such understudy, intern, trainee, student cooperative program or apprentice period.” s. ER-MRS 13.02(1), Wis. Adm. Code

6. “An employee who transfers between different employing units of the same agency may be required by the appointing authority to serve a probationary period, except that a probationary period shall be required upon a transfer to a trainee position. If the transfer is to a position in a different class and no probationary period resulting from the transfer is required, the employee shall immediately attain permanent status in class. An employee who transfers while serving a probationary period may continue in the probationary status being served prior to transfer or begin a new probationary period under s. ER-MRS 15.07.” s. ER-MRS 15.04(1), Wis. Adm. Code
7. “An employee currently serving a permissive probationary period or an employee not currently serving a probationary period who is involuntarily transferred will not be required to serve a probationary period and the employee shall immediately attain permanent status in class.” s. ER-MRS 15.04(2), Wis. Adm. Code
8. A person who previously obtained permanent status in class and reinstates to an agency other than the one from which the person earned reinstatement eligibility or to a different employing unit in the same agency may be required by the appointing authority to serve a probationary period. However, a person shall not be required to serve a probationary period when reinstated to the same employing unit from which the person earned reinstatement eligibility and shall immediately attain permanent status in the class, except that a probationary period may be required for reinstatement to a supervisory or management position in accordance with the provisions of s. 230.28 (4), Wis. Stats. See s. ER-MRS 16.04(1), Wis. Adm. Code
9. “If the voluntary demotion is to a position in the same employing unit no probationary period for employment in the lower class may be required, except that a probationary period shall be required upon a voluntary demotion to a trainee position and a probationary period may be required upon voluntary demotion to a supervisory or management position in accordance with the provisions of s. 230.28(4) Wis. Stats. If the employee is not required to serve a probationary period, the employee immediately attains permanent status in class in the class to which voluntarily demoted.” s. ER-MRS 17.04 (3)(b), Wis. Adm. Code
10. “If the voluntary demotion is to a position in a different employing unit, the employee may be required by the appointing authority to serve a probationary period, except that a probationary period shall be required upon voluntary demotion to a trainee position. If the employee is not required to serve a probationary period, the employee immediately attains permanent status in class in the class to which voluntarily demoted.” s. ER-MRS 17.04 (3)(c), Wis. Adm. Code
11. “An employee who has completed a trial period [in a career executive position], upon transfer to a new agency, may be required by the appointing authority at the receiving agency to serve a permissive probation of up to 12 continuous months. At any time, during the permissive probationary period, the receiving agency may remove the employee from the career executive position without right of appeal. Any other removal or discharge during the probationary period shall be subject to s. 230.34, Stats. Termination of the permissive probationary period shall be in accordance with s. ER-MRS 13” s. ER-MRS 30.06(3), Wis. Adm. Code

Sec. 116.030 Definitions

The following are definitions of terms used in this Chapter.

1. **Appointing authority:** “. . . [T]he chief administrative officer of an agency unless another person is authorized to appoint subordinate staff in the agency by the constitution or statutes. s. 230.03(4), Wis. Stats.
2. **Extended Probationary Period:** The extension of the time period during which an employee’s performance is evaluated upon appointment to a position. The extended period provides the employee with additional time to show that he/she is capable of performing the duties satisfactorily.
3. **Lengthened Probationary Period:** A longer approved probationary period for administrative, technical, and professional positions when the normal (12-month) probationary period will not provide the employee with adequate exposure to the responsibilities of the position.

4. **Permanent Appointment:** “. . . [T]he appointment of a person to a classified position in which permanent status can be attained.” s. ER-MRS 1.02(20), Wis. Adm. Code
5. **Permanent Status:** “. . . [T]he rights and privileges attained upon successful completion of a probationary period or career executive trial period required upon an appointment to permanent, seasonal or sessional employment.” s. ER-MRS 1.02(22), Wis. Adm. Code
6. **Position:** “. . . [A] group of duties and responsibilities in either the classified or the unclassified divisions of the civil service, which require the services of an employee on a part-time or full-time basis.” s. 230.03(11), Wis. Stats.
7. **Probationary Period:** The time period during which an employee's performance is evaluated after appointment to a position and prior to attaining permanent status.

Sec. 116.040 Probationary Periods

1. A one year probationary period, at a minimum, is required for all original and promotional appointments to positions in the classified service. See ss. 230.28 (1)(a) & (am), Wis. Stats. and ss. ER-MRS 13.02 and 13.03, Wis. Adm. Code
2. The duration of a permissive probation period, when required, shall be for one year, except that the last 6 months may be waived by the appointing authority. s. ER-MRS 13.02, Wis. Adm. Code.
3. Any probationary period, no matter how long, is for the employee to show that he or she is capable of doing the job for which he or she was hired. The expectation of any new employee is successful completion of the probationary period. A supervisor shall complete performance evaluations of the employee's work throughout the duration of the probationary period, normally at 3 month intervals.
4. The final evaluation will occur far enough in advance of the probationary period end date to permit sufficient time for a decision to be made and written notice provided (s. ER-MRS 13.09, Wis. Adm. Code) to the employee regarding whether the employee will successfully complete probation. Unless the employee is formally provided notice of failure to meet probationary status in advance of the end date, the employee will have attained permanent status in class.
5. An employee must be notified of the probationary period to be served. This information will be provided in the letter confirming an appointment. Section. ER-MRS 12.08, Wis. Adm. Code, states, “Confirmation of appointment shall be in writing by the appointing authority and shall be provided to the employee no later than the first day of employment. Such letter of appointment shall include conditions of employment such as starting date, rate of pay, and probationary period to be served.”
6. Employees who transfer or demote in lieu of layoff may be required to serve a probationary period. (See ss. ER-MRS 22.08(1) and (2), and chs. ER-MRS 15 and 17, Wis. Adm. Code, for requirements for the fulfillment of probationary periods.) See also Chapter 232—Permanent Layoff of Nonrepresented Employees of the *Wisconsin Human Resources Handbook*.
7. An employee may be released from a probationary period at any time. See Section 116.080 of this chapter for more information on Dismissal While on Probation. .

Note: See Attachment #1 for a chart on probationary periods including requirements pertaining to probationary periods on transfer, reinstatement, or voluntary demotion.

Sec. 116.050 Lengthened Probationary Periods

1. Lengthened probationary periods for administrative, technical, and professional positions may be established for up to two years.
2. Lengthened probationary periods may be approved when the normal (12-month) probationary period will not provide the employee with adequate exposure to the various responsibilities assigned to the position.
3. To obtain approval, a written request will be submitted to BMRS prior to beginning any recruitment activities for the position(s), allowing enough time for review and decision making before recruiting for the position(s). Without exception, a written request must be submitted no later than prior to certification of applicants per s. ER-MRS 13.02, Wis. Adm. Code. The request will:
 - a. Identify the position(s);
 - b. Provide evidence establishing that a standard 12-month period is insufficient for exposing the employee to the various responsibilities of the position(s); and
 - c. State the desired length of the probationary period.
4. Include information in the job announcement regarding the duration of the lengthened probationary period.
5. Approved requests for lengthened probationary periods can be applied to subsequent positions for a period of five years from the approval date of the initial request.
6. The appointing authority will notify the individual hired for a position of the lengthened probationary period.

Note: Notification must occur before or at the time an offer of appointment is made. The letter of appointment, as required under s. ER-MRS 12.08, Wis. Adm. Code, shall include the length of probation required.

7. The appointing authority may waive a portion of the lengthened probationary period of an employee, provided at least 12 months have been served. In addition, the appointing authority will provide the employee written notification prior to the effective date of the waiver. Agencies shall maintain copies of the documents relating to any probationary waivers granted by the appointing authority.

Sec. 116.060 Extensions of Probationary Periods

While a one year probationary period is required for all original and promotional appointments to positions in the classified service, occasionally the need to provide the employee with additional time to show whether he or she is capable of performing the duties of the position satisfactorily is needed. This means the appointing authority may want, or need, to extend an employee's probationary period. Extensions may be provided under the provisions below.

1. Sections 230.28(1)(a) and (am), Wis. Stats., establishes the authority of the BMRS Director to extend for up to 12 additional months any original or promotional probationary period in accordance with the rules. Extensions can be based on factors such as:
 - a. An unanticipated change in the program or duty assignment.
 - b. Substantial change in performance of the employee.

Note: An unanticipated change in duty assignment may occur due to an approved "light duty assignment" permitted as the result of employee injury. In the event light duty is assigned and the modified duties will not permit sufficient opportunity to evaluate the employee's ability to successfully perform the intended duties and essential job functions, an extension may be warranted.

2. Extensions under ss. ER-MRS 13.02(2)(a) and (b), Wis. Adm. Code are not available in cases in which the employee is already serving a lengthened probation period or permissive probationary period.

3. Section 230.28(1)(bm), Wis. Stats., allows the administrator, “[a]t the request of an appointing authority and an employee, . . . [to] authorize . . . an extended probationary period of up to one additional year for an individual with a disability, as defined in s. 111.32(8), Wis. Stats, who is the employee to allow the employee to do any of the following:
 - a. Complete any necessary comprehensive or vocational rehabilitation program.
 - b. Obtain or adapt to special modifications made to the employee’s workplace to accommodate the employee’s disability.
 - c. Achieve the knowledge, skills and abilities to competently perform the required tasks for the position for which the employee is appointed.”

In addition, s. ER-MRS 13.05, Wis. Adm. Code, provides that extending a probation due to absences greater than the allowable threshold of 348 hours is mandatory only when the probation being served is a required probation under s. ER-MRS 13.03, Wis. Adm. Code; i.e. original and promotional. Extending a probation under this provision is discretionary when the probation is permissive, provided that at least 6 months of the permissive probation is served, consistent with s. ER-MRS 13.02 (4), Wis. Adm. Codes. Extensions must be timely. Written notice of the extension must be delivered to the employee prior to completion of the last assigned day of work , regardless of whether the last day of work occurs on or before the last day of the probationary period. If timely notice is not provided, the employee attains permanent status in class. (See s. ER-MRS 13.09, Wis. Adm. Code.) If the employee is granted a leave of absence during a probationary period, the approval to the employee will include a statement advising that the probation may be impacted by duration of the leave and the employee will be provided notice of any such extension upon return.

4. Agencies shall maintain copies of the documents relating to any probationary extensions granted.

Sec. 116.070 Positions Brought Into Classified Service

1. Section 230.15(1m)(a), Wis. Stats., indicates that whenever the state becomes responsible for a function previously administered by another governmental agency or a quasi-public or private enterprise, or when positions in the unclassified service (excluding employees of the legislature) are determined to be more appropriately included in the classified service the affected positions will be included in the classified service. When this occurs, the administrator may waive the requirement to compete for the position and certify the employee for appointment to the position.
2. The director will determine the employee’s probationary status. However, the employee will receive credit toward his or her probationary period for the time that he or she had been employed in the position immediately prior to appointment as required by ss. 230.15(1m)(c), Wis. Stats., and ER-MRS 13.045, Wis. Adm. Code.

Sec. 116.080 Dismissal While on Probation

1. In accordance with s. ER-MRS 13.08, Wis. Adm. Code, the appointing authority may dismiss an employee without the right of appeal during the probationary period. Dismissal shall not be made on a discriminatory basis as defined under ss. 111.31 to 111.395, Wis. Stats.
2. When a probationary employee is dismissed, the appointing authority shall immediately provide written notice to the employee of the reasons for dismissal, the date of dismissal, and that the employee may be restored to the register from which he or she was appointed, if it still exists, upon request to and with the approval of the director s. 230.28(3), Wis. Stats. A copy of the notice shall be sent to the director.
3. When an employee with permanent status is dismissed while on probation under provisions of ss. ER-MRS 14.03 or 15.055, Wis. Adm. Code, the employee shall also be notified whether the employee will be restored

to the employee's former position, or to a position assigned to a class with the same pay range or counterpart pay range.

4. If an employee was terminated during a probationary period due to a pending layoff prior to July 1, 2016, and is later reinstated, the time served may be carried over at the discretion of the new appointing authority. However, if an employee resigns during a probationary period and is later reappointed from the same employment register, the time served will not be carried over. ss. ER-MRS 13.05(3) and (4), Wis. Adm. Code

Sec. 116.090 Administrative Information

This chapter was originally issued in February 1981 as part of the *Wisconsin Personnel Manual*.

It was revised and issued in June 2003 for the *Wisconsin Human Resources Handbook*. The chapter reflects current procedures and incorporates policy information from Bulletins MRS-15 dated November 12, 1984, and MRS-213, dated April 10, 2001. Bulletins MRS-15 and MRS-213 are now obsolete.

In September 2003, the chapter was revised to incorporate a statement regarding probationary periods for employees who transfer or demote in lieu of layoff.

Changes were made to the chapter in October 2003 to correct erroneous information regarding a probationary period for employees who transfer from a non-supervisory to a supervisory position. Section 116.060 has been updated to reflect that employees who transfer within an employing unit are not required to serve a probationary period but those who transfer to a different employing unit may serve a probationary period, at the appointing authority's discretion.

In May 2004, the chapter was updated to reflect that approved requests for lengthened probationary periods can be applied to subsequent positions for a period of five years from the approval date of the initial request.

The chapter was updated in August 2004, to remove an incorrect statement under Section 116.070 regarding employees who take a transfer or promotion to a different agency and are placed on a lengthened probationary period. Employees that transfer or promote do not have restoration rights back to their former agency.

In August 2018, the chapter was updated in accordance with 2015 Wisconsin Act 150, s. 230.28, Wis. Stats. and Administrative Code codes changes to ER-MRS 13, ER-MRS 14, ER-MRS 16, ER-MRS 15, and ER-MRS 17. There is no longer a significant distinction between probation for general classified positions and supervisory or management positions. As a result, sections were restructured to provide general guidance regarding probationary periods. A section on extensions of probationary periods was also added to provide clarity, including additional information regarding effects of "light or modified duty" on probation. With the publication of this chapter, Bulletin OSER-0049-MRS is obsolete. A section on dismissal during probation was also added to the chapter.

PROBATIONARY PERIODS

1. A one year probationary period is required for all original and promotional appointments to positions in the classified service.
2. Sections 230.28(1)(a) & (am), Wis. Stats., establishes the authority of the BMRS Director to extend probationary periods for up to 12 additional months.
3. Section 230.28(1)(bm), Wis. Stats., allows the director to extend a probationary period of up to one additional year for a person with a disability.
4. Successful completion of supervisory training is required after initial appointment to supervisory positions under s. 230.046(2), Wis. Stats., regardless of probationary status.

Type of Appointment	Within Agency		Between Agencies
	Within Employing Unit	Between Employing Units	
Original & Promotional	One year probation, which cannot be waived.	Same	Same
Voluntary Transfer	No probation permitted* if permanent status has been obtained by completing an initial probationary period or if involuntarily transferred. If serving a probationary period in the unit, time already served shall be carried over. ss. 230.28(4), Wis. Stats., and ER-MRS 15.03, 15.04, and 15.05 Wis. Adm. Code	1. Probation is permissive. s. 230.28(4), Wis. Stats. 2. If probation required, it is 12 months, any portion may be waived after 6 months served.	1. Probation is permissive. s. 230.28(4), Wis. Stats. 2. If probation required, it is 12 months, any portion may be waived after 6 months served.
Reinstatement	No probation permitted if reinstated to the same employing unit and permanent status previously held in the unit except that a probation may be required for reinstatement to a supervisory or management position in accordance with s. 230.38 (4), Wis. Stats. If separated, prior to July 1, 2016 during probation, appointing authority may carry over time already served if within 5 years of separation. s. ER-MRS 16.04(2), Wis. Adm. Code	1. Probation is permissive. s. 230.28(4), Wis. Stats. 2. If probation required, it is 12 months, any portion may be waived after 6 months served.	1. Probation is permissive. s. 230.28(4), Wis. Stats. 2. If probation required, it is 12 months, any portion may be waived after 6 months served.
Voluntary Demotion	No probation permitted.* Cannot demote unless permanent status gained at higher level. s. ER-MRS 17.04(3)(b), Wis. Adm. Code	Probation is permissive. s. ER-MRS 17.04(3)(c), Wis. Adm. Code	Probation is permissive. s. ER-MRS 17.04(3)(c), Wis. Adm. Code
Positions Brought Into Classified Service	One year probation, but credit will be applied for time worked in the position prior to appointment. ss. 230.15, Wis. Stats., and ER-MRS 13.045, Wis. Adm. Code		

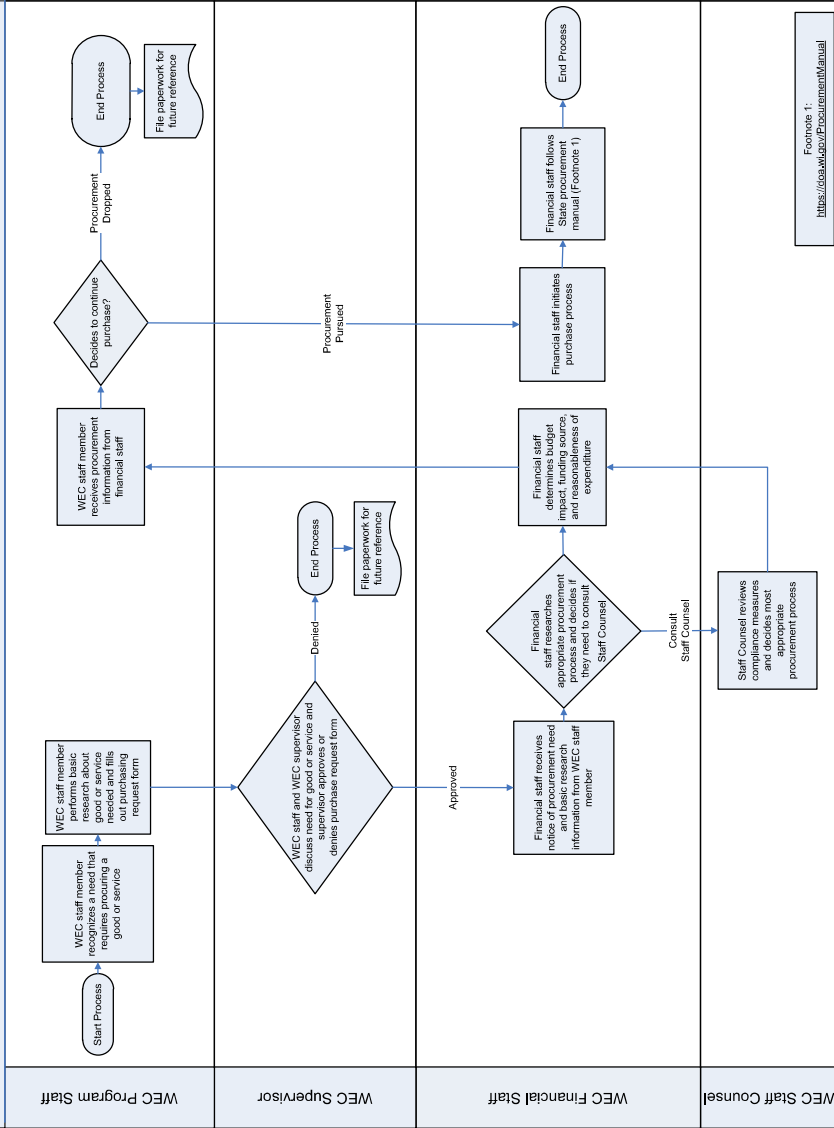
* Probation is required upon transfer or demotion to a trainee position and may be permissive under s. 230.28(4), Wis. Stats for employees who transfer or demote under limited circumstances to a supervisory or management position.

Wisconsin Elections Commission
Appendix C - Position Numbers, Employee Names, and Classifications
As of January 22, 2024

POSITION #	LAST NAME	FIRST NAME	CLASS	ACCOUNT*	TYPE
49511	Kehoe	Robert	ELEC ASST ADM NTE ESG 3	7100000	UNCLASSIFIED
007387	Vacant	Vacant	PROGRAM AND POLICY CHIEF	7000000	CLASSIFIED
022929	O'Brien	Angela	Attorney	7000000	CLASSIFIED
051277	Statz	Sarah	IS TECHNICAL SVCS CONSLT ADMR	7000000	CLASSIFIED
075397	Schwoerer	Tiffany	FINANCIAL SPECIALIST-SEN	7000000	CLASSIFIED
304752	Hauge	Sharrie	FINANCIAL PROGRAM SUPERVISOR	7000000	CLASSIFIED
311392	Vetterkind	Riley	Communications Specialist-Senior	7000000	CLASSIFIED
315281	Hein	Regina	ELECTIONS SPECIALIST-ENTRY	7000000	CLASSIFIED
334590	Wolfe	Meagan	ELEC ADM FIXED TERM NTE ESG 4	7100000	UNCLASSIFIED
315282	Enriquez Chinas	Jose Luis	ELECTIONS SPECIALIST-ENTRY	7000000	CLASSIFIED
339512	Kabbash	Matthew	IS TECHNICAL SVCS PROF	7000000	CLASSIFIED
339513	Hunzicker	Brandon	ATTORNEY	7000000	CLASSIFIED
339514	Hoeth	John	IS TECHNICAL SVCS SENIOR	7000000	CLASSIFIED
339515	Davies	Cody	Is Business Automation Senior	7000000	CLASSIFIED
339516	Billingham	Julia	ACCOUNTANT-SEN	7000000	CLASSIFIED
339518	Santana	Claudia	IS RESOURCES SUPP TECH-INTER	7000000	CLASSIFIED
339519	Willman	Riley	PROGRAM AND POLICY SUPERVISOR	7000000	CLASSIFIED
339520	Soletski	Dawn	ELECTIONS SPECIALIST-SEN	7000000	CLASSIFIED
339521	Brennan	Patrick	STAFF DEVELOPMENT PROGRAM SPEC	7000000	CLASSIFIED
339522	Vacant	Vacant	ELECTIONS SPECIALIST-ENTRY	7000000	CLASSIFIED
339525	Jackson	Jazmin	ELECTIONS SPECIALIST-ENTRY	7000000	CLASSIFIED
339526	Jeidy	Caitlin	ELECTIONS SPECIALIST-ENTRY	7000000	CLASSIFIED
339529	Vitcenda	Jodi	ELECTIONS SPECIALIST-SEN	7000000	CLASSIFIED
339530	Ekdahl	Jacob	ELECTIONS SPECIALIST-ENTRY	7000000	CLASSIFIED
339531	Coakley	Allison	ELECTIONS SPECIALIST-SEN	7000000	CLASSIFIED
339532	Bridges	Tony	IS TECHNICAL SVCS SPEC	7000000	CLASSIFIED
525194	Pierson	Benjamin	IS RESOURCES SUPP TECH-INTER	7000000	CLASSIFIED
525195	Harrison	Jeffrey	ELECTIONS SPECIALIST-SEN	7000000	CLASSIFIED
525196	Grube	Greg	IS DATA SERVICES SENIOR	7000000	CLASSIFIED
525197	Walters	Jacob	ELECTIONS SPECIALIST-ENTRY	7000000	CLASSIFIED
525198	Hoag	Erin	IS BUSINESS AUTOMATION SENIOR	7000000	CLASSIFIED
525200	Witecha	James	ATTORNEY SUPERVISOR	7000000	CLASSIFIED
525624	Nelson	Jonathan	IS BUSINESS AUTOMATION ANALYST	7130000	PROJECT
525625	Das	Madhumita	IS BUSINESS AUTOMATION ANALYST	7130000	PROJECT
523626	Brichford	Amelia	IS BUSINESS AUTOMATION ANALYST	7130000	PROJECT
523640	Langdon	Anna	IS BUSINESS AUTOMATION ANALYST	7130000	PROJECT

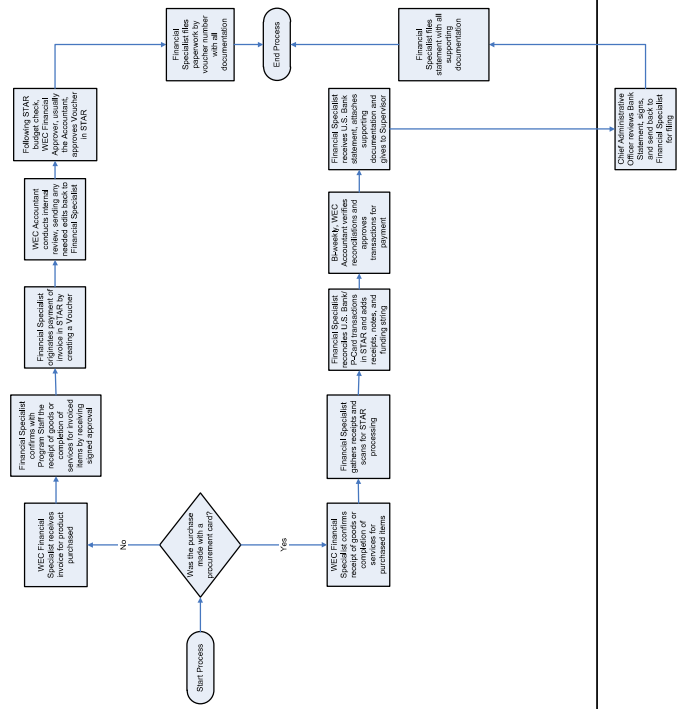
* Classified Employees 30
* Unclassified Employees 2
* Project Employees 4

D-1 Transaction Cycle – Purchasing Approval



Footnote 1:
<https://oas.wa.gov/ProcurementManual>

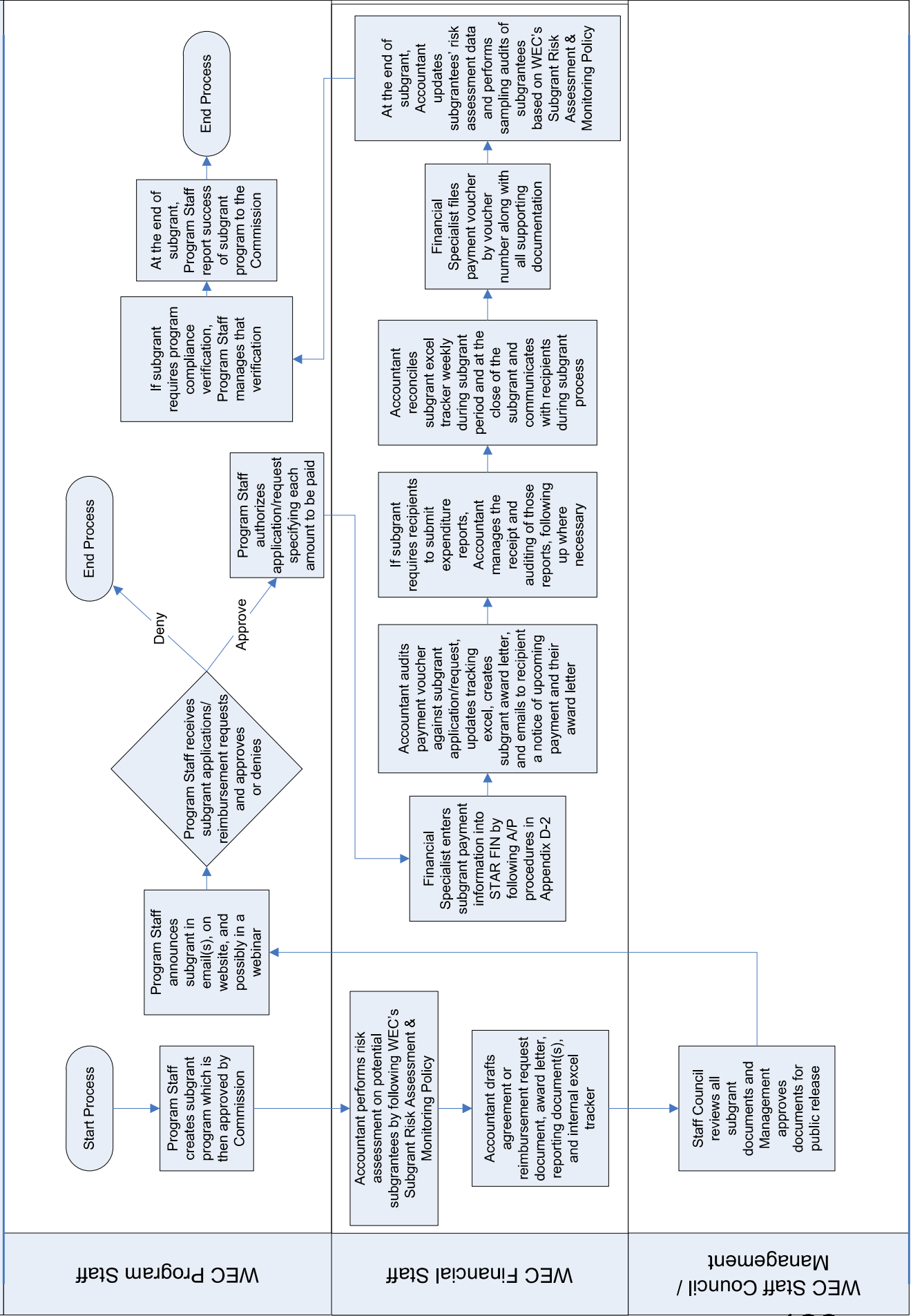
D-2 Transaction Cycle – Accounts Payable



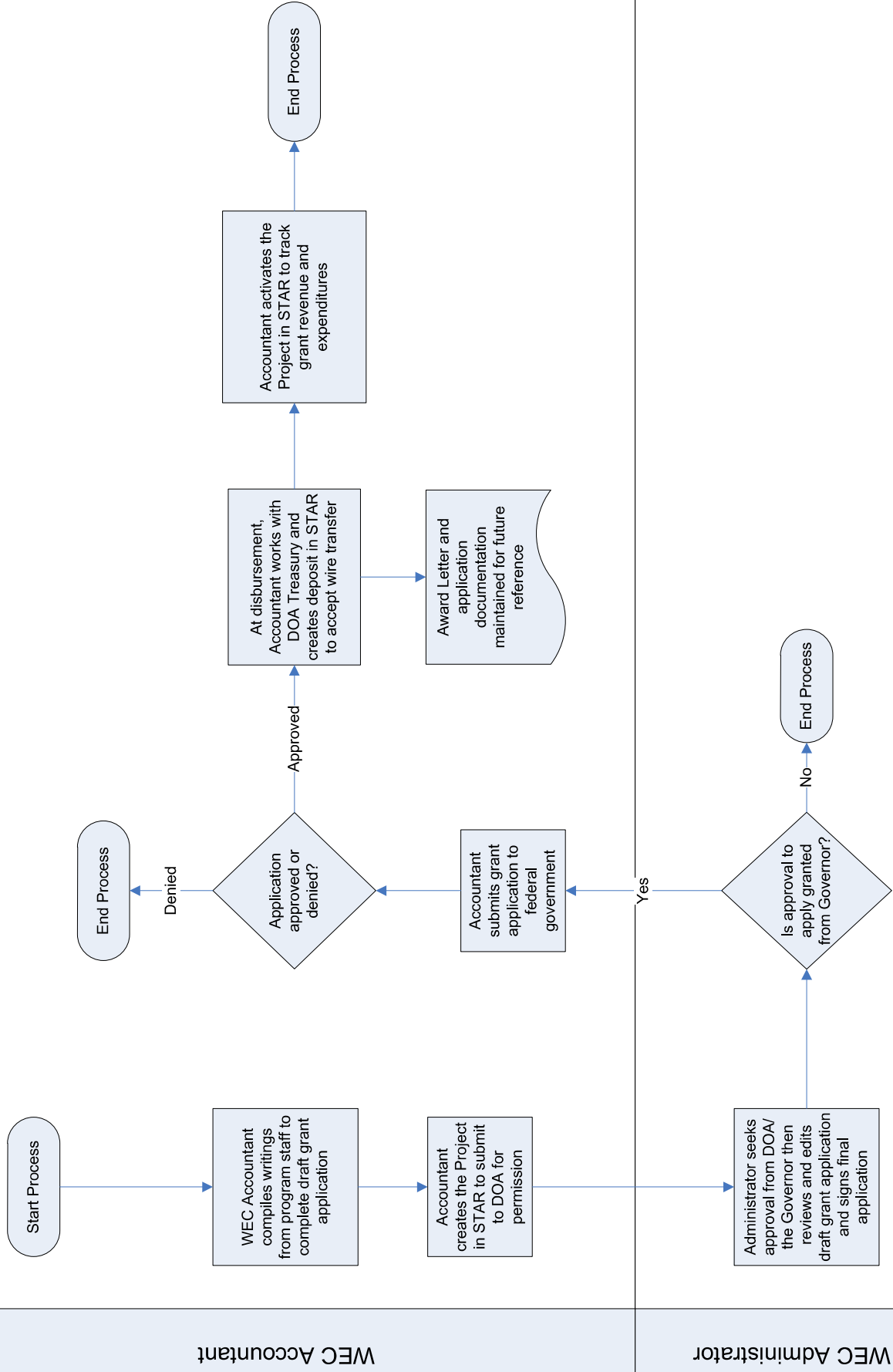
WEC Financial Staff

Chief Administrative Officer

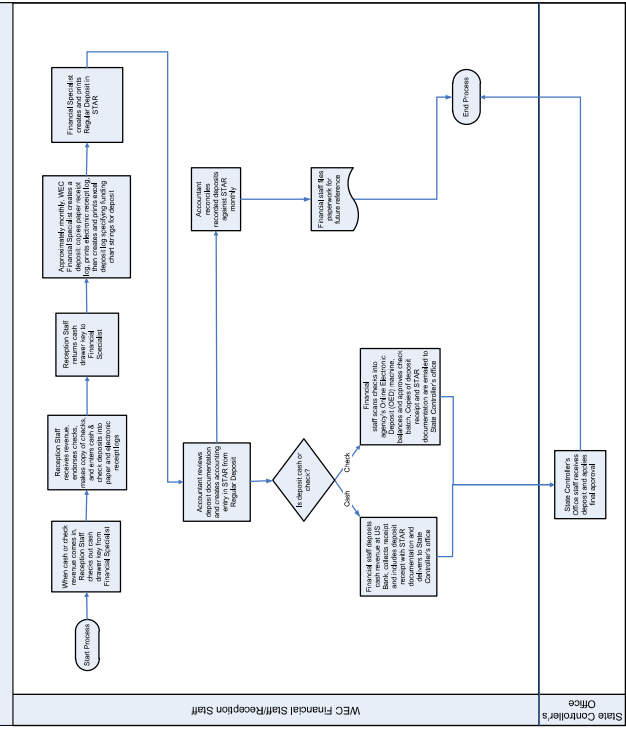
D-3 Transaction Cycle – Cash Disbursements (Subgrants)



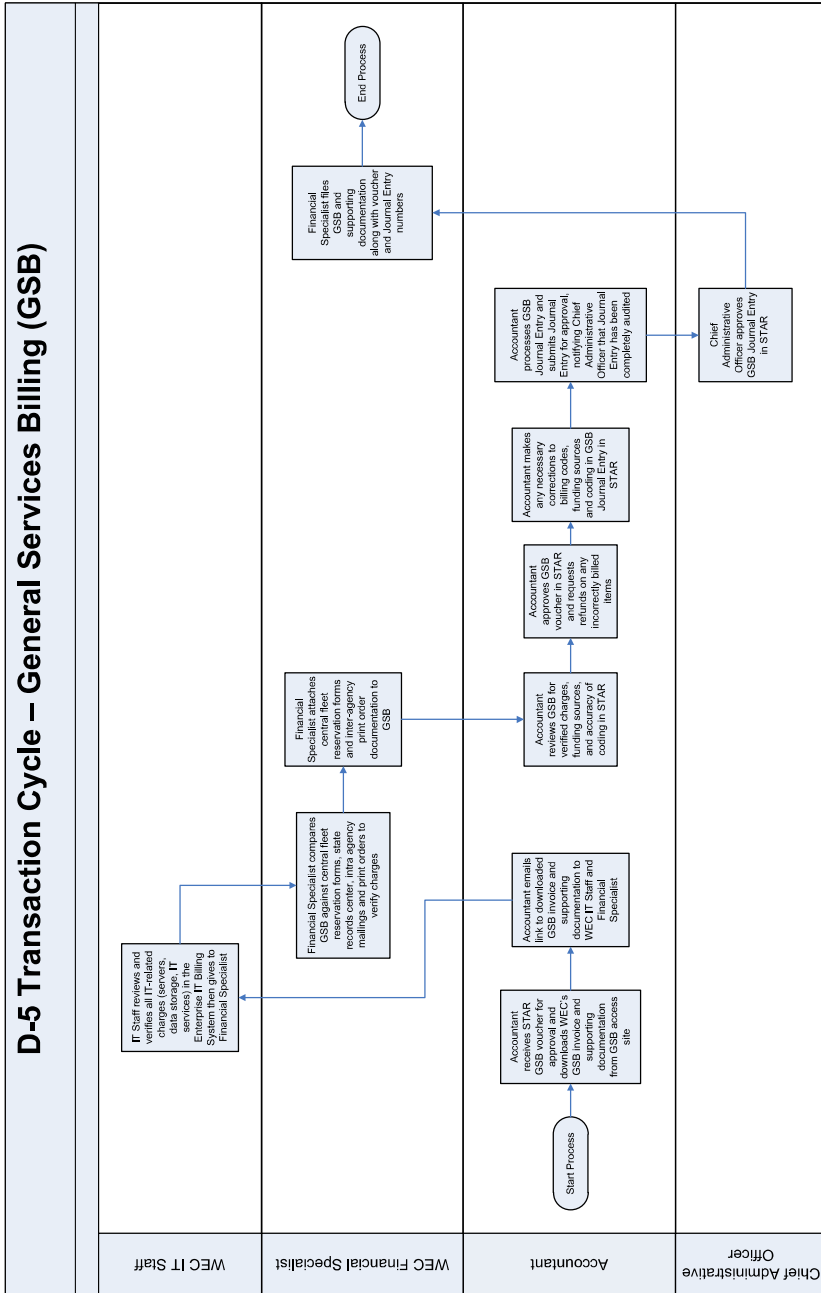
D-3 Transaction Cycle – Grant Applications



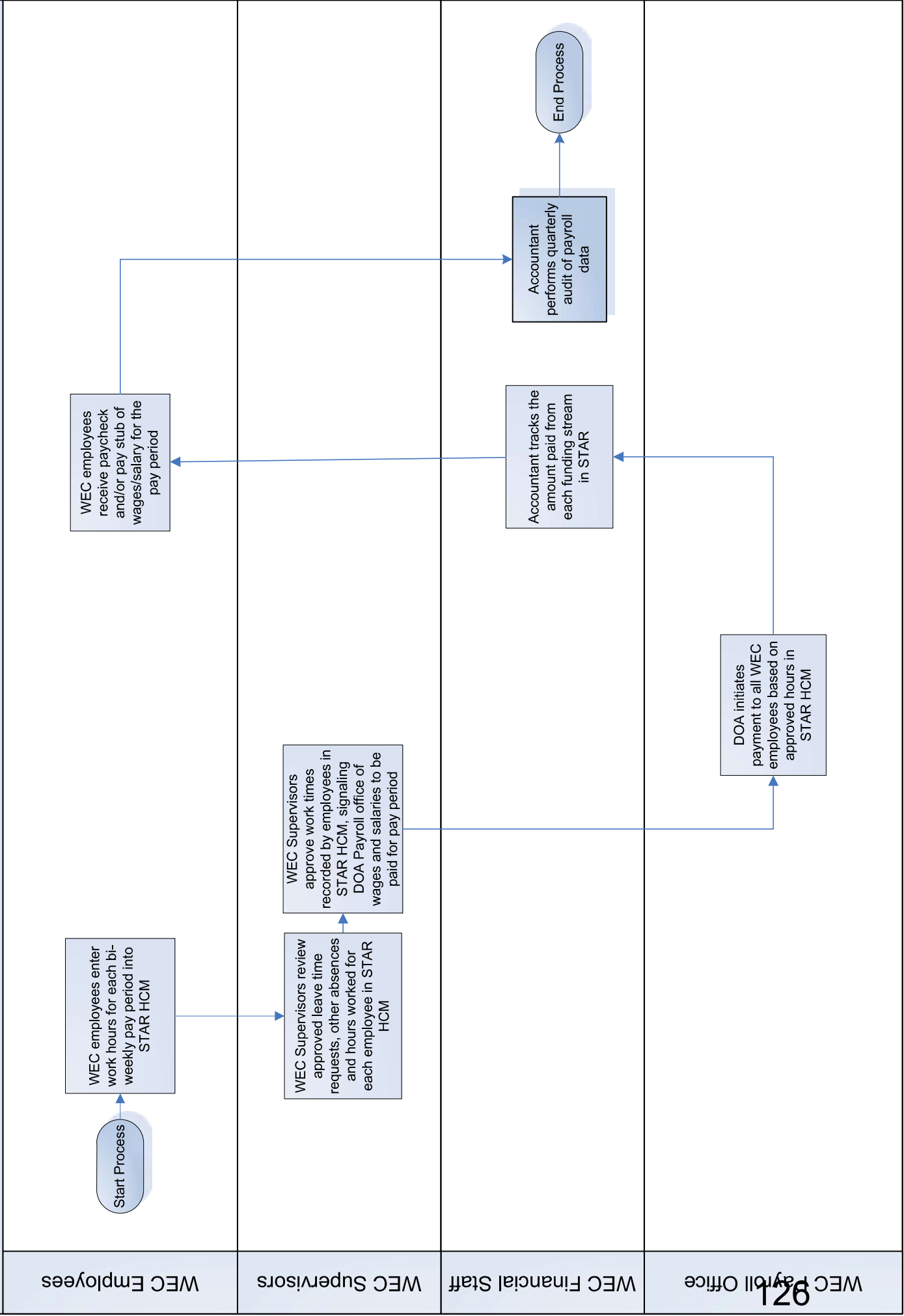
D-4 Transaction Cycle – Accounts Receivable & Cash Receipts

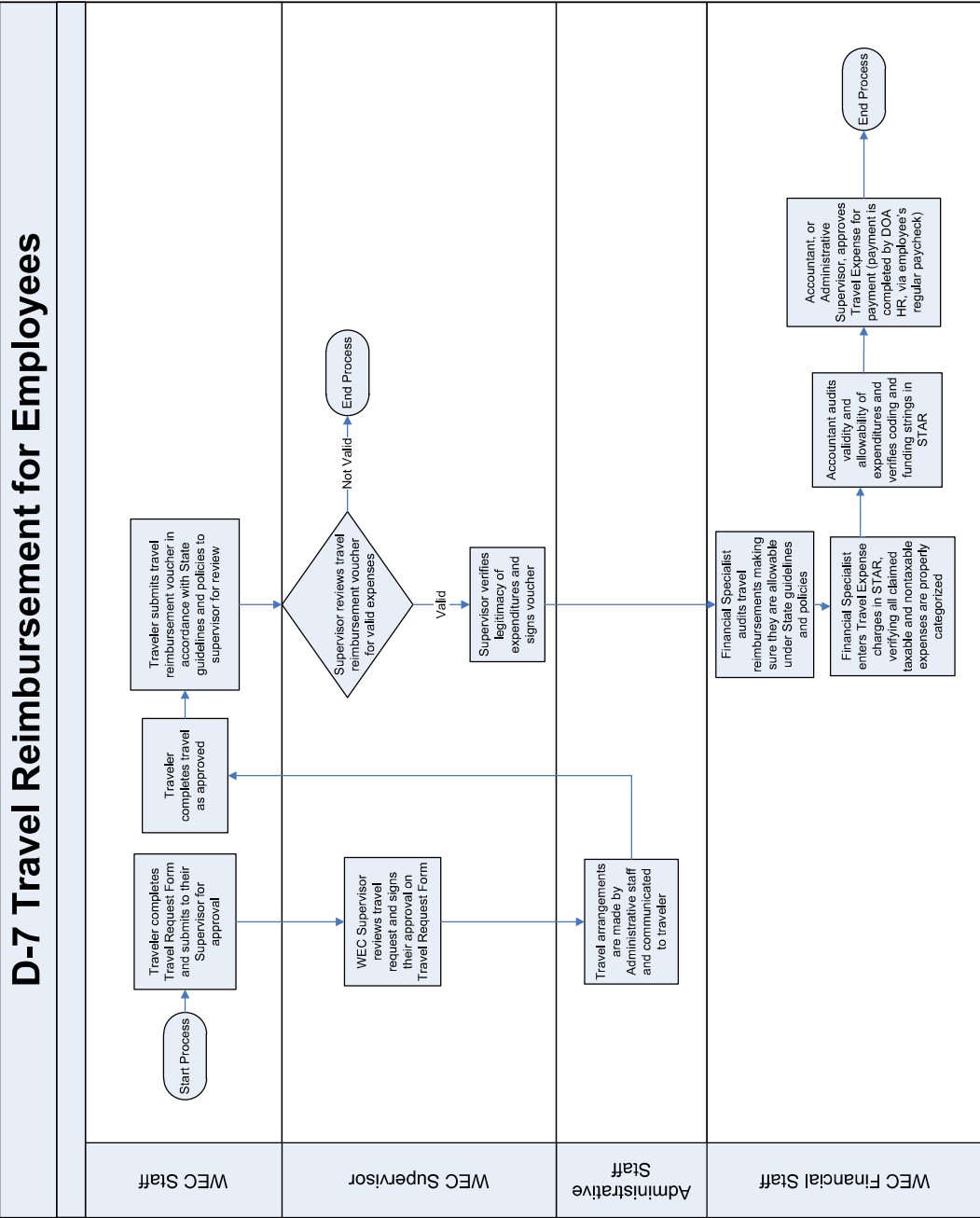


D-5 Transaction Cycle – General Services Billing (GSB)



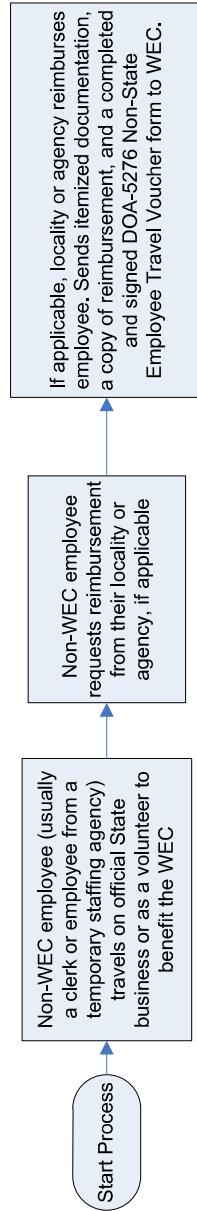
D-6 Transaction Cycle – Payroll



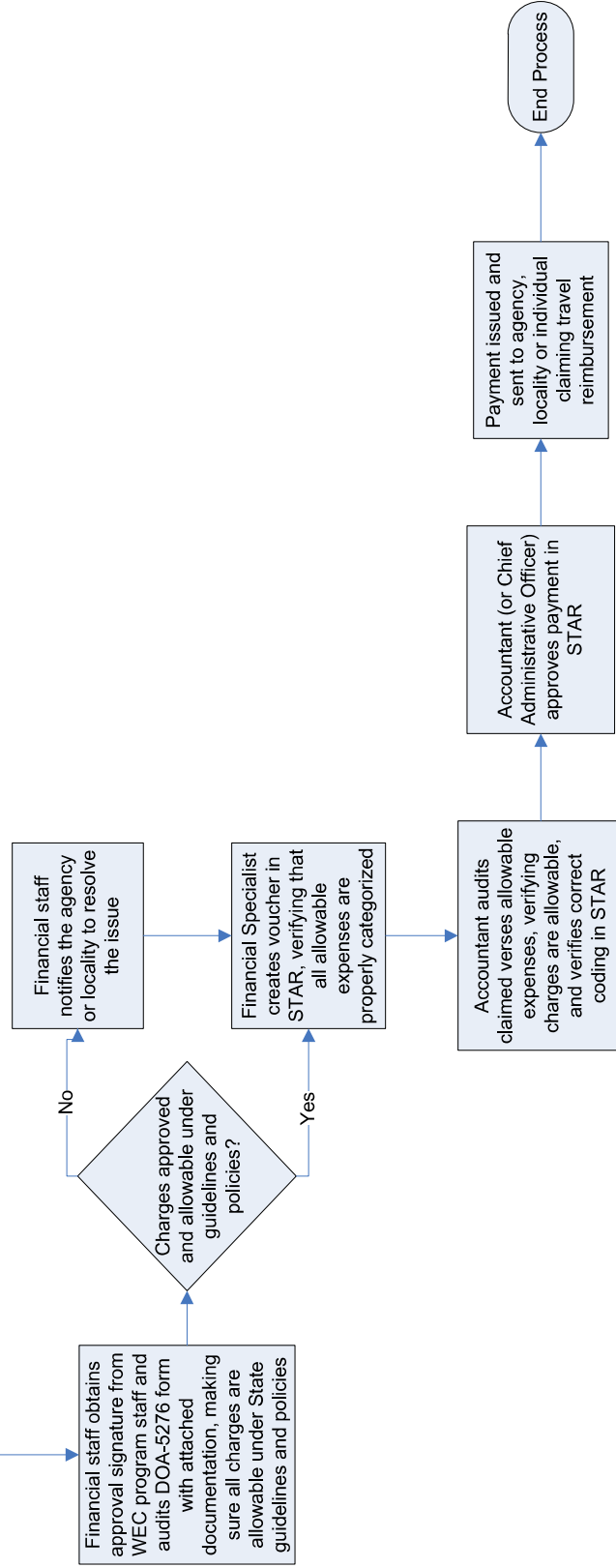


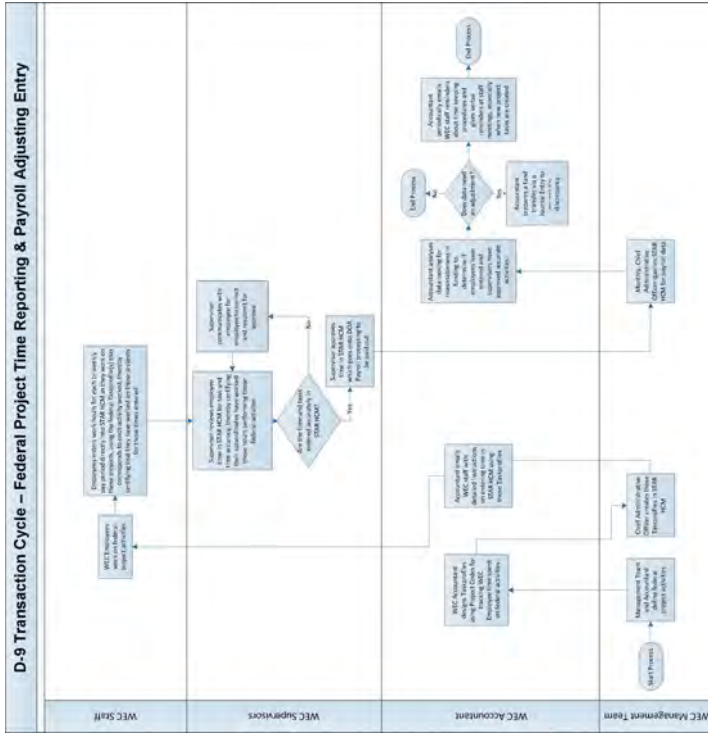
D-8 Transaction Cycle – Travel Reimbursement for Non-Employees

Non-WEC Employee

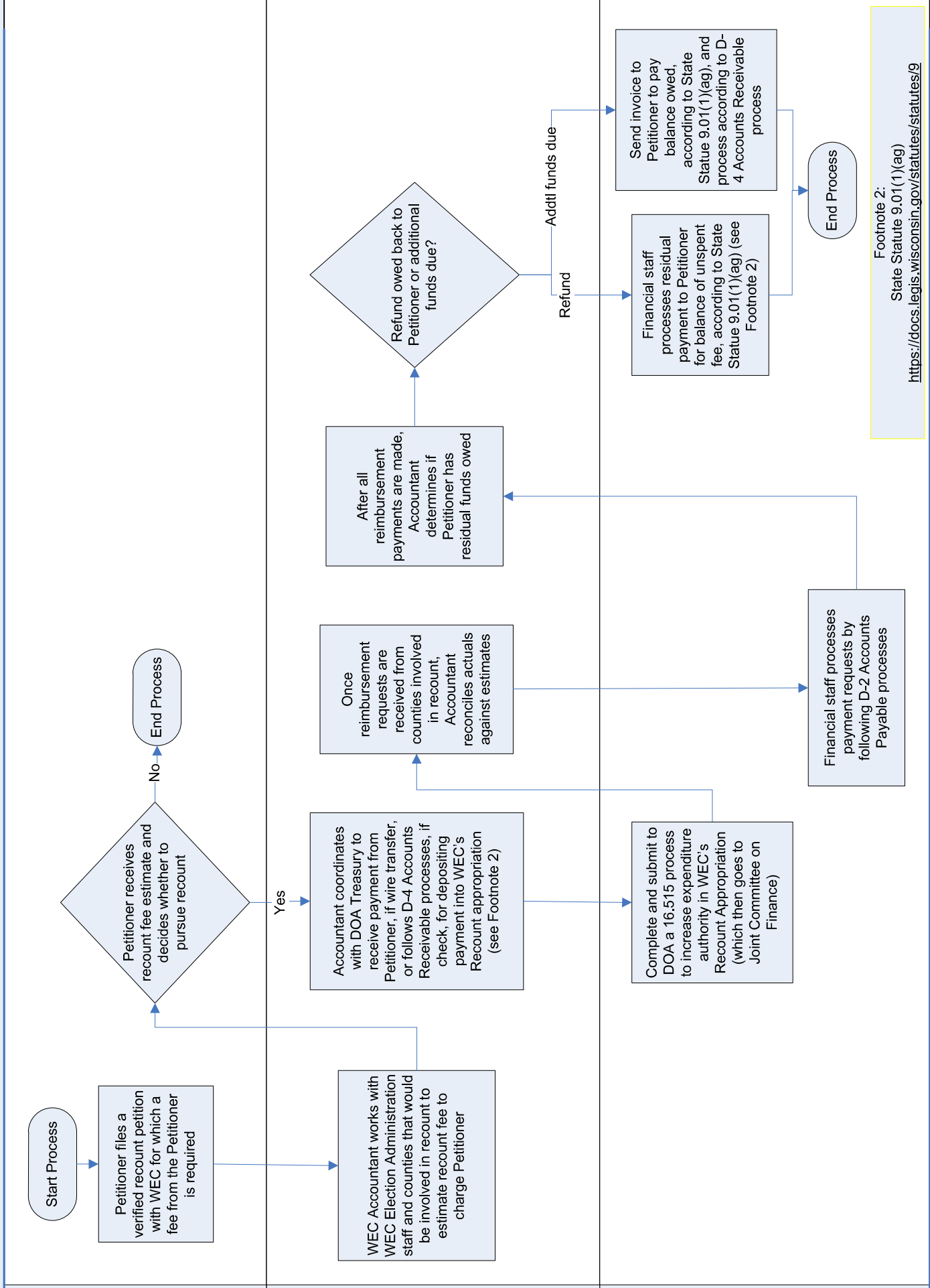


Financial Staff





D-10 Transaction Cycle – Recount for Office



Footnote 2:
 State Statute 9.01(1)(ag)
<https://docs.legis.wisconsin.gov/statutes/statutes/9>

Wisconsin Elections Commission
Appendix G- Purchasing Cardholders by Program
As of January 22, 2024

Cardholder Name	P-Card Name	Funding String	Per Transaction Limit	Credit Limit	Date Issued	Last four digits	Expiration Date
Tiffany Schwoerer	Admin/ES	510100 & 510182	\$ 10,000	\$ 10,000	5/8/2012	2412	May-26
John Hoeth	Admin/ES	510100 & 510182	\$ 5,000	\$ 10,000	8/28/2017	5411	Aug-25
Jacob Walters	Admin/ES	510100 & 510182	\$ 5,000	\$ 10,000	11/12/2019	0610	Nov-27
Claudia Santana	Admin/ES	510100 & 510182	\$ 5,000	\$ 10,000	11/22/2021	4740	Nov-25



Wisconsin Elections Commission

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DATE: For the **February 8, 2024**, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Prepared and Presented by:
Brandon Hunzicker
Staff Attorney

SUBJECT: Update on LAB Recommended Administrative Rules

Purpose and Orientation

This memorandum is provided solely for the purpose of updating the Wisconsin Elections Commission (Commission) on the administrative rulemaking activities it directed staff to conduct, particularly those rules that were identified and/or recommended in the Wisconsin Legislative Audit Bureau's (LAB) "Elections Administration" report (Report 21-19).

Commission staff are making headway on these rules, as well as other rules that have long been identified as necessary for procedural, compliance, or clarity reasons. Several of those are on the agenda for today's meeting. The rule topics recommended by the LAB and listed below are categorized by those that are "ongoing" and moving towards promulgation, and those "not ongoing," with updates and explanations for each item.

Administrative Rule Updates – Ongoing Rules

1) Chapter EL 12 Amendments

The LAB recommended that staff work with the Commission to modify Ch. EL 12, Wis. Adm. Code, to reflect current statutory requirements for elections and modify EL 12.02(7) to specify how the governing bodies of municipalities will be notified when municipal clerks do not report having completed training required by administrative rules.

The draft rule language is being prepared for submission in accordance with the Commission's September 7, 2023, directive to proceed with remaining rulemaking processes based on the choices selected in that public meeting.

2) Chapter EL 15 Status

The LAB recommended that staff work with the Commission to promulgate administrative rules to specify the circumstances when municipal clerks can relocate polling places without approval from municipal governing bodies, if the Wisconsin Elections Commission believes municipal clerks should be allowed to relocate polling places in these circumstances.

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Administrator
Meagan Wolfe

132

After the first draft of the rule text was drafted, the Wisconsin Legislature introduced a bill that contemplated similar issues (primarily limiting the number of polling places that can be closed). The bill is still progressing (2023 Senate Bill 366), but the current content does not diminish the potential need for a related rule on relocation and pre-planning for emergencies. Accordingly, staff are moving ahead with the prepared draft for the Commission's consideration today.

***The above rule provisions must be completed by August 7, 2024.**

3) Chapter EL 13 Drafting

The LAB recommended that staff work with the Commission to promulgate statutorily required administrative rules prescribing the contents of training that municipal clerks provide to special voting deputies and election inspectors.

Commission staff, including legal and the election administration training team, have met internally since late 2023 to formulate proposed rule language. A draft rule will be presented later today for the Commission's approval.

4) Chapter EL 7 Drafting

The LAB recommended that staff work with the Commission to promulgate statutorily required administrative rules for helping to ensure the security of software components in approved electronic voting equipment. Legal staff have been working with the agency's voting equipment and information technology security teams to formulate a plan for rule drafting. Chapter EL 7 has been flagged as next in the queue for rule drafting after the rules being considered in the current meeting.

*** The above rule provisions must be completed by October 4, 2024.**

Administrative Rule Updates – Rules Not Ongoing

- 1) Witness Address Rules (Emergency/Permanent): The emergency rule was promulgated and in effect for one day before the Joint Committee for Review of Administrative Rules suspended the rule. In light of those circumstances –; and the ongoing litigation surrounding witnesses, witness information, and absentee ballot certificates –; it would not be advisable to pursue the permanent rule further. In the alternative, it would not be advisable to pursue these rules until all cases are fully resolved, and the Commission can assess the need for the rule and the appropriate content for it.
- 2) Voting Equipment Error Rate Rule: Removed by the Commission and not being pursued as an administrative rule at this time. This process was created by the Commission and added as part of the prescribed post-election audit rather than an administrative rule. The Commission's calculation was employed in 2022 and will be brought before the Commission again in 2024.
- 3) Administrative Rule Permitting Absentee Ballot Drop Boxes: Not pursuing this rule following the Wisconsin Supreme Court's decision in *Teigen*.
- 4) Rule to Specify When Municipal Clerks Should Not Send Special Voting Deputies: The Commission voted not to pursue this rule at its December 1, 2021, meeting.



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DATE: For the **February 8, 2024**, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Prepared and Presented by:
Angela O'Brien Sharpe
Staff Attorney

SUBJECT: First Draft of Rulemaking: Mandatory Use of Uniform Instructions for Absentee Voting
SS 093-23, SS 094-23

Introduction

On December 19, 2023, the Commission approved scope statements SS 093-23 and SS 094-23, relating to the proposed emergency and permanent rulemaking for the mandatory use of uniform instructions for absentee voting, pursuant to Wis Stats. §§ 227.135(2), 227.24(1)(e)1d.

At the Commission's direction, staff have accordingly prepared a draft of the rule text for the Commission's review and approval.

Staff have prepared one draft for the emergency rule and one draft for the permanent rule. The only difference is that the emergency rule draft contains an effective date for the start date of the rule, as opposed to having the emergency rule go into effect the date it is published pursuant to § 227.24(1)(c). The purpose of this is to ensure that 150-day validity period of the emergency rule will cover the August Partisan Primary election and the November General Election without needing to seek discretionary legislative approval of an extension of the emergency rule under § 227.24(1)(c).

Rule Format

The rule structure is intended to consist of a general prohibition against municipalities using uniform instructions for absentee voting that have not been prescribed by the Commission pursuant to Wis. Stat. § 6.869 with a series of enumerated exceptions that account for realities faced by municipalities.

The central goal of this rulemaking, as reflected by Commission direction and public comments, is to ensure that voters across the state are receiving consistent information regarding the procedure for completing and returning their absentee ballots.

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Administrator
Meagan Wolfe

Discussion

The first proposed exception – numbered 6.05(2)(a) – addresses the reality that municipalities often need to communicate administrative or logistical information to their voters specific to their jurisdiction. For example, a municipal clerk may wish to provide the voter with her office's business hours or address. The rule would permit this practice as long as the administrative or logistical instructions do not conflict with the Commission's uniform instructions or otherwise violate state or federal law. Section 6.05(2)(b) provides detail on how additional information provided by municipalities can conflict with the Commission's uniform instructions.

Section 6.05(2)(c) is intended to clarify to municipalities that if they do choose to provide additional administrative or logistical information, they must do so on a completely separate document (i.e. cannot print on the back side of the Commission's uniform instructions or otherwise add text to the Commission's version). The purpose of this is to avoid voter confusion so that the voter may distinguish the Commission's prescribed uniform instructions from any additional information that has been provided by their municipal clerk. However, 6.05(2)(d) confirms that the rule would not prevent municipal clerks from completing the "Municipal Clerk Contact Information" section on the versions approved by the Commission.

Finally, 6.05(3) would link this administrative rule to the existing enforcement remedies to clarify how the rule can be enforced against municipalities. Section 6.05(3)(a) cross-references §§ 5.05 and 5.06, but also incorporates the language of § 5.06(1) and (2) to confirm an ability to commence an action or proceeding in a court of law.

If Changes - Possible Motion 1: The Wisconsin Elections Commission directs staff to implement edits to the proposed rulemaking draft for SS 093-23 and SS 094-23 for emergency and permanent rulemaking relating to the mandatory use of uniform instructions for absentee voting consistent with the discussion during the meeting, and to bring back a revised version of the rulemaking draft for Commission review and approval at an upcoming meeting.

If No Further Changes - Possible Motion 2: The Wisconsin Elections Commission approves the proposed rulemaking draft for SS 093-23 and SS 094-23 for emergency and permanent rulemaking relating to the mandatory use of uniform instructions for absentee voting as reviewed and edited in this meeting. The Commission directs staff to submit the final draft emergency rule, SS 094-23, to the Governor, who must provide written notice of approval. Wis. Stat. § 227.24(1)(e)1g. Following gubernatorial approval, the Commission further directs staff to prepare a plain language analysis of the rule and to publish the analysis and rule in the official state newspaper and with the Legislative Reference Bureau, to prepare and distribute a fiscal estimate for the rule, and to file the rule with the Legislative Reference Bureau and the Legislature. Wis. Stat. § 227.24(1)(c), (d), and (e) 1m. 2, and (3). Finally, the Commission directs staff to proceed with the necessary permanent rulemaking steps for SS 093-23.

EL 6.05 Use of Commission-approved Uniform Instructions is Mandatory

- 6.05(1) GENERAL. A municipality is not permitted to provide absentee electors with any version of uniform instructions that has not been prescribed by the commission pursuant to s. 6.869 or to represent that any additional administrative or logistical instructions are the uniform instructions being provided or required in accordance with s. 6.869.
- 6.05(2) EXCEPTIONS.
- 6.05(2)(a) Nothing in subsection (1) above shall be interpreted to restrict a municipality’s ability to provide administrative or logistical instructions to absentee electors, provided the additional instructions do not conflict with the commission’s uniform instructions or otherwise violate state or federal law.
- 6.05(2)(b) In this section, additional administrative or logistical instructions conflict with the commission’s versions of the uniform instructions if they provide information that is inconsistent with or contrary to the substantive procedures for completing and returning an absentee ballot. Additional administrative or logistical instructions also conflict with the commission’s versions of the uniform instructions if they provide details regarding the substantive procedures for completing and returning an absentee ballot that have not been prescribed by the commission.
- 6.05(2)(c) If a municipality elects to provide additional administrative or logistical instructions pursuant to 6.05(2)(a), those instructions cannot be added to any page containing the commission’s uniform instructions, including the blank reverse side of any page. They must appear on a separate, independent page to distinguish them from the versions of the uniform instructions that have been prescribed by the commission pursuant to s. 6.869.
- 6.05(2)(d) Nothing in subsection (1) above shall be interpreted to restrict a municipality’s ability to complete the “Municipal Clerk Contact Information” section on the versions of the uniform instructions that have been prescribed by the commission.
- 6.05(3) ENFORCEMENT.
- 6.05(3)(a) This rule may be enforced pursuant to an administrative complaint brought under ss. 5.06 or 5.05.
- 6.05(3)(b) This rule may be enforced through an action or proceeding to test the validity of any decision, action or failure to act on the part of any election official with respect to any matter specified in s. 5.06(1) provided that the condition in s. 5.06(2) is also satisfied.

6.05(4) EFFECTIVE DATE.

6.05(4)(a) This emergency rule is effective as of June 10, 2024.

EL 6.05 Use of Commission-approved Uniform Instructions is Mandatory

- 6.05(1) GENERAL. A municipality is not permitted to provide absentee electors with any version of uniform instructions that has not been prescribed by the commission pursuant to s. 6.869 or to represent that any additional administrative or logistical instructions are the uniform instructions being provided or required in accordance with s. 6.869.
- 6.05(2) EXCEPTIONS.
- 6.05(2)(a) Nothing in subsection (1) above shall be interpreted to restrict a municipality’s ability to provide administrative or logistical instructions to absentee electors, provided the additional instructions do not conflict with the commission’s uniform instructions or otherwise violate state or federal law.
- 6.05(2)(b) In this section, additional administrative or logistical instructions conflict with the commission’s versions of the uniform instructions if they provide information that is inconsistent with or contrary to the substantive procedures for completing and returning an absentee ballot. Additional administrative or logistical instructions also conflict with the commission’s versions of the uniform instructions if they provide details regarding the substantive procedures for completing and returning an absentee ballot that have not been prescribed by the commission.
- 6.05(2)(c) If a municipality elects to provide additional administrative or logistical instructions pursuant to 6.05(2)(a), those instructions cannot be added to any page containing the commission’s uniform instructions, including the blank reverse side of any page. They must appear on a separate, independent page to distinguish them from the versions of the uniform instructions that have been prescribed by the commission pursuant to s. 6.869.
- 6.05(2)(d) Nothing in subsection (1) above shall be interpreted to restrict a municipality’s ability to complete the “Municipal Clerk Contact Information” section on the versions of the uniform instructions that have been prescribed by the commission.
- 6.05(3) ENFORCEMENT.
- 6.05(3)(a) This rule may be enforced pursuant to an administrative complaint brought under ss. 5.06 or 5.05.
- 6.05(3)(b) This rule may be enforced through an action or proceeding to test the validity of any decision, action or failure to act on the part of any election official with respect to any matter specified in s. 5.06(1) provided that the condition in s. 5.06(2) is also satisfied.

Chapter 13. Training of Election Officials

13.01 Election Official Training. (1) Definitions. In this chapter:

- (a) “Commission” means the Wisconsin Elections Commission.
- (b) “Election cycle” means the period beginning on January 1 of an even-numbered year and continuing through December 31 of the following odd-numbered year.
- (c) “Election” has the meaning given in s. 5.02(4), Stats.
- (d) “Election observer” means a member of the public who has signed in as an observer at an observable location and is present at an observable location to observe an election or the absentee ballot voting process.
- (e) “Municipal clerk” has the meaning given in s. 5.02(10), Stats.
- (f) “Election official” has the meaning given in s. 5.02(4e), Stats.

13.02 Municipal clerk training responsibilities.

- (1) The municipal clerk is responsible for providing training opportunities for election inspectors, chief election inspectors, election registration officials, and special voting deputies.
- (2) The municipal clerk may utilize the Commission or another election official to provide training. If the municipal clerk opts not to use the Commission’s approved training, the clerk shall submit the training materials to the Commission’s training team for review and approval no less than seven calendar days prior to the proposed training. If no materials exist, the municipal clerk must provide an agenda or detailed summary for the proposed training. The Commission’s training team will request revisions to the materials if errors, concerns, or inaccuracies exist, and the training team will escalate a denial of their revision request to the agency administrator or Commission chair as necessary.
- (3) The clerk or election official conducting any training for chief inspectors, election inspectors, election registration officials and special voting deputies must have completed, at a minimum, their own core curricula of training as prescribed by the Commission for their position.
- (4) The municipal clerk shall maintain records that document the attendance at training sessions by chief inspectors, election inspectors, election registration officials, and special voting deputies. The training records, which are open to public inspection, shall include the date, location, and duration of the training event, as well as the full name, attendance record, dates, courses, and the election official’s title for all relevant attendees of these trainings.

13.05 Election inspector training.

- (1)** The content and curriculum of the training required of election inspectors shall be prescribed by the Commission.
- (2)** The training shall include, no less than, the following elements:
 - (a)** Instruction on polling place preparation, including detailed instruction on the set up, operation, and use of voting equipment. The Commission hereby acknowledges that some of this training may also be provided by county clerks and equipment vendors.
 - (b)** Information on determining elector residence and qualifications to vote.
 - (c)** Instruction on registering electors at the polling place, including directions on the proper completion of the voter registration application form. Specific consideration should be given to the registration methods being utilized by that municipality, such as an electronic pollbook.
 - (d)** Direction on recording elector information on the poll list, including special notations for absentee, challenged, and provisional voters and voters who have been convicted of a felony. Specific consideration should be given to the methods being utilized by that municipality, such as an electronic pollbook.
 - (e)** Direction on maintaining ballot security and issuing ballots to voters.
 - (f)** Instruction on provisional voting procedures.
 - (g)** Instruction on assisting electors.
 - (h)** Instruction on processing absentee ballots. Specific consideration should be given to the specifics of local absentee ballot processing, such as the use of central count, runners, or other methods and procedures.
 - (i)** Instruction on procedures for challenging electors.
 - (j)** Instruction on maintaining order at the polling place, including instruction on dispute resolution and de-escalation. The Commission hereby acknowledges that this training may include the use of outside subject matter experts or law enforcement.
 - (k)** Information on the rights and responsibilities of election observers.
 - (L)** Instruction on the procedures for closing the polling place, including instruction on disaster preparedness.
 - (m)** Instruction on the procedures for reconciling voter lists.

- (n) Instruction on the procedures for counting ballots.
- (o) Instruction on determining voter intent.
- (p) Instruction on the proper use and completion of the inspectors' statement.
- (q) Instruction on the proper completion of forms used at the polling place, including direction on the requirement that the information on forms be legible.
- (r) Instruction on the procedures for securing and delivering completed election materials.
- (s) Instruction on the consequences of failing to follow prescribed procedures.
- (t) Any other information prescribed by the commission.

13.10 Special voting deputy training.

- (1) The content and curriculum of the training required of special voting deputies shall be prescribed by the Commission.
- (2) The training shall include the following elements:
 - (a) Information on the absentee voting process for residents of nursing homes, retirement homes, and community-based residential facilities.
 - (b) Information on determining elector residence and qualifications to vote.
 - (c) Instruction on registering electors, including directions on the proper completion of the voter registration application form, if the special voting deputy is also an election registration official.
 - (d) Direction on completing the absentee ballot certificate envelope.
 - (e) Direction on maintaining ballot security and issuing ballots to voters.
 - (f) Instruction on assisting electors to vote.
 - (g) Instruction on the procedures for challenging electors.
 - (h) Instruction on maintaining order at the voting location, including instruction on dispute resolution and de-escalation. The Commission hereby acknowledges that this training may include the use of outside subject matter experts or law enforcement.
 - (i) Information on the rights and responsibilities of election observers.

- (j) Instruction on the procedures for securing and delivering completed election materials.
- (k) Instruction on the consequences for failing to follow prescribed procedures.
- (L) Any other information prescribed by the Commission.

13.15 Election official training requirements.

- (1) Election inspectors shall receive training from the municipal clerk within two years of any election at which they serve. Chief inspectors shall also attend “baseline chief inspector” training to be certified for elections in the current term. To recertify, chief inspectors shall complete six hours of elections Commission-approved continuing election education during the current term.
- (2) Special voting deputies shall attend training every two years and shall have attended training within two years of any election at which they serve.
- (3) Election registration officials shall receive training from the municipal clerk within two years of any election at which they serve. Municipal clerks shall be responsible for providing adequate training for the registration officials’ duties.
- (4) Municipal clerks shall arrange for election inspectors and special voting deputies to receive at least two hours of training in an election cycle.
- (5) Election inspectors and special voting deputies may not serve as an election official until completing the training required by this chapter.



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DATE: For the **February 8, 2024**, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Prepared and Presented by:
Angela O'Brien Sharpe
Staff Attorney

SUBJECT: First Drafts of Rulemaking:
Nomination Paper Challenge Procedure; SS 091-23, SS 092-23
Declaration of Candidacy Challenge Procedure: SS 089-23, SS 090-23

Introduction

On December 19, 2023, the Commission approved scope statements SS 091-23 and SS 92-23, relating to the proposed emergency and permanent rulemaking for revising procedure for challenges to nomination papers, pursuant to Wis. Stats. §§ 227.135(2), 227.24(1)(e)1d. The Commission also approved scope statements SS 089-23 and SS 090-23 relating to the proposed emergency and permanent rulemaking for promulgating procedure for challenges to declarations of candidacy, pursuant to Wis Stats. §§ 227.135(2), 227.24(1)(e)1d.

At the Commission's direction, staff have accordingly prepared a draft of the rulemaking text of each rule for the Commission's review and approval:

- **Attachment A** – Proposed Draft Text of Nomination Paper Challenge Procedure Rule
- **Attachment B** – Proposed Draft Text of Declaration of Candidacy Challenge Procedure Rule

Revising EL § 2.09 (Treatment and Sufficiency of Election Petitions) and EL § 2.11 (Challenges to Election Petitions) are also within the scope of this intended rulemaking. Staff will bring drafts of these revised rules before the Commission at an upcoming meeting.

Rule Format – Nomination Paper Challenge Procedure Rule

The nomination paper challenge procedure rule amends and revises the procedures currently promulgated within EL §§ 2.05 and 2.07 within the scope of SS 091-23 and SS 092-23.

The following guidance is intended to assist with interpreting the different color-coded formatting of the revisions in Attachment A. Unformatted text in **black** represents unchanged language from what currently exists in the administrative rules. Text in **red** represents new text that is being recommended within the

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scope of SS 091-23 and SS 092-23. Finally, text in **blue** represents unchanged language from what currently exists in the administrative rules but has been moved to a different location within the rule structure.

The new proposed rule retains the same format of the existing rule. EL § 2.05 addresses the filing, treatment, and sufficiency of nomination papers, and EL § 2.07 covers the process and procedure for filing challenges to the sufficiency of nomination papers.

Discussion – Nomination Paper Challenge Procedure Rule

The intent of this section is to explain the basis for changes that were made to the current versions of EL § 2.05 and EL § 2.07.

Many of the recommended changes to EL § 2.05 are intended to clarify ambiguity and incorporate existing Commission guidance. The Common Nomination Paper Challenges Manual is a guidance document that summarizes consistent positions of the Commission and its predecessor agency to guide challengers, candidates, and clerks with nomination paper issues. The proposed draft of the new version of EL § 2.05 incorporates much of this guidance document into an administrative rule that will provide clarity and the force of law for the treatment and sufficiency of nomination papers by filing officers.

EL § 2.05 – Treatment and Sufficiency of Nomination Papers		
New Rule Draft Citation	Existing Rule Cross-Reference	Explanation of Recommended Change
2.05(1)	None – New Section	Staff propose adding a definition section to define commonly used terms that are otherwise undefined by the Commission.
2.05(1)(a)	None – New Provision	Staff recommend utilizing the definition of “clear and convincing evidence” from Black’s Law Dictionary.
2.05(1)(b)	None – New Provision	Staff recommend defining “filing officer” to confirm the various entities and actors who are statutorily authorized to serve in that role.
2.05(1)(c)	None – New Provision	Staff recommend utilizing the definition of “substantial compliance” from Black’s Law Dictionary.
2.05(2)	2.05(17)	Staff recommend adding language confirming the promulgation directive of § 8.07. Staff recommend revising “election officials” to “filing officers” because “filing officer” is the more accurate term for this rule. Staff recommend adding “and information” to confirm that all content on a nomination paper needs to be sufficient, not just the signatures.
2.05(3)(a)	2.05(1)	No changes recommended to text.

First Drafts of Rulemaking:

Nomination Paper Challenge Procedure; SS 091-23, SS 092-23

Declaration of Candidacy Challenge Procedure: SS 089-23, SS 090-23

Prepared for the Commission’s February 8, 2024, Meeting

Page 3 of 12

2.05(3)(b)	2.05(2)	Staff recommend clarifying that nomination papers cannot be received by the filing officer via facsimile transmission or email. This clarification is consistent with EL § 6.04(2), which says the same.
2.05(4)(a)	2.05(3)	Staff recommend adding clarification that challenged candidates cannot rely upon a filing officer’s facial review of paperwork as a defense to a challenge because pre-filing facial review is offered to candidates as a courtesy only. It is the candidate’s responsibility to ensure that their nomination papers are completed correctly.
2.05(4)(b)	2.05(4)	<p>Staff recommend changing the filing deadline for correcting affidavits to be the third calendar day after a challenge could have been filed to make it the same as the deadline for filing a response to a challenge. This change is recommended so that a response to a challenge and a correcting affidavit be considered to be the same thing, and to clarify that a sworn response to a challenge can still address errors or omissions in nomination papers. This has been a point of confusion in the existing rule. It also allows candidates who were not challenged but who fell below the required number of signatures on the staff review to be afforded the same opportunity to correct as candidates who were challenged.</p> <p>Staff recommend clarifying that correcting affidavits to nomination papers must be received by 5 p.m. on the third calendar day to eliminate confusion over whether the deadline is the close of business or 11:59 p.m.</p> <p>Staff also recommend adding a cross-citation to § 990.001(4) to provide clear guidance for how the third calendar day deadline should be calculated if it falls on a Sunday or legal holiday.</p> <p>Finally, staff recommend clarifying that a correcting affidavit amends nomination papers on its own to clarify that no one should mark the candidate’s nomination papers after the filing deadline.</p>
2.05(4)(c)	2.05(5)	Staff recommend adding a cross-cite to the recommended definition of “substantial

First Drafts of Rulemaking:

Nomination Paper Challenge Procedure; SS 091-23, SS 092-23

Declaration of Candidacy Challenge Procedure: SS 089-23, SS 090-23

Prepared for the Commission’s February 8, 2024, Meeting

Page 4 of 12

		compliance” to clarify that that term has been defined by the Commission.
2.05(4)(d)	2.05(16)	Staff recommend adding the reference to a correcting affidavit to clarify that that is the only way that nomination papers may be amended after they have been submitted. Staff recommend removing the line about the death of a signer because the existing rule language is not consistent with how deceased electors are treated by other statutes such as § 6.21.
2.05(5)(a)	2.05(6)	No changes recommended to text.
2.05(5)(b)	2.05(7)	No changes recommended to text.
2.05(5)(c)	2.05(8)	No changes recommended to text.
2.05(5)(d)	2.05(9)	Staff recommend revising the cross-cite to be consistent with the new rule format structure.
2.05(5)(e)	2.05(10)	Staff recommend revising this language to be gender-neutral.
2.05(5)(f)	2.05(11)	No changes recommended to text.
2.05(5)(g)	2.05(12)	Staff recommend removing the addition in parentheses because it is contrary to the plain language of § 8.10(4)(b), which requires the street and number of where a elector resides . Thus, the address cannot be a postal address, even if it is located in the jurisdiction the candidate seeks to represent.
2.05(5)(h)	2.05(13)	Staff recommend this addition because it is consistent with staff practice and substantively equal to what is meant by ditto marks.
2.05(5)(i)	2.05(14)	No changes recommended to text.
2.05(5)(j)	2.05(15)	No changes recommended to text.
2.05(5)(j)(1)	2.05(15)(a)	Staff recommend this addition to promulgate existing guidance in the Commission’s Common Nomination Paper Challenges Manual.
2.05(5)(j)(2)	2.05(15)(b)	No changes recommended to text.
2.05(5)(j)(3)	2.05(15)(c)	No changes recommended to text.
2.05(5)(j)(3)(A)	None – New Provision	Staff recommend this addition to promulgate existing guidance in the Commission’s Common Nomination Paper Challenges Manual.
2.05(5)(j)(3)(B)	None – New Provision	Staff recommend this addition to promulgate existing guidance in the Commission’s Common Nomination Paper Challenges Manual.
2.05(5)(j)(4)	2.05(15)(d)	No changes recommended to text.
2.05(5)(j)(5)	2.05(15)(e)	No changes recommended to text.

2.05(5)(j)(6)	None – New Provision	Staff recommend adding this provision to provide clarity that this is a lawful basis for a signature not to be counted. The existing rule in 2.05(15)(d) attempts to cover this with a catch-all, but creating a new section eliminates confusion.
2.05(5)(j)(7)	None – New Provision	Staff recommend this addition to promulgate existing guidance in the Commission’s Common Nomination Paper Challenges Manual.
2.05(6)	None – New Provision	Staff recommend adding this section because the current rule does not address the sufficiency of the header portion of nomination papers and several challenges in past cycles have raised issues with the header. This section defines “header” as all of the fillable fields in that section.
2.05(6)(a)	None – New Provision	Staff recommend this addition to promulgate existing guidance in the Commission’s Common Nomination Paper Challenges Manual.
2.05(6)(b)	None – New Provision	Staff recommend this addition to promulgate existing guidance in the Commission’s Common Nomination Paper Challenges Manual.
2.05(6)(c)	None – New Provision	Staff recommend this addition to promulgate existing guidance in the Commission’s Common Nomination Paper Challenges Manual.
2.05(7)(a)	None – New Provision	Staff recommend this addition to promulgate existing guidance in the Commission’s Common Nomination Paper Challenges Manual.
2.05(7)(b)	None – New Provision	Staff recommend this addition to promulgate existing guidance in the Commission’s Common Nomination Paper Challenges Manual.

EL § 2.07 – Challenges to Nomination Papers		
New Rule Draft Citation	Existing Rule Cross-Reference	Explanation of Recommended Change
2.07(1)	2.07(1)	Staff recommend revising this section because as written, the rule contains cross-references to statutory processes that are confusing and/or inapplicable.
2.07(2)	None – New Provision	Staff recommend including this language to eliminate confusion over whether the complaint procedures in EL § Ch. 20 or Wis. Stat. §§ 5.05 or 5.06 are applicable to nomination paper challenges.

2.07(2)(a)	2.07(2)(a)	<p>Staff recommend adding clarification that challenges may be filed electronically because that is consistent with current practice and also recommend clarifying that a candidate only needs to provide a copy of the challenge if filing physically.</p> <p>Staff also recommend clarifying that notification of the challenge may be delivered to the candidate electronically so candidates can be notified of a challenge as soon as possible.</p> <p>Staff recommend including a requirement that a filing officer notify the challenged candidate of the response deadline and provide information on where to find these rules so that candidates clearly understand the challenge process and when their response is due considering the tight timelines of ballot access challenges.</p>
2.07(2)(b)	2.07(2)(a)	<p>Staff recommend revising this section to remove the general cross-cite to EL Ch. 20 and instead cross-cite to specific provisions of EL Ch. 20 relating to the form of the complaint only. The existing rule citing to the whole of EL Ch. 20 causes confusion over whether the deadlines in EL Ch. 20 apply, or whether those in § 2.07 control.</p>
2.07(2)(c)	2.07(2)(a)	<p>Staff recommend clarifying that challenges to nomination papers must be received by 5 p.m. on the third calendar day to eliminate confusion over whether the deadline is the close of business or 11:59 p.m.</p> <p>Staff also recommend adding a cross-citation to § 990.001(4) to provide clear guidance for how the third calendar day deadline should be calculated if it falls on a Sunday or legal holiday.</p>
2.07(2)(d)	2.07(2)(a)	<p>Staff recommend revising this language to be consistent with what the challenge must actually demonstrate. Staff also recommend relocating the second sentence for clearer organization of the rule.</p>
2.07(2)(d)(1)	2.07(5)	<p>Staff recommend relocating this section for clearer organization of the rule.</p> <p>Staff also recommend removing “circulator” because per § 8.15(4)(a) circulators are no longer required to live in the candidate’s district.</p>

First Drafts of Rulemaking:

Nomination Paper Challenge Procedure; SS 091-23, SS 092-23

Declaration of Candidacy Challenge Procedure: SS 089-23, SS 090-23

Prepared for the Commission’s February 8, 2024, Meeting

Page 7 of 12

2.07(2)(e)	2.07(2)(b)	Staff recommend clarifying that a response to a challenge must be received by 5 p.m. on the third calendar day to eliminate confusion over whether the deadline is the close of business or 11:59 p.m. Staff also recommend adding a cross-citation to § 990.001(4) to provide clear guidance for how the third calendar day deadline should be calculated if it falls on a Sunday or legal holiday.
2.07(2)(f)	2.07(2)(b)	Staff recommend revising to confirm that a response may be supported by evidence or affidavit, and clarifying that a response may constitute a correcting affidavit. The rule also relocates existing language for clearer rule structure. Finally, the rule confirms for filing officers how they should proceed if a candidate submits a correcting affidavit in lieu of or in addition to a verified response.
2.07(2)(g)	2.07(2)(b)	No changes recommended to text.
2.07(2)(h)	None – New Provision	Staff recommend adding this section because the current rule does not address hearings at all. This rule confirms the hearing should be a public meeting but also that the filing officer has discretion to determine procedure relating to the conduct of the hearing. This is to recognize the reality that different filing officers may have different needs and views regarding how to conduct hearings, and is also consistent with the existing rule (2.07(2)(b)), which confirms that a ballot access challenge may be determine with or without a hearing.
2.07(3)(a)	2.07(3)(a)	Staff recommend moving the burden provision to this section for clearer organization of rules. Staff recommend moving the signature line to elsewhere in the rule for clearer organization of rules.
2.07(3)(b)	None – New Provision	The Commission’s Common Nomination Paper Challenges Manual utilizes this standard for challenges that electors live outside the district. Staff recommend utilizing the same standard to link to the high burden of proof of “clear and convincing evidence.”
N/A	2.07(3)(b)	Staff recommend moving the first sentence of this provision elsewhere in the rule for clearer organization. Staff recommend deleting the

First Drafts of Rulemaking:

Nomination Paper Challenge Procedure; SS 091-23, SS 092-23

Declaration of Candidacy Challenge Procedure: SS 089-23, SS 090-23

Prepared for the Commission’s February 8, 2024, Meeting

Page 8 of 12

		second sentence because it is duplicative of other rule provisions.
2.07(4)	None – New Provision	Staff recommend creating this provision because the existing rule enumerates a couple of very specific challenge types and then uses an ambiguous catch-all that creates confusion about what challenge types may be brought. Staff recommend enumerating specific challenge grounds for consistency and to put candidates on notice of what type of deficiencies are actionable as challenges.
2.07(4)(a)	None – New Provision	Staff recommend enumerating the types of deficiencies to signature lines that are actionable as challenges. The grounds for this language are based on common challenges and deficiencies received by staff in recent cycles. Staff also recommend relocating a couple of existing rule provisions into this section so that all of the information about signature line sufficiency is in one place.
2.07(4)(b)	None – New Provision	Staff recommend enumerating this challenge type because recent nomination paper cycles have seen many challenges based on deficiencies in the header portion of nomination papers. Staff also recommend incorporating existing procedure to direct that an error with the header invalidates all signatures on that page.
2.07(4)(c)	None – New Provision	Staff recommend enumerating this challenge type to confirm that challenges can be brought to how nominations were prepared (issues with copying or legibility) or how they were circulated or filed. This type of challenge was not clearly outlined in the existing rule, but it is one that staff have encountered in nomination paper challenges in recent cycles.
2.07(4)(d)	None – New Provision	Staff recommend this addition to promulgate existing guidance in the Commission’s Common Nomination Paper Challenges Manual.
N/A	2.07(3)(c)	Staff recommend deleting this section because it is duplicative of the standards promulgated by § 2.05.
N/A	2.07(3)(d)	Staff recommend deleting this provision because it is confusing and also because providing an enumerated list of challenge grounds (as opposed

		to a catch-all) provides more notice and certainty to candidates, filing officers, and challengers regarding proper nomination paper filing and challenge procedure.
N/A	2.07(4)	Staff recommend moving this provision elsewhere in the rule for clearer organization.
N/A	2.07(5)	Staff recommend moving this provision elsewhere in the rule for clearer organization.

Rule Format – Declaration of Candidacy Challenge Procedure Rule

The nomination paper challenge procedure rule creates new administrative rules within EL Ch. 2 within the scope of SS 089-23 and SS 090-23.

The following guidance is intended to assist with interpreting the different color-coded formatting of the revisions in Attachment B. Since the declaration of candidacy challenge procedure rule is a new proposed rule, all of the text in Attachment B is new rule text. However, the intent of the declaration of candidacy challenge procedure rule is to model the nomination paper challenge procedure to the extent possible. Accordingly, unformatted text in **black** in Attachment B represents the draft proposed text of the nomination paper challenge procedure rule, assuming all recommended changes are implemented. The text in **red** represents new text that has been added to be specific to the declaration of candidacy challenge rule.

The new proposed rule would create two new sections within EL Ch. 2. Section 2.06 addresses the filing and sufficiency of declarations of candidacy, and § 2.08 addresses the procedure and grounds for challenges to declarations of candidacy.

Discussion – Nomination Paper Challenge Procedure Rule

The intent of this section is to explain the basis for changes that were made to the proposed versions of EL § 2.06 and EL § 2.08.

For all text in **black**, staff recommend utilizing the same proposed language as the corresponding nomination paper challenge rule provision. Staff have accordingly only provided further explanation of the recommended changes for those that are specific to the declaration of candidacy challenge procedure rule.

EL § 2.06 Treatment and Sufficiency of Declarations of Candidacy	
New Rule Draft Citation	Explanation of Recommended Change
2.06(1)	Staff propose adding a definition section to define commonly used terms that are otherwise undefined by the Commission.
2.06(2)(a)	Staff recommend replacing the action steps so that they are specific to declarations of candidacy.

2.06(2)(b)	Staff recommend editing to make the requirement specific to declarations of candidacy.
2.06(3)(a)	Staff recommend editing to make the requirement specific to declarations of candidacy. Staff also recommend removing “with it” to reduce pronoun confusion.
2.06(3)(b)	Staff recommend that the rule provide that errors in information on the declaration of candidacy can only be resolved by filing an amended declaration of candidacy, which must also be sworn. This is consistent with what is required by § 8.21(6), which requires an amended, sworn declaration of candidacy if any of the information contained within it changes.
2.06(3)(c)	Staff recommend editing to make the requirement specific to declarations of candidacy. Staff also recommend exempting errors in sworn certification from the substantial compliance standard because errors in a sworn certification mean the document was not properly sworn as required by § 8.21(2).
2.06(4)	Staff recommend defining which fields constitute the certification information. Staff to not recommend including the political party or statement of purpose in this provision because even though that line appears on the declaration of candidacy, it is only required for partisan and independent candidates filing pursuant to §§ 8.15 and 8.20, respectively, and is not required to appear on a declaration of candidacy under § 8.21.
2.06(4)(a)	This section is intended to give guidance regarding the format of a candidate’s name in the certification information by reiterating what is required by § 8.21(2).
2.06(4)(b)	This section is intended to give guidance regarding the format of the named office field, which is required by § 8.21(2)(a). Staff recommend including the specifications of office name detail because this is what is currently provided in the declaration of candidacy instructions.
2.06(5)(a)	This section is intended to give guidance regarding the format of a candidate’s residential address and municipality for voting purposes by reiterating what is required by § 8.21(4)(b). This section is only applicable to state and local candidates.
2.06(5)(b)	This section is intended to give guidance regarding the format of the name a candidate prefers to include on the ballot. Staff recommend including the additional detail in this section based on what is currently provided in the declaration of candidacy instructions, as well as what has been staff practice (i.e. prohibiting the use of the word “incumbent”).

EL § 2.08 Challenges to Declarations of Candidacy	
New Rule Draft Citation	Explanation of Recommended Change
2.08(1)	Staff recommend editing to make the requirement specific to declarations of candidacy.

First Drafts of Rulemaking:

Nomination Paper Challenge Procedure; SS 091-23, SS 092-23

Declaration of Candidacy Challenge Procedure: SS 089-23, SS 090-23

Prepared for the Commission’s February 8, 2024, Meeting

Page 11 of 12

2.08(2)	Staff recommend editing to make the requirement specific to declarations of candidacy.
2.08(2)(a)	Staff recommend editing to make the requirement specific to declarations of candidacy.
2.08(2)(a)(1)	Staff recommend editing to make the requirement specific to declarations of candidacy.
2.08(2)(a)(2)	Staff recommend editing to make the requirement specific to declarations of candidacy.
2.08(2)(a)(3)	Staff recommend editing to make the requirement specific to declarations of candidacy.
2.08(3)(a)(4)	Staff recommend editing to make the requirement specific to declarations of candidacy.
2.08(3)(a)(5)	Staff do not recommend any additional changes to what is recommended for the corresponding provision of the nomination paper challenge procedure rule.
2.08(2)(a)(6)	Staff do not recommend any additional changes to what is recommended for the corresponding provision of the nomination paper challenge procedure rule.
2.08(2)(a)(7)	Staff do not recommend any additional changes to what is recommended for the corresponding provision of the nomination paper challenge procedure rule.
2.08(3)(a)	Staff recommend editing to make the requirement specific to declarations of candidacy.
2.08(3)(b)	Staff do not recommend any additional changes to what is recommended for the corresponding provision of the nomination paper challenge procedure rule.
2.08(4)	Staff recommend enumerating the specific grounds under which declarations of candidacy can be challenged so that challengers, candidates, and filing officers are all on notice of what constitutes deficiencies subject to challenges.
2.08(4)(a)	Staff recommend this challenge ground if the candidate’s name and the official name of the office is missing or incomplete because those are required statutory components of §§ 8.21(2) and 8.21(2)(a).
2.08(4)(b)	Staff recommend this challenge ground be added as an avenue for a challenge that one or more of the required sworn statements in the declaration of candidacy certification are not correct. This ground is intended to be specifically limited to the sworn statements that are required by § 8.21(2), for all candidates, and by § 8.21(4), for state and local candidates. The purpose of specifically limiting the challenge ground to these sworn statements is because a candidate is legally required to swear that those statements are factually correct in order to run for office. Accordingly, the recommended draft language would not permit broad, unspecified challenges to candidate eligibility that are not grounded in what is specifically required by Wisconsin law.

First Drafts of Rulemaking:

Nomination Paper Challenge Procedure; SS 091-23, SS 092-23

Declaration of Candidacy Challenge Procedure: SS 089-23, SS 090-23

Prepared for the Commission's February 8, 2024, Meeting

Page 12 of 12

2.08(4)(c)	Staff recommend this challenge ground be added for state and local candidates who fail to include their residential address or municipality for voting purposes. This rule is also intended to give challengers, candidates, and filing officers clarity that the address on the declaration of candidacy needs to be consistent with what is on the candidate's nomination papers. This issue has been the subject of a couple of recent challenges, and this rule is designed to provide a clear standard on this topic.
2.08(4)(d)	Staff recommend this challenge ground be added because statute and staff practice provide specific rules for how a candidate's name can appear on the ballot.
2.08(4)(e)	Staff recommend this challenge ground be added because declarations of candidacy are required to be sworn by statute. Wis. Stat. §§ 8.21(2); 8.21(5).
2.08(4)(f)	Staff recommend this challenge ground be added for declarations of candidacy that are not timely filed pursuant to § 8.21(1).

Recommended Motion 1: The Wisconsin Elections Commission directs staff to implement edits to the proposed rulemaking draft for SS 091-23 and SS 092-23 for emergency and permanent rulemaking relating to the nomination paper challenge procedure rule consistent with the discussion during the meeting, and to bring back a revised version of the rulemaking draft for Commission review and approval at an upcoming meeting.

Recommended Motion 2: The Wisconsin Elections Commission directs staff to implement edits to the proposed rulemaking draft for SS 089-23 and SS 090-23 for emergency and permanent rulemaking relating to the declaration of candidacy challenge procedure rule consistent with the discussion during the meeting, and to bring back a revised version of the rulemaking draft for Commission review and approval at an upcoming meeting.

Chapter EL 2 – Election Related Petitions

First Draft – January 2024

For Commission Consideration: February 8, 2024

EL 2.05 Treatment and Sufficiency of Nomination Papers

2.05(1) DEFINITIONS

2.05(1)(a) “Clear and convincing evidence” means evidence indicating that the thing to be proved is highly probable or reasonably certain.

2.05(1)(b) “Filing officer” means the Wisconsin Elections Commission, the board of elections commissioners, county clerks, municipal clerks, or school district clerks, depending on the office.

2.05(1)(c) “Substantial compliance” means that the filing officer, based on the information appearing on the paper, can determine compliance with respect to the substance essential to every objective of ch. 8 or 9, Stats, notwithstanding minor errors or omissions.

2.05(2) PURPOSE. This section is promulgated pursuant to the direction of, **and under the authority granted by, s. 8.07, Stats.,** and is to be used by ~~election officials~~ **filing officers** in determining the validity of all nomination papers and the signatures **and information** on those papers.

2.05(3) FILING NOMINATION PAPERS

2.05(3)(a) Each candidate for public office has the responsibility to assure that his or her nomination papers are prepared, circulated, signed, and filed in compliance with statutory and other legal requirements.

2.05(3)(b) In order to be timely filed, all nomination papers shall be in the physical possession of the filing officer by the statutory deadline. **Physical possession means the original documents must have been received by the filing officer, not copies or digital transmissions.** Each of the nomination papers shall be numbered, before they are filed, and the numbers shall be assigned sequentially, beginning with the number “1”. Notwithstanding any other provision of this chapter, the absence of a page number will not invalidate the signatures on that page.

2.05(4) SUFFICIENCY OF NOMINATION PAPERS, GENERAL

2.05(4)(a) The filing officer shall review all nomination papers filed with it, up to the maximum number permitted, to determine the facial sufficiency of the papers filed. Where circumstances and the time for review permit, the filing officer may consult maps, directories and other extrinsic evidence to ascertain the correctness and sufficiency of information on a nomination paper. **Nothing in this provision shall constitute a defense**

against a challenge to the sufficiency of nomination papers. Facial review completed by a filing officer before the filing deadline is done as a courtesy only and does not bind a filing officer to a final determination of ballot access.

2.05(4)(b) Any **facially sufficient** information which appears on a nomination paper is entitled to a presumption of validity. Notwithstanding any other provision of this chapter, errors or omissions in information contained in a nomination paper, committed by either a signer or a circulator, may be corrected by an affidavit of the circulator, an affidavit of the candidate, or an affidavit of a person who signed the nomination paper. The person giving the correcting affidavit shall have personal knowledge of the correct information and the correcting affidavit shall be filed with the filing officer not later than ~~three calendar days~~ **5 p.m. CST on the third calendar day** after the applicable statutory due date **for when a challenge to nomination papers may be filed**~~the nomination papers~~. **The deadline to submit a correcting affidavit shall be calculated pursuant to s. 990.001(4). If a valid correcting affidavit is submitted, it amends the affected nomination papers on its own, and it is not necessary to edit or mark the nomination papers to be consistent with the changes in the affidavit.**

2.05(4)(c) Where any required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law. **Substantial compliance shall have the definition given in 2.05(1)(c).**

2.05(4)(d) After a nomination paper has been filed, no signature may be added or removed, **but may be amended through a valid correcting affidavit.** After a nomination paper has been signed, but before it has been filed, a signature may be removed by the circulator. ~~The death of a signer after a nomination paper has been signed does not invalidate the signature.~~

2.05(5) SUFFICIENCY OF NOMINATION PAPERS, SIGNATURE LINES

2.05(5)(a) Nomination papers shall contain at least the minimum required number of signatures from the circuit, county, district or jurisdiction which the candidate seeks to represent.

2.05(5)(b) The filing officer shall accept nomination papers which contain biographical data or campaign advertising. The disclaimer specified in s. 11.1303 (2), Stats., is not required on any nomination paper.

2.05(5)(c) An elector shall sign his or her own name unless unable to do so because of physical disability. An elector unable to sign because of physical disability shall be present when another person signs on behalf of the disabled elector and shall specifically authorize the signing.

2.05(5)(d) A person may not sign for his or her spouse, or for any other person, even when they have been given a power of attorney by that person, unless sub. (8c) applies.

2.05(5)(e) The signature of a married ~~woman~~ **person** shall be counted when ~~she uses her husband's~~ **they use their spouse's** first name instead of ~~her~~ **their** own.

2.05(5)(f) Only one signature per person for the same office is valid. Where an elector is entitled to vote for more than one candidate for the same office, a person may sign the nomination papers of as many candidates for the same office as the person is entitled to vote for at the election.

2.05(5)(g) A complete address, including municipality of residence for voting purposes, and the street and number, if any, of the residence, ~~(or a postal address if it is located in the jurisdiction that the candidate seeks to represent)~~, shall be listed for each signature on a nomination paper.

2.05(5)(h) A signature shall be counted when identical residential information or dates for different electors are indicated by ditto marks, **another form of punctuation, or if an adjacent signatory writes "same" to indicate that the residential information or dates are identical.**

2.05(5)(i) No signature on a nomination paper shall be counted unless the elector who circulated the nomination paper completes and signs the certificate of circulator and does so after, not before, the paper is circulated. No signature may be counted when the residency of the circulator cannot be determined by the information given on the nomination paper.

2.05(5)(j) An individual signature on a nomination paper may not be counted when any of the following occur:

2.05(5)(j)(1) The date of the signature is missing, unless the date can be determined by reference to the dates of other signatures on the paper. **The missing date need not be bracketed by correct and complete dates on either side of it to be substantially compliant.**

2.05(5)(j)(2) The signature is dated after the date of certification contained in the certificate of circulator.

2.05(5)(j)(3) The address of the signer is missing or incomplete, unless residency can be determined by the information provided on the nomination paper.

2.05(5)(j)(3)(A) **Absent evidence to the contrary or other missing information, if a signatory address is missing an apartment number, it shall still be considered substantially compliant.**

2.05(5)(j)(3)(B) **Absent evidence to the contrary or other missing information, if the elector has abbreviated the name of their municipality, the address is substantially compliant as long as the**

municipality can be determined by other information contained on the nomination paper.

2.05(5)(j)(4) The signature is that of an individual who is not 18 years of age at the time the paper is signed. An individual who will not be 18 years of age until the subject election is not eligible to sign a nomination paper for that election.

2.05(5)(j)(5) The signature is that of an individual who has been adjudicated not to be a qualified elector on the grounds of incompetency or limited competency as provided in s. 6.03 (3), Stats., or is that of an individual who was not, for any other reason, a qualified elector at the time of signing the nomination paper.

2.05(5)(j)(6) The elector resides outside the circuit, county, district or jurisdiction which the candidate seeks to represent.

2.05(5)(j)(7) LEGIBILITY. If the filing officer can discern no part of the signer's name, after reviewing both the signature and printed name, it should be deemed illegible pursuant to ss. 8.10(4)(b) or 8.15(2) and shall not be counted. The filing officer is not required to consult extrinsic sources of information but may do so in his or her discretion if it assists in discerning a possible name.

2.05(6) SUFFICIENCY OF NOMINATION PAPERS, HEADER. In this section, "header" includes the candidate's name; candidate's residential address; candidate's municipality for voting purposes; candidate's mailing address, including state and ZIP code; political party represented; type of election; election date; office sought; name of jurisdiction or district in which candidate seeks office.

2.05(6)(a) Office Title and District Designation. The header of a nomination paper is sufficient as long as the filing officer finds that the electors could determine the office and district the candidate was pursuing by information provided in the nomination paper heading.

2.05(6)(b) Election Date. When the date of the election is entirely missing from the header of any nomination paper, the filing officer shall not count any of the signatures on the page. Incomplete or incorrect election dates can be found substantially compliant as long as the filing officer finds that electors could have determined that the nomination papers corresponded with the correct election date.

2.05(6)(c) Candidate Address. A candidate must provide their residential address, their mailing address, if different from their residential address, and their voting municipality in the header of each nomination paper. Absent evidence to the contrary, a candidate's mailing address and voting municipality will be presumed to be the same as their residential address.

2.05(7) SUFFICIENCY OF NOMINATION PAPERS, OTHER ISSUES

2.05(7)(a) Failure to provide an indicator of a candidate's gender does not affect the sufficiency of the nomination papers.

2.05(7)(b) If the date of circulator certification is incomplete or incorrect, the nomination paper is not substantially compliant, and no signatures on that page may be counted.

~~2.05(16) After a nomination paper has been filed, no signature may be added or removed. After a nomination paper has been signed, but before it has been filed, a signature may be removed by the circulator. The death of a signer after a nomination paper has been signed does not invalidate the signature.~~

~~2.05(17) This section is promulgated pursuant to the direction of s. 8.07, Stats., and is to be used by election officials in determining the validity of all nomination papers and the signatures on those papers.~~

EL 2.07 Challenges to Nomination Papers

2.07(1) ~~The elections commission shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for state office that is filed with the elections commission under ss. 5.05 and 5.06, Stats.; and the local filing officer shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for local office that is filed with the local filing officer under s. 8.07, Stats. The filing officer shall apply the standards in s. EL 2.05 to determine the sufficiency of nomination papers, including consulting extrinsic sources of evidence under s. EL 2.05 (3).~~ **A challenge to the sufficiency of nomination papers may be brought under this section and shall be filed with the appropriate filing officer.** The filing officer shall apply the standards in s. EL 2.05 to determine the sufficiency of nomination papers, including consulting extrinsic sources of evidence under s. EL 2.05 (3) **2.05(4)(a).**

2.07(2) PROCEDURE AND TIMELINE. Unless otherwise specified, this subsection contains the exclusive procedure by which challenges to nomination papers may be brought.

2.07(2)(a) Any challenge to the sufficiency of a nomination paper shall be made by verified complaint, filed with the appropriate filing officer. **The challenge may be filed electronically.** The complainant shall file both an original and a copy of the challenge at the time of filing the complaint **if filed physically.** Notwithstanding any other provision of this chapter, the failure of the complainant to provide the filing officer with a copy of the challenge complaint will not invalidate the challenge complaint. The filing officer shall make arrangements to have a copy of the challenge delivered to the challenged candidate within 24 hours of the filing of the challenge complaint. **The copy of the complaint may be delivered to the candidate electronically. Along with a copy of the complaint, the filing officer shall also provide the candidate with notification of the response deadline, as well as notice that the procedures governing nomination paper challenges are covered by this chapter.** The filing officer may impose a fee for the cost of photocopying the challenge and for the cost of delivery of the challenge to the respondent.

2.07(2)(b) The form of the complaint ~~and its filing~~ shall comply with the requirements of ~~ch. EL 20~~ **ch. EL 20.03(2), (4) and (5). No other provisions of ch. EL 20 are applicable to challenges brought under s. EL 2.07(1).**

2.07(2)(c) Any challenge to the sufficiency of a nomination paper shall be filed ~~within 3 calendar days~~ **by 5 p.m. on the third calendar day** after the filing deadline for the challenged nomination papers. **The challenge must be in the physical or electronic possession of the filing officer by 5 p.m. Challenges received after 5 p.m. shall not be accepted, even if postmarked with the date of the third calendar day. The deadline to submit a challenge shall be calculated pursuant to s. 990.001(4).**

2.07(2)(d) The challenge shall be established by affidavit, or other supporting evidence, demonstrating ~~a failure to comply with statutory or other legal requirements~~ **that the nomination papers are insufficient.** If a challenge is accompanied by supporting evidence, the filing officer must review the evidence when deciding the challenge.

2.07(2)(d)(1) Where it is alleged that the signer ~~or circulator~~ of a nomination paper does not reside in the district in which the candidate being nominated seeks office, the challenger may attempt to establish the geographical location of an address indicated on a nomination paper by providing district maps or by providing a statement from a postmaster or other public official.

2.07(2)(e) The response to a challenge to nomination papers shall be filed, by the candidate challenged, ~~within 3 calendar days~~ **by 5 p.m. of the third calendar day of the filing of the challenge the date the challenge was filed.** ~~and~~ **The response must be in the physical or electronic possession of the filing officer by 5 p.m. Responses received after 5 p.m. shall not be accepted, even if postmarked with the date of the third calendar day. The deadline to submit a correcting affidavit shall be calculated pursuant to s. 990.001(4).**

2.07(2)(f) The response shall be verified, ~~and may be supported by affidavit or other supporting evidence.~~ If a response is accompanied by supporting evidence, the filing officer must review the evidence when deciding the challenge. **A response may be filed in the form of a correcting affidavit provided it is verified and received by the response deadline. If a correcting affidavit is submitted in lieu of, or in addition to, a verified response, it constitutes the candidate's response for the purpose of the challenge, and the filing officer should proceed to decide the challenge with or without a hearing.**

2.07(2)(g) After the deadline for filing a response to a challenge, but not later than the date for certifying candidates to the ballot, the elections commission or the local filing officer shall decide the challenge with or without a hearing.

2.07(2)(h) Hearing. **If the filing officer chooses to decide the challenge after a hearing, the procedures for the hearing shall follow this section. The hearing should be open to the public and comply with ss. 19.81 - 19.98. The filing officer shall have the sole**

discretion to determine procedure relating to the conduct of the hearing, including whether to accept oral presentations from the parties or their assigned representative.

2.07(3) BURDENS

2.07(3)(a) The burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the nomination paper is insufficient, the burden is on the challenged candidate to establish its sufficiency. **The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence. ~~The invalidity or disqualification of one or more signatures on a nomination paper shall not affect the validity of any other signatures on that paper.~~**

2.07(3)(b) Clear and convincing evidence cannot be shown by bare assertions unsupported by a sworn affidavit or other evidence.

~~2.07(3)(b) If a challenger establishes that an elector signed the nomination papers of a candidate more than once or signed the nomination papers of more than one candidate for the same office, the 2nd and subsequent signatures may not be counted. The burden of proving that the second and subsequent signatures are that of the same person and are invalid is on the challenger.~~

2.07(4) BASIS FOR CHALLENGES. A challenge to the sufficiency of nomination papers may only be brought on one or more of the grounds in this subsection. The complaint should specify the ground or grounds of each challenge.

2.07(4)(a) Signature Line. A challenge may be brought regarding any aspect of individual signature lines, including the form of the signature itself, the information provided by the signatory, the signatory's eligibility to sign the nomination paper, and that a signatory signed more than once or signed the nomination papers of more than one candidate for the same office. **The filing officer should rely upon s. EL 2.05 when determining challenges to signature line.** The invalidity or disqualification of one or more signatures on a nomination paper shall not affect the validity of any other signatures on that paper.

2.07(4)(b) Header. A challenge may be brought regarding any aspect of the header of the nomination paper, as defined by 2.05(6). The filing officer should rely upon s. EL 2.05 when determining challenges to the header of nomination papers. **If the filing officer sustains a challenge to the header of a nomination paper, none of the signatures on that page may be counted.**

2.07(4)(c) Preparation, Filing, and Circulation. A challenge may be brought to any aspect of how a candidate prepared, circulated, or filed their nomination papers.

2.07(4)(d) Circulator. A challenge may be brought against the signature, certification, or eligibility of the circulator. A challenge brought against the certification includes a challenge that a circulator did not comply with any of the statements contained within

the certification. The filing officer should rely upon s. EL 2.05 when determining challenges to the circulator of nomination papers.

~~(c) If a challenger establishes that the date of a signature, or the address of the signer, is not valid, the signature may not be counted.~~

~~(d) Challengers are not limited to the categories set forth in pars. (a) and (b).~~

~~(4) The filing officer shall examine any evidence offered by the parties when reviewing a complaint challenging the sufficiency of the nomination papers of a candidate for state or local office. The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.~~

~~(5) Where it is alleged that the signer or circulator of a nomination paper does not reside in the district in which the candidate being nominated seeks office, the challenger may attempt to establish the geographical location of an address indicated on a nomination paper, by providing district maps, or by providing a statement from a postmaster or other public official.~~

Chapter EL 2 – Election Related Petitions

First Draft – January 2024

For Commission Consideration: February 8, 2024

EL 2.06 Treatment and Sufficiency of Declarations of Candidacy

2.06(1) DEFINITIONS

2.06(1) As used in this section, “clear and convincing evidence” has the meaning given in **EL 2.05(1)(a)**; “filing officer” has the meaning given in **EL 2.05(1)(b)**; and “substantial compliance” has the meaning given in **EL 2.05(1)(c)**.

2.06(2) FILING OF DECLARATION OF CANDIDACY

2.06(2)(a) Each candidate for public office has the responsibility to assure that his or her **declaration of candidacy is prepared, sworn, signed and filed** in compliance with statutory and other legal requirements.

2.06(2)(b) In order to be timely filed, all **declarations of candidacy** shall be in the possession of the filing officer by the statutory deadline.

2.06(3) SUFFICIENCY OF DECLARATION OF CANDIDACY, GENERAL

2.06(3)(a) The filing officer shall review all **declarations of candidacy** filed ~~with it~~ to determine the facial sufficiency of the **declaration** filed. Nothing in this provision shall constitute a defense against a challenge to the sufficiency of a **declaration of candidacy**. Facial review completed by a filing officer before the filing deadline is done as a courtesy only and does not bind a filing officer to a final determination of ballot access.

2.06(3)(b) Any facially sufficient information which appears on a declaration of candidacy is entitled to a presumption of validity. Notwithstanding any other provision of this chapter, errors in information contained in a declaration of candidacy may **only be corrected by filing an amended declaration of candidacy. Declarations of candidacy cannot be amended by filing a correcting affidavit.**

2.06(3)(c) Where any required item of information on a **declaration of candidacy** is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law. **This section does not apply if there are errors in the sworn certification made before any officer authorized to administer oaths.**

2.06(4) SUFFICIENCY OF DECLARATION OF CANDIDACY, CERTIFICATION INFORMATION. In this section, “certification information” means the candidate’s name and the official name of the office sought.

2.06(4)(a) In the candidate certification information section, a candidate must provide their name in the form specified under s. 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office.

2.06(4)(b) In the official name of office section, a candidate must provide the named office required by s. 8.21(2)(a). The named office shall include the district, branch, or seat number. For legislative offices, the named office shall include the title and district number. For district attorneys, the named office shall include the title and the county. For circuit court offices, the named office shall include the title, county, and branch number. For municipal and school board offices, the named office shall include the title and any district seat number.

2.06(5) SUFFICIENCY OF CANDIDATE ADDRESS AND NAME ON BALLOT

2.06(5)(a) State and local candidates must provide their residential address and municipality for voting purposes. The residential address shall include the street and number, and cannot be a mailing address. This information is not required for federal offices.

2.06(5)(b) All candidates must include the candidate's name in the form in which it will appear on the ballot. The candidate's preferred ballot name cannot contain the word "incumbent," include a professional title, or include an attempt to manipulate the electoral process. An intended name containing a nickname or initial, middle name, or former legal surname is permitted, provided that it does not include quotation marks or parentheses.

2.08 CHALLENGES TO DECLARATIONS OF CANDIDACY

2.08(1) A challenge to the sufficiency of a **declaration of candidacy** may be brought under this section and shall be filed with the appropriate filing officer.

2.08(2) PROCEDURE AND TIMELINE. Unless otherwise specified, this subsection contains the exclusive procedure by which challenges to **declarations of candidacy** may be brought.

2.08(2)(a) Any challenge to the sufficiency of a **declaration of candidacy** shall be made by verified complaint, filed with the appropriate filing officer. The challenge may be filed electronically. The complainant shall file both an original and a copy of the challenge at the time of filing the complaint if filed physically. Notwithstanding any other provision of this chapter, the failure of the complainant to provide the filing officer with a copy of the challenge complaint will not invalidate the challenge complaint. The filing officer shall make arrangements to have a copy of the challenge delivered to the challenged candidate within 24 hours of the filing of the challenge complaint. The copy of the complaint may be delivered to the candidate electronically. Along with a copy of the complaint, the filing officer shall also provide the candidate with notification of the response deadline, as well as notice that the procedures governing **declaration of candidacy** challenges are covered

by this chapter. The filing officer may impose a fee for the cost of photocopying the challenge and for the cost of delivery of the challenge to the respondent.

2.08(2)(a)(1) The form of the complaint shall comply with the requirements of ch. EL 20.03(2), (4) and (5). No other provisions of ch. EL 20 are applicable to challenges brought under s. **EL 2.08(1)**.

2.08(2)(a)(2) Any challenge to the sufficiency of a **declaration of candidacy** shall be filed by 5 p.m. on the third calendar day after the filing deadline for the challenged **declaration of candidacy**. The challenge must be in the physical or electronic possession of the filing officer by 5 p.m. Challenges received after 5 p.m. shall not be accepted, even if postmarked with the date of the third calendar day. The deadline to submit a challenge shall be calculated pursuant to s. 990.001(4).

2.08(2)(a)(3) The challenge shall be established by affidavit, or other supporting evidence, demonstrating that the **declaration of candidacy is** insufficient. If a challenge is accompanied by supporting evidence, the filing officer must review the evidence when deciding the challenge.

2.08(2)(a)(4) The response to a challenge to **declarations of candidacy** shall be filed by the candidate challenged by 5 p.m. of the third calendar day of the date the challenge was filed. The response must be in the physical or electronic possession of the filing officer by 5 p.m. Responses received after 5 p.m. shall not be accepted, even if postmarked with the date of the third calendar day. The deadline to submit a correcting affidavit shall be calculated pursuant to s. 990.001(4).

2.08(2)(a)(5) The response shall be verified and may be supported by affidavit or other supporting evidence. If a response is accompanied by supporting evidence, the filing officer must review the evidence when deciding the challenge.

2.08(2)(a)(6) After the deadline for filing a response to a challenge, but not later than the date for certifying candidates to the ballot, the elections commission or the local filing officer shall decide the challenge with or without a hearing.

2.08(2)(a)(7) Hearing. If the filing officer chooses to decide the challenge after a hearing, the procedures for the hearing shall follow this section. The hearing should be open to the public and comply with ss. 19.81 - 19.98. The filing officer shall have the sole discretion to determine procedure relating to the conduct of the hearing, including whether to accept oral presentations from the parties or their assigned representative.

2.08(3) BURDENS

2.08(3)(a) The burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the **declaration of candidacy** is insufficient, the burden

is on the challenged candidate to establish its sufficiency. The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.

2.08(3)(b) Clear and convincing evidence cannot be shown by bare assertions unsupported by a sworn affidavit or other evidence.

2.08(4) BASIS FOR CHALLENGES. An administrative challenge to the sufficiency of a declaration of candidacy may only be brought on one or more grounds in this subsection. The complaint should allege with specificity the ground or grounds of each challenge.

2.08(4)(a) CERTIFICATION, MISSING INFORMATION. A challenge may be brought if any of the information in the candidate certification section is missing or incomplete, including the candidate's name and the official name of the office.

2.08(4)(b) CERTIFICATION, QUALIFICATIONS. A challenge may be brought to the candidate's certification on the declaration of candidacy that they possess qualifications to run for the office identified. A challenge under this ground shall be limited to the sworn statements that are required by ss. 8.21(2) and 8.21(4). A challenge to sworn statements required by s. 8.21(4) shall only be brought against candidates for state and local office.

2.08(4)(c) CANDIDATE ADDRESS. A challenge may be brought if the present address, including the municipality for voting purposes, is missing, incomplete, or incorrect. A challenge may also be brought under this ground if this information is inconsistent with a candidate's nomination papers. A challenge under this ground may only be brought against candidates for state and local office pursuant to ss. 8.21(4).

2.08(4)(d) CANDIDATE NAME ON BALLOT. A challenge may be brought if the name the candidate wishes to appear on the ballot is missing. A challenge may also be brought under this ground if this information is inconsistent with a candidate's nomination papers. A challenge may also be brought if the intended name of the candidate on the ballot contains the word "incumbent," includes a professional title, or includes an attempt to manipulate the electoral process. This section cannot serve as a basis for a challenge if the candidate has provided a last name plus first name, nickname or initial, middle name, or former legal surname, provided the name does not otherwise violate this provision and also does not include quotation marks or parentheses.

2.08(4)(e) SWORN STATEMENT. A challenge may be brought if the declaration of candidacy has not been sworn to before any officer authorized to administer oaths per ss. 8.21(2) and 8.21(5). The declaration of candidacy is valid without the seal of the officer who administers the oath if the officer is not a notary public but is otherwise authorized to administer oaths.

2.08(4)(f) TIMELINESS OF FILING. A challenge may be brought if the declaration of candidacy was not timely filed pursuant to s. 8.21(1).

EL 15.01 Definitions. In this chapter:

- (1) “Impossible” means a clear threat to safety or the accuracy of votes.
- (2) “Inconvenient” means unsuitable for safety, unlikely to assure the accuracy of votes, or creating a likelihood of inability to comply with statutory obligations relating to election processes.
- (3) “Substitute polling place” means a polling place that has been designated and approved by a municipality for use in the event that a polling place becomes inconvenient or impossible to use.

EL 15.02 Polling Place Emergency Plan.

(1) In accordance with s. 7.37, Stats., and this chapter, the body designated in s. 5.24(2), Stats. shall also approve substitute polling places and an emergency plan to employ if a polling place becomes inconvenient or impossible to use within 30 days before an election. The governing body will also reapprove the substitute polling place designations and emergency plan each time it approves the municipality’s list of polling places, or as it becomes necessary, such as to update the facilities list, contact information, or to ensure the accuracy of other information.

- (a) Substitute polling places shall conform to the accessibility requirements of s. 5.25(4), Stats. and notice requirements of s. 10.01(2)(d), Stats. Local officials may also implement a communications plan to further provide notice to the public that emergency substitute polling place locations have been approved or will be in use. This may include additional notices in compliance with s. 10.01(2)(d), Stats., website and newspaper postings, posting signage, physically assigning individuals to strategic positions which may include the original polling location, and other appropriate options.
- (b) Each emergency plan shall contain:
 1. Sections listing potential emergencies that could render a polling place inconvenient or impossible to use on Election Day and specific contingency plans for those emergencies. The emergency plan must cover natural disaster, war, pandemic, worker shortage, power outage, voting equipment failure, bomb threat, fire, shooting, act of God, and any other potential emergencies the municipality believes could impact the polling place.
 2. A section containing a chain of command flowchart detailing how election officials will communicate with each other during an emergency, as well as any necessary members of the public or outside officials. This section shall contain a current list of the roles and contact information of each election inspector.
 3. A section containing contact information for local media, law enforcement, and voting equipment vendors.
 4. The names and addresses of substitute polling places and a set of protocols explaining how to transfer to a substitute polling place, including how ballots and voting equipment will be secured and transferred.
 5. Checklists explaining to election officials the steps to take in particular emergencies.
 6. A section specifying how municipal clerks should determine when to employ the emergency plan.
- (c) The existence of the emergency plan shall be made public and, if used, clerks shall notify impacted voters in accordance with the provisions above and any other beneficial or necessary means.

(2) Municipalities shall have discretion to choose how many and what kind of substitute polling places to approve as well as to define the scope and requirements of the emergency plan.

(3) Municipalities do not have the authority to designate or use emergency polling places, separate from their primary polling places, if the requirements of this rule are not timely followed. This chapter, and s. 5.25(3), Stats., preclude the selection or use of facilities not designated as emergency substitute polling places 30 days before an election.

(4) If a governing body designates emergency substitute polling places in an emergency plan, the municipal clerk shall take the necessary steps at least 30 days before an election to ensure the polling place is able to be used in the event of an emergency. This shall include providing notification to the Wisconsin Elections Commission of any new emergency substitute polling place facilities.



Wisconsin Elections Commission

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DATE: For the February 8, 2024, Commission Meeting
TO: Commissioners, Wisconsin Elections Commission
FROM: Brandon Hunzicker, Staff Attorney
SUBJECT: Potential Complaint Form Updates

Introduction:

The Wis. Stat. Chapter 5 administrative complaint form available on the Commission’s website, the EL-1100, has not been significantly updated since the Commission was formed in 2016. The EL-1100 is used by complainants who submit complaints under Wis. Stat. § 5.05, § 5.06, and § 5.061, although it is not required for complainants to use this form to submit their complaint. Staff propose redesigning the form and potentially researching the substance of the “sworn” statement. Over the last several years, the number of complaints submitted to the WEC has increased significantly. Many complaints are deficient, and the design of the form itself may be contributing to some of these deficiencies. Staff believe that a clear, step-by-step process on the complaint form would encourage individuals filing a complaint to provide all information required by statute to properly file a complaint with the Commission. It is also the intent of staff to develop a set of instructions that can be used in conjunction with the new form, likely on the complaint website page, along with some in-form instructions.

The purpose of this memo is to seek guidance from the Commission concerning a potential redesign of the complaint form. Specifically, staff seek guidance concerning: A) whether the form should be redesigned; B) how many new forms should be designed; and C) whether the current certification provided by the complainant is sufficient for all types of complaints received by the Commission.

Discussion:

A. Should the Commission’s complaint form be redesigned?

Staff believe that the Commission’s complaint form should be redesigned to address several common deficiencies. The current form, which follows this memo as Appendix 1, does not directly explain what information is required to submit a sufficient complaint, asks for some information multiple times, and contains at least one ambiguous section. As a result, required information is often missing, and staff spend a significant amount of time communicating with potential complainants over procedural requirements. Staff propose redesigning the form as a step-by-step list with 7 required parts to clarify for potential complainants how to properly complete the form. A general sketch of the proposed redesign text is provided below, though the final product would differ aesthetically:

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

1. Complaint Type

Please circle the statutory process that governs your complaint (Note: you should choose only one statutory process per complaint; if you feel that your allegations fall under more than one statutory process, you should submit separate complaints under each process):

5.05 (Election Law Violation)

5.06 (Violations of or Appeals of Decisions of Election Officials)

5.061 (Help America Vote Act Violation)

2. Complainants

Please provide the following information about yourself and anyone filing this complaint with you:

Name

Residential Address

Mailing Address (if different)

Telephone Number (optional)

Email (optional)

3. Respondents

Please provide the following information about the individual or individuals whom you allege violated or improperly administered election laws:

Name

Official title (if 5.06 is circled)

Mailing Address

Telephone number (if available)

Email address (if available)

4. Applicable Statutes

Please cite each statute within Chapters 5 to 10 and 12 of the Wisconsin Statutes, as well as any other laws relating to elections, other than laws relating to campaign financing, that you allege were violated or improperly administered. The Commission cannot accept a complaint that does not cite specific provisions, including the correct subsections, of election law.

5. Allegations

Set forth in detail the facts that establish **probable cause** to believe that a violation occurred. Be as specific as possible as it relates to dates, times, individuals, and actions involved. Use as many separate pages as needed and attach copies of any supporting documentation, evidence, or affidavits.

6. Sworn Statement

Each complainant listed above in section 2 must have this form sworn before a notary or other official able to swear oaths.

[Notary section discussed in section C of this memo]

7. Filing the Complaint

Please send this completed form to the Wisconsin Elections Commission
Email: elections@wi.gov. Please put your name and “Complaint” in the email header
Mail: Wisconsin Elections Commission P.O. Box 7984 Madison, WI 53707-7984
Fax: 608-267-0500

B. How many new forms should be designed?

Currently, the Commission uses one combined form for each of the three complaint types that may be filed with the Commission under Chapter 5 of the Wisconsin Statutes.¹ Because each complaint type requires a different statutory procedure, any ambiguity concerning the type of complaint prevents staff from accepting a complaint as properly filed. The first step outlined in (A) above (“circle which statutory process governs your complaint: 5.05; 5.06; 5.061”) is intended to ensure that each potential complainant specify which complaint type, and therefor which complaint procedure, applies to the form.

Another option would be to design three different forms, one for Wis. Stat. § 5.05 complaints, one for Wis. Stat. § 5.06 complaints, and one for Wis. Stat. § 5.061 complaints. Benefits of this option include designing each form to only obtain required information for that specific type of complaint, providing information on the form concerning the procedures that will accompany that complaint type, and potentially including certification language specific to the type of complaint. A drawback of creating different complaint forms is that potential complainants may submit the wrong type of form for the complaint they wish to file, though the design of the Commission’s complaint page may reduce that possibility. Overall, the Commission’s decision regarding question (C) below may tip the balance for or against designing multiple forms.

C. Should staff research and suggest potential modifications to the certification statement?

The combined complaint form includes as a certification statement:

I, _____, being first duly sworn, on oath, state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

This language is required by Wis. Admin. Code § EL 20.03(4), however, Chapter EL 20 only applies to § 5.06 complaints. If the Commission wished to use different certification language for different complaints, it likely could implement that change. It is clear in statute that both § 5.05

¹ This memo does not address ballot access challenges. The Commission has authorized rulemaking concerning ballot access challenges, and any form related to those processes should accompany that rulemaking. In any case, ballot access challenges have not historically been submitted to the WEC using the EL-1100.

complaints and § 5.061 complaints must be sworn (§ 5.061 says “verified”), but neither statute provides a specific statement to accompany that action. Staff could research possibilities for the certification statements for future discussion. Research would cover both options for sworn statements as well as how such statements could be implemented. It is possible that an administrative rule would be needed to implement specific language required for specific complaints.

Conclusion:

Overall, staff recommends redesigning the complaint form in a manner similar to that suggested in (A), above. Staff seek guidance from the Commission concerning whether one or three complaint forms should replace the current form, and whether the sworn statement should be uniform or whether it can or should vary between complaint types. Though staff do not believe that a Commission vote is needed at this stage, the Commission would need to vote to approve the final design of any new complaint forms, and staff seek guidance concerning whether and how to proceed.



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DATE: For the February 8, 2024 Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by Elections Commission Staff

SUBJECT: Commission Staff Update

CONTENTS

General Operations

1. Elections Team Report
2. Voters Team Report
3. Data Quality & Reporting
4. Accessible Voting
5. Absentee Voting
6. Addressing & Districts
7. Security

Training & Equipment

7. Badger Book Report
8. Clerk Training Report
9. Voting Technology Report

Communications

10. Public Outreach
11. Help Desk/Customer Service Report

Administration

12. Financial Services
13. Procurements
14. Agency Meetings & Presentations

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Administrator
Meagan Wolfe

GENERAL OPERATIONS

1. Elections

The period for circulating nomination papers for the April 2, 2024 Spring Election and Presidential Preference started on December 1, 2023, and concluded on January 2, 2024. A total of 75 candidates for state offices registered for all offices up at the April election, 71 of whom filed nomination papers with the Wisconsin Elections Commission. There is one candidate for Court of Appeals judge District I, one candidate for District IV, and 69 candidates for 56 circuit court judge positions in 34 counties. The office of Kenosha County Circuit Court Branch 3 and Winnebago County Circuit Court Branch 1 are the state-level offices that will require a primary on Feb. 20, 2024.

Staff also attended the meeting of the Presidential Preference Selection Committee on January 2, 2024. The committee meeting is required by Wis. Stat. §8.12(1). Statute dictates that the committee membership consists of the Senate President and Minority Leader, the Speaker of the Assembly and the Minority Leader, the chairs of the Democratic and Republican Parties of Wisconsin, and a committeeman and committeewoman for each party, or their designees. This committee then selects their chairperson jointly. At this meeting, the following names were selected and certified by the chairperson:

For the Democratic Party

Joe Biden

For the Republican Party

Chris Christie
Ron DeSantis
Nikki Haley
Asa Hutchinson
Vivek Ramaswamy
Donald Trump

Per Wis. Stat. §8.12(1)(d), the selected candidates have until January 30, 2024 to request that their name be removed from the April 2, 2024 Presidential Preference Ballot. As of January 25, 2024, no candidate has requested that their name be removed.

2. Voters

The MyVote website is the Wisconsin Elections Commission's main voter information tool. The website allows voters to register to vote online during open registration, start the registration process during closed registration, request an absentee ballot, find their polling place for the next scheduled election, view sample ballots, track their absentee and provisional ballot status, and more. MyVote is a critical tool that both Wisconsin voters and clerks have come to rely on.

MyVote usage has begun its expected increase as we enter the 2024 Spring Election cycle, with daily usage doubling since the end of December 2023. Voters were able to begin requesting absentee ballots for the 2024 Calendar Year and individual 2024 elections on January 1st and since that date more than thirty thousand unique voters have submitted an absentee request through the MyVote site. While usage has been gradually increasing for most of the past month, the MyVote site did

receive a spike in visitors due to Facebook beginning a voter information campaign on January 18th where they referred users to their local election information site to register to vote or check their registration. This referral was to MyVote for those identified by Facebook as being in Wisconsin. MyVote experienced a 600 percent increase in unique visitors when compared to the days before January 18th.

With this increase in voter usage, comments directed to the Commission staff by users of the MyVote site have also been increasing since the beginning of January. Most of these comments are common registration and absentee application questions, with some voters confused by the lack of a statewide February Primary this year.

3. Data Quality & Reporting

Data quality queries are run every day in the months prior to an election for Commission staff to monitor potential data entry errors or missing information in WisVote, then contact and work with clerks to resolve the errors. Commission staff continuously work with municipal and county clerks to meet reporting requirements following all state and federal elections.

Each municipality is required to provide an initial report of election data (voter participation, registration, etc.) to the WEC no later than 30 days after an election, or 45 days after a General Election. In cases where a jurisdiction cannot reconcile voting statistics, Commission staff work with individual clerks to ensure all reasonable efforts are applied to ensure the accuracy of their data. Once the data has been reconciled and verified by municipalities, the data is then submitted to the U.S. Election Assistance Commission (EAC), which produces the Election Administration and Voting Statistics Report (EAVS). EAVS data is required to be submitted by every state after each General Election. The reports are posted for each state on the EAC's website eac.gov/research-and-data/studies-and-reports. The WEC also regularly publishes voting statistics (formerly EL-190 reports) that summarize the data submitted by municipal clerks. These reports are available on the WEC website at elections.wi.gov/statistics-data.

Election Day Registration (EDR) Postcard Statistics are required to be reported within 90 days of an election and updated by clerks as applicable. WEC staff post this data and track compliance on the WEC website at elections.wi.gov/statistics-data/voting-statistics up to a year post-election.

ERIC Movers Mailing

The Quarter 4 (Q4) 2023 Movers Mailing was sent out on December 29, 2023, to a total of 52,333 voters.

Table 1: Summary of Movers Mailings 2022 to present

Year, Quarter	Total Movers	Possible Movers ¹	Registered ²	Inactive ³	Requested Continuation at current address	Rate confirm current address
2023 Q4	52,333	49,688	1,234	1,411	204	0.4%
2023 Q3	53,416	52,016	1,108	292	107	0.2%
2023 Q2	29,721	21,661	1,476	6,584	219	0.7%
2023 Q1	32,551	17,555	6,357	8,639	255	0.8%
2022 Q4	31,187	15,405	5,693	10,089	135	0.4%
2022 Q3	57,555	18,837	25,093	13,625	488	0.8%
2022 Q2	61,012	17,888	27,734	15,390	593	1.0%
2022 Q1	55,032	18,406	28,302	8,324	806	1.5%

¹Movers postcard sent, no action taken by voter after receipt of postcard.

²Movers postcard sent. Voter subsequently requested continuation at their current address or updated their address. Includes voters who re-registered elsewhere in Wisconsin.

³Movers postcard sent. Postcard returned undeliverable, or voter registered out of state, or otherwise no longer active in Wisconsin.

Badger Voters

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

With the deployment of the updated website last June, Badger Voters continues to operate successfully with a range of data requests for candidate nomination papers, voter data and absentee records. It is now easier to navigate and select criteria for desired data, allowing users a faster, more efficient process when requesting data. Staff will continue to monitor the Badger Voters website to ensure no technical issues were introduced with the update.

Table 2: Badger Voters Revenue

Fiscal Year	Requests Purchased	Net Revenue	Nomination Papers
FY2024	427	\$270,841	78
FY2023	995	\$792,827	204
FY2022	963	\$407,025	1185
FY2021	1,108	\$1,131,859	307
FY2020	1,134	\$619,907	402
FY2019	473	\$328,015	NA
FY2018	517	\$182,341	NA
FY2017	368	\$234,537	NA
FY2016	435	\$235,820	NA

Note: The state fiscal year begins on July 1 and ends on June 30. Prior to FY2020 the Net Revenue figure is for gross sales and does not account for any refunds.

4. Accessibility

See separate memo.

5. Absentee

Commission staff are working with clerks in municipalities holding a Primary Election to process absentee requests in WisVote. Updates to batch processing of absentee requests in WisVote are in progress. Staff conducted a live webinar for all clerks who have outstanding Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requests, outlining the requirements, deadlines, and procedures for handling these requests.

6. Addressing & Districts

There were two new incorporations in the state since the 2023 Spring Election and those have been updated in our voter registration system.

Staff has completed two annexation updates in WisVote since last year’s Spring Election. This was done to ensure that our systems stay up to date with current municipal boundaries and to create any new wards that are needed. The first update was completed in December and the final update before the Spring Primary was finished at the end of January.

7. Security

Election Security .gov Email Domain Subgrant

The Election Security .gov Email Domain Subgrant was approved by the Commission on January 11, 2022, and initially announced on February 10, 2022, with a total allocation of \$300,000. The subgrant was reauthorized by the Commission at the September 21, 2022, meeting and was announced on April 10, 2023. Municipalities that have transitioned to a wi.gov or .gov domain during the grant project period (August 24, 2021, to January 31, 2024) are eligible for reimbursement of up to \$600 in related expenses.

- \$190,000 has been disbursed to over 370 municipalities to assist with the transition to a .gov or wi.gov domain.
- Commission staff are currently processing the final requests submitted through January 31, 2024.

Trusted .gov Domain statistics

.gov Domains in use by WI localities	January 2022	January 2024	Percentage Increase
.wi.gov	139	415	299%
.gov	80	560	700%
Total	219	975	445%

Note: January 2022 data counts derived from wi.gov and .gov domains in WisVote, wi.gov service requests, subgrant requests and DOA/DET reporting. January 2024 data counts from DOA/DET reporting (estimated) and complete list of .gov domains at get.gov/data.

TRAINING & EQUIPMENT

8. Clerk Training

Following this memorandum as Attachment 1 is a summary of initial certification, election administration, and WisVote training conducted by WEC staff, and available to clerks and their election officials, previously in The Learning Center.

On January 12, 2024, staff launched a new Learning Management System (LMS) called “ElectEd” to replace The Learning Center. ElectEd has numerous built-in activity options that allow for different types of interactions for users. This reduces the number of “passive” training activities and is intended to improve retention of important information.

The new platform tracks training hours directly in the system, allows clerks to add and manage accounts for their own poll workers, and makes it possible for them to add training events and assign trainings to their poll workers. WEC staff can also see which trainings are being accessed and completed most frequently. To date, there are approximately 7,500 users with accounts (clerks, deputies, and poll workers) and the most accessed trainings are in the poll worker series.

The WEC training team continues to use feedback from the clerks about topics where they need more training and how they feel they learn best to inform decisions about training offerings in the future. For example, clerks frequently ask for additional training on absentee voting processes. Staff are therefore evaluating existing offerings to determine what might be missing, how they could be bundled in a way that clerks can find them, and whether new trainings need to be created.

Commission staff provided focused election training through the election administration training series. Recent webinars included “What to Expect in a Polling Place Survey,” “Back to Basics: The Photo ID Law,” and “UOCAVA and You,” targeted to clerks with active military and overseas voters.

Election administration staff provided the Commission with proposed revisions to several manuals, including the Election Day and Election Administration manuals. The Commission reviewed several outstanding questions about election procedures and court decisions at its January 24, 2024 meeting.

In November, Commission staff conducted a clerk-trainer class and certified eleven experienced and qualified county and municipal clerks to deliver Baseline Chief Inspector training locally.

December 31, 2023 marked the end of the 2022-2023 training term for municipal clerks. Training requirements for municipal clerks are mandated by Wis. Stat. 7.15(1m), 7.315 and EL Admin Code Ch. 12. Municipal clerks must take and report at least six hours of election training to the Wisconsin Elections Commission each 2-year training term.

The clerk training hours report was posted to the agency website starting in May 2023 and updated frequently. Clerks were advised to check the list, compare their records with the WEC’s and update any deficiencies or omissions they found. Staff also directly contacted municipal clerks by email

who had reported fewer than the minimum of six hours of training on two occasions, starting in mid-December 2023.

WEC staff employed a variety of methods to inform locally appointed or elected municipal clerks about clerk certification requirements and training resources during the 2022-2023 term to encourage and motivate compliance with training and reporting requirements. These efforts included the WEC's New Clerks Checklist and the detailed discussion of training certification requirements, resources, and website links during live election administration webinars. The webinars are recorded and posted on the training website for on-demand viewing.

WEC staff presented information about certification requirements and training resources at the Wisconsin Municipal Clerks Association annual conference in August 2023, the Wisconsin Towns Association annual convention in October 2023 and Clerks Institute training sessions.

In other communications, staff provided training memos in website clerk communications, training deadline reminders in bi-weekly WEC newsletters starting in May 2023 and requested assistance from the 72 county clerks to notify clerks in their respective counties of incomplete training records via personal contacts, training sessions and other communications.

As directed by the Commission, Commission staff sent a letter to the senior representative in 250 municipalities at the end of January to inform them their clerk had not reported sufficient training for the 2022-2023 term. The letter provided information regarding state statutory training requirements, the importance of training for conducting an effective election and outlined the training the clerk needed to take and report to the WEC to be compliant with state law. The letter recommended the clerk take and report the three-hour Municipal Clerk Core Training class, plus three hours of election training, for a total of six hours, by the clerk's first election in 2024.

9. Badger Book Program

As the Badger Book program approaches the 2024 election cycle, 302 of the 1,850 municipalities in Wisconsin will be using Badger Books as a tool to help administer elections. While this may only account for 17% of the municipalities in Wisconsin, those municipalities are home to over 40% of the state's registered voters.

As was previously reported, staff spent a significant amount of 2023 focused on program changes and improvements ahead of the General Election cycle. This includes refreshing existing training offerings, development of enhancements to the existing Badger Book application, and researching alternative hardware solutions for future users.

Training was a major focus in 2023. The Badger Book training team, consisting of 10 staff members, spent 3 weeks in October and November training 572 clerks and chief inspectors, consisting not only of new users from those 95 municipalities mentioned above, but also clerks who have taken new jobs in Badger Book municipalities, county clerks wishing to support their municipal clerks on the e-pollbook functions and processes, and veteran Badger Book users on the subject of advanced troubleshooting.

Staff also conducted Train-the-Trainer sessions to certify veteran Badger Book clerks to offer training to other new municipalities in the hopes those trainers can assist with the effort of

onboarding in the future. There are now 36 certified trainers statewide, all of whom have proven to be instrumental in the program's continued growth.

The team also continues to monitor the status of each participating municipality's Memorandum of Understanding (MOU), a document that codifies the relationships between and expectations of both the WEC and the municipality using Badger Books. At time of writing, 239 of the 302 active Badger Book municipalities have returned a signed copy of the MOU. As each municipality must submit a complete MOU prior to being able to generate an election file for use on their Badger Books, staff will be reaching out to users who have not yet done so ahead of the February and April elections.

A software update for existing users was released in late November. This update included improvements to the user interface that voters and election workers interact with on Election Day as well as a variety of quality-of-life improvements for clerks, including more robust post-election reports and WisVote processes. Staff continue to work with municipalities to ensure all devices are updated prior to use in an election. An optional update will be made available later this year for municipalities that are required to have certain materials available in Spanish at their polling places. This update will display all voter-facing functions on the Badger Book in Spanish and allow the user to toggle between English and Spanish at any time.

The team is still working to define the structure and future growth of the Badger Book program, with the major focus being on ensuring the program can grow sustainably for years to come. Hardware availability, however, continues to be an issue preventing this growth. At time of writing, the current iteration of the Badger Book hardware, the HP Elite 141, is no longer being produced by HP and existing vendor stock has been depleted. Staff is working with HP and PDS, the third-party vendor that sells Badger Books to municipalities, to identify a new iteration of the hardware. This process requires significant in-house testing of possible hardware solutions and is ongoing. When the new iteration of the hardware is confirmed, PDS will then be able to fill existing orders for both new and existing Badger Book customers.

Staff will be separately reporting to the Commission on three areas of research, i.e., hardware and support solutions from third-party vendors, internet connectivity for existing hardware, and minimum training requirements, at the Commission's March meeting.

10. Voting Technology

The voting equipment team spent 2023 focusing on certification test campaigns for six systems submitted by four election vendors.

- Election Systems & Software: EVS 6.0.6.0 and EVS 6.0.7.0
- Dominion Voting Systems: Democracy Suite 5.17 and Democracy Suite 5.17S
- Clear Ballot Group: ClearVote 2.3
- Hart InterCivic: Verity Voting 2.7

Of the six campaigns identified above, five have been presented to the Commission and have received approval for sale and use in Wisconsin. Information regarding Hart InterCivic's Verity Voting 2.7 system will be presented to the Commission as a stand-alone memo at a future meeting.

In addition to the certification events, staff also reviewed a series of Engineering Change Orders (ECOs) submitted by system vendors. Following staff review, a recommendation for approval was sent to the WEC Administrator and Chair for each ECO. Approval was granted for all three and approval documentation was sent to the vendors immediately on:

- ES&S ECO 1155
- Clear Ballot Group ECO 13406
- Clear Ballot Group ECO COTS-117

COMMUNICATIONS

11. Outreach

Newsletter

By the time the Commission meets, the newsletter team will have published Volume IV, Issue II of its biweekly clerk newsletter. Commission staff continue to write stories about municipal and county clerks as a regular feature in the newsletter and have also worked to streamline editorial processes to promote accuracy. In early 2024, Commission staff are communicating with local election officials to solicit feedback on the newsletter product regarding what role it should have alongside the WEC's other clerk communication methods.

Voter Outreach Events

Administrator Wolfe has continued to prioritize public appearances to provide information to Wisconsinites about how their election system works, and to take questions. During these events, voters learn about the roles of state, county, and municipal election officials, and the various ways the election system is secured.

Over the past several months, Administrator Wolfe and other Commission staff have attended community engagement events in Chippewa Falls, La Crosse, Wisconsin Dells, and Waupaca that were sponsored by nonpartisan civic groups.

In the coming months, WEC staff look forward to community engagement events in eastern and northwestern Wisconsin. Administrator Wolfe and/or Commission staff plan to continue engaging in these events throughout the year and hope to engage with communities and local election officials across the state through a variety of other opportunities in 2024.

Style Guide

Public Information Office staff continue to develop a style guide to provide improved consistency in agency meeting materials and other official communications. We hope to provide more detailed information on this project in the next staff update.

Media

In the new year, the public information office has seen an uptick in requests for interviews and information from members of the news media.

Additionally, since the November regular Commission meeting, the PIO office has distributed news releases to media members: a fact check on Nov. 7 regarding false claims about the WEC and Administrator Wolfe; a statement on Dec. 28 announcing action taken on a §5.06 complaint, Kirk C. Bangstad v. Don Millis et al, along with general information about the WEC complaint process, due to heightened media interest in this complaint; and a statement on Jan. 3 announcing that WEC staff completed initial review of Spring 2024 candidate materials.

12. Elections Help Desk & Customer Service

The Elections Help Desk staff is supporting more than 2,230 active WisVote users while also answering calls and emails from the public and election officials. Staff are monitoring state enterprise network and data center changes and status, processing voter cancelations and voter address verification postcards. Help Desk staff has been serving on and assisting with various projects and development teams. Staff continues to maintain WisVote user and clerk listserv email lists and contact information and administer WEC’s O365 email system. The staff continues to administer the WisVote Active Directory system and the Elections Learning Center, which is changing to ElectEd in January and maintaining system security.

In October our operating systems were upgraded to Windows 11 and 21 older laptops were replaced that could not be upgraded to Windows 11. The Help Desk staff also routinely make clerk updates when they occur to ensure accurate information in WisVote. The agency’s use of Zendesk has helped improve communications to clerks and voters in a timely matter. This platform was adopted over many months and directly addresses a recommendation from the Legislative Audit Bureau.

Customer Service Call Volume

November 2023	814
December 2023	893
January 2024 (1 st – 21 st)	1,085
Total for Reporting Period	2,792

Customer Service Email Volume elections@wi.gov

November 2023	2,829
December 2023	3,795
January 2024 (1 st – 21 st)	3,225
Total for Reporting Period	9,849

Address Verification Postcards Mailed

November 2023	5,999
December 2023	3,201
January 2024 (1 st - 21 st)	7,649
Total for Reporting Period	16,849

Voter Cancellations Received by Email

November 2023	75
December 2023	58
January 2024 (1 st -21 st)	25
Total for Reporting Period	158

ADMINISTRATION

The WEC financial staff has performed the following financial services activities since the November 2, 2023, Staff Update to the Commission:

- Staff has continued to process the disbursement of federal Election Security grant funds through the .gov municipal subgrant, Accessible Voting Equipment subgrant, and the Absentee Ballot Redesign subgrant and follow up each disbursement with an email confirmation of expected funds and an award letter.
- On November 15, 2023, staff renewed our federal System for Award Management (SAM.gov) registration.
- On November 20, 2023, staff submitted our agency’s Schedule of Expenditures of Federal Awards (SEFA) report and certification to the Wisconsin State Controller’s Office (SCO).
- On November 21, 2023, staff uploaded subgrant award information to comply with the Federal Funds Accountability and Transparency Act (FFATA).
- On November 29, 2023, staff submitted to the SCO our report on Non-Federal Gift and Grant Expenditures, pursuant to Wis. Stats. 20.907(1m).
- On December 28, 2023, staff submitted to the U.S. Election Assistance Commission (EAC) our HAVA Election Security federal grant’s annual Federal Financial Report (FFR), cumulatively covering through September 30, 2023, and the annual Progress Report, covering the federal fiscal year, October 1, 2022 through September 30, 2023.
- On January 5, 2024, staff submitted to the SCO our 1099 non-employment payments review and adjustments.

In addition, staff has performed the following monthly:

- Staff continued to perform and submit to the SCO scheduled month-end close queries, inquiries, and reports. Staff conducted the necessary adjusting entries to resolve any discrepancies.
- Staff continued to validate Wisconsin Department of Administration (DOA)’s monthly Diverse Spend Reports.

- Staff continued to participate in monthly DOA virtual user group webinars pertaining to Project Costing, Accounts Receivable and Billing, Accounts Payable, Travel and Expenses, and Asset Management.
- Staff continued to participate in the virtual PCard Administrators Group to discuss issues pertaining to the Wisconsin Purchasing Card (PCard) and in the State Agencies Purchasing Council (SAPC) to discuss procurement topics and updates.
- Staff continued to participate in the Financial Leadership Council meetings at SCO.

13. Procurements

The following eight Purchase Orders totaling \$174,539.91 have been processed since the November 2, 2023, Staff Update to the Commission:

- A \$69,892.47 Purchase Order was written to Carahsoft Technology Corp. for Northern 360 website extended support services.
- A \$40,824.00 Purchase Order was written to CDW Government Inc. for RSA SecurID authentication manager subscription.
- A \$490.73 Purchase Order was written to Insight Public Sector for Topaz Photo AI and Video AI license subscriptions.
- A \$6,995.00 Purchase Order was written to Articulate Global Inc. for Articulate 360 Teams subscription.
- A \$111.01 Purchase Order was written to Insight Public Sector for Topaz Systems Gigapixel AI license subscription.
- A \$51,934.70 Purchase Order was written to SHI International for SQL Server Enterprise Core.
- A \$3,456.00 Purchase Order was written to the WI Department of Corrections for polling place accessibility supplies.
- A \$836.00 Purchase Order was written to Paragon Development Systems for Voyager Focus UC Stereo Headsets for staff use.

All purchases accurately followed the Wisconsin State Procurement Process.

14. Meetings and Presentations

WEC staff attended the following events in the four months preceding this meeting of the Commission:

November 6-10, 2023	Badger Book Training in Northern Wisconsin Absentee Certificate Envelope Usability Testing
November 7, 2023	WI-ISAC Cybersecurity Meeting
November 8, 2023	U.W. Green Bay Municipal Clerk's Institute Training
November 15, 2023	National Association of Secretaries of State IT Meeting Badger Book Clerk Trainer Program Meeting
November 16, 2023	Homeland Security Cybersecurity Committee Meeting
November 20, 2023	EI-ISAC Meeting
November 29, 2023	WMCA District 5 Conference
December 5, 2023	WI-ISAC Cybersecurity Meeting
December 6, 2023	State IT Director's Conference
December 8, 2023	Wisconsin County Clerk's Association Committee Meeting ERIC Board of Directors Meeting
January 2, 2023	WI-ISAC Cybersecurity Meeting Presidential Preference Selection Committee Meeting
January 3, 2024	Disability Vote Coalition Meeting State IT Directors Council Meeting
January 10, 2024	Photo ID Webinar for Clerks
January 18, 2024	Homeland Security Cybersecurity Committee Meeting
January 24, 2024	UOCAVA Webinar for Clerks

ATTACHMENT #1

Wisconsin Elections Commission’s Training Initiatives
11/3/2023 – 2/8/2024

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years. MCT Core class is available in the WisVote Learning Center and in-person training classes with certified clerk-trainers.	3 hours	All municipal clerks are required to take the training; other staff may attend. Clerks may attend refresher once per 2-year term.	In-Person 0 16-section online presentation with quizzes	0 194
Chief Inspector	Required training for new Chief Inspectors before they can serve as an election official for a municipality during an election. CIT Baseline class is available in the WisVote Learning Center and in-person with certified clerk-trainers.	2-3 hours	Election workers for a municipality. Current chiefs and clerks may attend refresher once per 2-year term.	In-Person 10 7-section online presentation with self-evaluation	195 201
Election Administration and WisVote Training Webinar Series	Series of programs designed to keep local government officials up to date on the administration of elections in Wisconsin.	60 + minute webinar training sessions hosted and conducted by Commission staff.	County and municipal clerks, chief inspectors, poll workers, election registration officials, and school district clerks.	12/6/2023: What to Expect in a Polling Place Review; 1/10/2024: Back to Basics, The Photo ID Law; 1/24/2024: OCAVA and You; ;1/31/2024: Contingency Planning	50 – 500 per live webinar; posted to website for clerks to use on-demand.

ATTACHMENT #1

Wisconsin Elections Commission's Training Initiatives
11/3/2023 – 2/8/2024

WisVote Training	Online training in core WisVote functions – how to navigate the system, how to add voters, how to set up elections and print poll books.	Varies	New users of the WisVote application software. Two user types, Clerk Role for full access and Data Entry Role for certain tasks.	Online	Not tracked
Clerk Conferences: December 8, 2023: Wisconsin County Clerks Elections Committee					



Wisconsin Elections Commission

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DATE: For the February 8, 2024, Commission Meeting

TO: Members of the Wisconsin Elections Commission

FROM: WEC Staff

SUBJECT: Revisions to the Polling Place Survey and Polling Place Review Plan for the 2024-2025 Election Cycle

Historical Overview of the Review Program

The Wisconsin Elections Commission has facilitated over 3,300 polling place accessibility reviews since 2010. These site visits have identified thousands of accessibility issues that could impact the ability for elderly voters and voters with disabilities to vote privately and independently. The strength of this program has been both the identification of barriers to accessible voting, and education on how best to remove those barriers. This polling place review program is not required by law but is consistent with the responsibility identified under Wis Stat. §5.25(4)(a), to “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.”

After each election, review findings are reported to each municipality for each polling place visited. These reports detail any problems identified on Election Day and provide municipal clerks with suggested resolutions to these issues. Clerks are required to file a Plan of Action that addresses all concerns outlined in the audit report. Staff then review each Plan of Action and works with each municipality to ensure cost-effective and comprehensive solutions are put into place.

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

The review program was initially funded under a series of federal grant awards (HAVA 261) provided specifically to improve access to the polls for voters with disabilities. The state of Wisconsin received grant awards for nine consecutive years totaling over \$1.6 million and began expending these funds in 2008. These funds were required to be expended within five years of each award year, and the final funds were used during the 2017 fiscal year. Since the expiration of these funds occurred, a biennial allotment of \$48,300 of state funds has been made available in the agency budget. The reduction of funding and shifting agency priorities has led to a decrease in the average number of reviews conducted since 2017.

All reviews are conducted using the Polling Place Accessibility Survey that was developed with the assistance of the agency’s Accessibility Advisory Committee (AAC). In 2009, this tool was significantly expanded to ask questions based on requirements of the Americans with Disabilities Act (ADA), which are outlined in the 2010

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

ADA Standards for Accessible Design, Americans with Disabilities Act Accessibility Guidelines (ADAAG), the ADA Checklist for Polling Places, and the ADA Guide for Small Towns. In 2014, staff worked with the AAC to revise the survey to increase accuracy in data collection and increase reviewer efficiency in the field. At that time, WEC staff and AAC members also developed severity levels of high, medium, and low, which were assigned to each question. These determinations allow staff to obtain a more nuanced understanding of the accessibility of each polling place and allow staff to make more accurate suggestions to fix an identified accessibility issue at the polling place.

2024 Survey Revisions

Beginning in June 2023, the AAC met monthly with staff to revise the survey. The survey was last revised in 2014, and therefore many questions still referenced the GAB, forms that no longer exist, and voting equipment that has been de-certified by the Commission. Each meeting focused on a specific set of questions from the survey.

Prior to each meeting, staff sent committee members the set of questions to be examined along with proposed revisions. In these meetings, AAC members were given the opportunity to comment on the language of each question and its possible responses, in addition to its assigned severity level. Committee members also had the opportunity to suggest new questions for the survey. The primary goals of this revision were to 1. correct out-of-date information; 2. increase the amount of quantitative data collected; and 3. improve efficiency for reviewers. The new survey with revisions made by the AAC will be referred to as the 2024 Survey, and the previous version of the survey used from 2014 to 2023 will be referred to as the 2014 Survey.

1. **Correct Out-Of-Date Information:** GAB form numbers for required notices were updated to their equivalent EL form numbers. De-certified accessible voting equipment was removed and replaced with current models in use. The updated list of accessible voting equipment in the 2024 Survey also differentiates between ways to set up the same equipment (ex. ICX BMD vs. ICX VVPAT).

Additionally, updates were made to questions about edge protection and knee and toe clearance. The 2014 Survey only asked reviewers if edge protection or flared edges were present on a ramp if the height of the ramp was six inches or more. The ADA requires all ramps, regardless of height, to have either edge protection or flared sides. In the 2024 Survey, reviewers are prompted with a question about edge protection or flared edges for all ramps. The 2014 Survey conflated knee and toe clearance by presenting knee clearance as solely a measurement from the underside of a tabletop to the ground and presenting toe clearance as solely a measurement from the entrance to a table or booth to the back of the table or booth. The ADA's standards for knee and toe clearance both describe height and depth, and the 2024 Survey now reflects the compound measurements.

2. **Increase the Amount of Quantitative Data Collected:** The 2014 Survey asked whether elements such as doorways, paths of travel, tables, etc., complied with the standards set by the ADA. However, it did not ask the reviewer to record any specific measurements. The 2024 Survey requires reviewers to record all non-compliant measurements. For example, if a reviewer answers "no" to the question "Is the doorway at least 32 in. wide?," they will be required to enter the width of the doorway. Having quantitative data will facilitate discussions with clerks about their options in a Plan of Action in order to prevent accessibility issues in future elections. Clerks will also be able to use the quantitative data when working with their governing body or maintenance departments to complete the solutions laid out in their Plan.
3. **Improve Efficiency for Reviewers:** The most significant change to the survey is in the structure. Reviewers complete the survey on a tablet using an application developed by WEC staff. This

application branches the survey questions, so questions presented to a reviewer are based on how the reviewer answered previous questions. In order to capture the full array of what a polling place can look like, the survey historically began with a setup section. The setup section divided the polling place into five zones: parking area, exterior route, entrance, interior route, and voting area. Each zone had a list of possible physical structures that could be in the polling place, such as a parking lot, a ramp, an elevator, etc. The reviewer chose the structures that they saw at the polling place, and they were only presented with relevant questions. Having this setup section before the survey meant reviewers were walking through the polling place twice; once to set up the survey and again to answer the questions. In this revision, the setup style questions that determine the branching are integrated into the main body of questions for the zone, so a reviewer only needs to walk through the polling place once. This will allow reviewers to minimize the amount of time spent at each polling place and to visit more polling places on Election Day.

Members of the AAC chose to add two new questions about data not included in the 2014 survey. The first is about curbside voting. Under Wis. Stat. §6.82(1)(a), electors who are unable to enter the polling place as a result of disability are permitted to cast their ballot at the entrance of the polling place. The statute prescribes the method by which this occurs; however, it does not stipulate how voters are to be made aware of this option. To better understand what curbside voting looks like at polling places across the state, the AAC added the following question to the end of the parking section of the survey.

Does the polling place provide curbside voting to voters who are eligible?

- Yes, the polling place has a designated parking space with instructions for curbside voting.
- Yes, the polling place has a designated parking space for curbside voting but no instructions.
- Yes, the polling place has instructions for curbside voting in the parking lot.
- Yes, the polling place has instructions for curbside voting at the entrance.
- Yes, a greeter is stationed to assist voters trying to vote curbside.
- Yes, poll workers know that voters who are unable to enter the polling place as a result of disability are permitted to cast their ballot at the entrance, but there are no instructions posted at the polling place.
- No, poll workers do not provide curbside voting to voters who are unable to enter the polling place as a result of disability.

Describe the instructions:

Reviewers will be trained to ask the chief inspector about the polling place's curbside voting process if there are no signs or instructions posted. Reviewers will be trained to take pictures of instructions for curbside voting and have the opportunity to leave additional notes in the survey. The only response that will result in a non-compliant finding on the report to the clerk is if the chief inspector says they do not offer curbside voting or if they are unaware of curbside voting altogether. This question was assigned a high severity level by committee members.

The other new question is about greeters. Staff recommend stationing a greeter at the entrance of a polling place to help voters open heavy doors and alert election inspectors if a voter wants to vote curbside; however, polling places are not required to have a greeter. Members of the AAC believe that greeters are helpful for wayfinding and that they improve the overall accessibility of a polling place. The AAC added the following question to the end of the entrance section of the survey to start collecting data on the use of greeters.

Is a greeter stationed at the accessible entrance?

- Yes.
- No.

Reviewers will be trained to watch for a greeter while they answer the rest of the accessible entrance section of the survey. If a greeter is not present at any point in the 5-7 minutes that it takes to complete the section, the reviewer will answer that a greeter was not stationed at the accessible entrance. Neither response to this question will result in a non-compliant finding on the report to the clerk.

The complete 2024 Survey and 2014 Survey follow this memo. We plan to start using the 2024 Survey at the Spring Primary on February 20, 2024.

2024-2025 Polling Place Review Plan

In 2022-2023, the Polling Place Review Program completed 560 polling place reviews during five statewide elections, a partial spring primary, and two special elections. Part of the success of the program in that election cycle was due to the availability of unused funds from the 2020-2021 election cycle when only 46 reviews were conducted due to the COVID-19 pandemic. For the 2024-2025 cycle, our goal is to conduct a total of 500 polling place reviews, with 95 reviews being conducted during each of the five statewide elections and 25 reviews being conducted in the partial spring primary. If there are any special elections that use at least 10 polling places, we will conduct additional reviews there.

To meet our goal, we will recruit temporary staff from the staffing agencies on the state contract and continue our partnership with Disability Rights Wisconsin (DRW). Temporary staff receive two days of in-person training from WEC staff. The first day of training walks reviewers through all of the questions in the survey, providing example photographs from previous reviews to facilitate discussion. The second day of training begins with tutorials on how to use the tablet that the surveys are completed on and other equipment. In the latter half of the day, reviewers conduct a practice review of a mock polling place provided by the city of Madison.

Returning temporary staff who worked the 2023 Spring Election and at least two other elections in the 2022-2023 election cycle have the option to complete their training virtually. The virtual training consists of videos of the presentations used on the first day of in-person training, which walk through all of the survey questions, and a video on how to use the tablet. Volunteers from DRW complete part of their training virtually and join the temporary staff for one day of in-person training. They are required to watch the videos on the survey questions before attending the second day of in-person training where they learn how to use the tablet and other equipment and complete the mock polling place exercise. All reviewers attend a virtual review session the Monday before the election in which staff reviews the process for conducting a review and answers questions. On Wednesday following the election, staff holds a debrief session where reviewers identify trends and provide feedback on the program.

Recommended Motion:

The Commission approves the use of the 2024 Survey and the polling place review plan for the 2024-2025 election cycle.

2024 POLLING PLACE SURVEY REVISIONS

ZONE 1: PARKING

SECTION 1A: PARKING – OFF STREET

1000. Is there off-street parking?
a. Yes. [Go to #1001.]
b. No. [Go to #1035.]
1001. Does the parking lot have ground markings/stripes?
a. Yes. [Go to #1002.]
b. No. [Go to #1003.]
1002. List the total number of parking spaces:¹
[Go to #1004.]
1003. How many vehicles can park in the parking area?² (MEDIUM)
[Go to #1004.]
1004. List the number of marked van accessible spaces:³ (MEDIUM)
[If "0" go to #1015. If > 0 go to #1005.]
1005. Does the van accessible space(s) have a sign indicating it is van accessible and include the universal symbol of accessibility?⁴ (LOW)
a. Yes. [Go to #1006.]
b. No, it does not have a sign. [Go to #1008.]
c. No, the sign does not indicate it is van accessible. [Go to #1006.]
d. No, the sign does not include the universal symbol of accessibility. [Go to #1006.]
1006. Is the van accessible parking sign clearly visible and is the bottom of the sign at least 60 in. above the ground?⁵ (MEDIUM)
a. Yes. [Go to #1008.]
b. No, the sign is faded, obstructed, or otherwise illegible. [Go to #1008.]
c. No, the sign is posted too low. [Go to #1007.]
1007. Height of van accessible sign:
[Go to #1008.]
1008. Does the van accessible space(s) have a marked access aisle?⁶ (MEDIUM)
Note: A temporary access aisle marked with cones is sufficient.
a. Yes, to the right of the space. [Go to #1009.]
b. Yes, to the left of the space. [Go to #1009.]
c. No, the access aisle is not marked. [Go to #1009.]

¹ 2010 ADA Standards for Accessible Design §208.2

² 2010 ADA Standards for Accessible Design §208.2

³ 2010 ADA Standards for Accessible Design §208.2.4

⁴ 2010 ADA Standards for Accessible Design §502.6

⁵ 2010 ADA Standards for Accessible Design §502.6

⁶ 2010 ADA Standards for Accessible Design §502.3.3

d. No, it does not have an access aisle. [Go to #1011.]

1009. Is the van accessible space(s) either 8 ft. wide with an 8 ft. wide access aisle or 11 ft. wide with a 5 ft. wide access aisle?⁷ (MEDIUM)

a. Yes. [Go to #1012.]

b. No. [Go to #1010.]

1010. Width of the access aisle for the van accessible parking space:
[Go to #1011.]

1011. Width of the van accessible parking space:
[Go to #1012.]

1012. Does the van accessible space have at least 8 ft. 2 in. of unobstructed vertical clearance for the vehicle route to the space, the parking space, the access aisle and along the vehicle route to the exit?⁸
(MEDIUM)

a. Yes. [Go to #1014.]

b. No. [Go to #1013.]

1013. Height of vertical clearance along the van accessible driving route at its lowest point:
[Go to #1014.]

1014. Is the van accessible space and its access aisle on stable, firm, slip-resistant ground and relatively free of cracks?⁹ (MEDIUM)

a. Yes. [Go to #1015.]

b. No. [Go to #1015.]

1015. List the number of marked standard accessible spaces:
[If 0 go to #1026. If >0 go to #1016.]

1016. Does the standard accessible space(s) have a sign with the universal symbol of accessibility?¹⁰
(LOW)

a. Yes. [Go to #1017.]

b. No, the sign does not include the universal symbol of accessibility. [Go to #1017.]

c. No, it does not have a sign. [Go to #1019.]

1017. Is the sign for the standard accessible space clearly visible and is the bottom of the sign at least 60 in. above the ground?¹¹ (LOW)

a. Yes. [Go to #1019.]

b. No, the sign is faded, obstructed, or otherwise illegible. [Go to #1019.]

c. No, the sign is posted too low. [Go to #1018.]

1018. Height of the standard accessible parking sign:
[Go to #1019.]

⁷ 2010 ADA Standards for Accessible Design §502.2, 502.3.1, 502.3.2

⁸ 2010 ADA Standards for Accessible Design §502.5

⁹ 2010 ADA Standards for Accessible Design §302.1

¹⁰ 2010 ADA Standards for Accessible Design §502.6

¹¹ 2010 ADA Standards for Accessible Design §502.6

1019. Does the standard accessible space have a marked access aisle?¹² (MEDIUM)

Note: A temporary access aisle marked with cones is sufficient.

- a. Yes. [Go to #1020.]
- b. No, the access aisle is not marked. [Go to #1020.]
- c. No, it does not have an access aisle. [Go to #1022.]

1020. Is the standard accessible space(s) at least 8 ft. wide with an access aisle that is at least 5 ft. wide?¹³ (MEDIUM)

- a. Yes. [Go to #1023.]
- b. No. [Go to #1021.]

1021. Width of the access aisle for the standard accessible parking space:
[Go to #1022.]

1022. Width of the standard accessible parking space:
[Go to #1023.]

1023. Is the standard accessible space and its access aisle on stable, firm, slip-resistant ground and relatively free of cracks?¹⁴ (MEDIUM)

- a. Yes. [Go to #1024.]
- b. No. [Go to #1024.]

1024. Are the accessible parking spaces located on the shortest accessible route to the accessible entrance for voters?¹⁵ (MEDIUM)

- a. Yes. [Go to #1025.]
- b. No. [Go to #1025.]

SECTION 1B: PARKING – OFF STREET CURB CUT/RAMP

1025. Is there a change in level between the accessible parking spaces and the beginning of the accessible pathway?

- a. Yes, there is a curb between the accessible spaces and the accessible pathway, and a curb cut is provided. [Go to #1026.]
- b. Yes, there is a curb between the accessible spaces and the accessible pathway, and a temporary ramp is provided. [Go to #1028.]
- c. Yes, there is a curb between the accessible spaces and the accessible pathway, but no curb cut is provided. (HIGH) [Go to #1054.]
- d. No, there is no change in level between the accessible parking spaces and the beginning of the accessible pathway. [Go to #1054.]

1026. Is the curb cut at least 36 inches wide, excluding flared sides?¹⁶ (HIGH)

- a. Yes. [Go to #1028.]
- b. No. [Go to #1027.]

¹² 2010 ADA Standards for Accessible Design §502.3.3

¹³ 2010 ADA Standards for Accessible Design §502.2, 502.3.1, 502.3.2

¹⁴ 2010 ADA Standards for Accessible Design §302.1

¹⁵ 2010 ADA Standards for Accessible Design §208.3.1

¹⁶ 2010 ADA Standards for Accessible Design §403.5.1

1027. Width of the curb cut in the off street parking area (excluding flared sides):

[Go to #1028.]

1028. Is the slope of the curb cut less than or equal to 8%?¹⁷ (MEDIUM)

a. Yes. [Go to #1054.]

b. No. [Go to #1029.]

1029. Slope of the curb cut in the off street parking area:

[Go to #1030.]

1030. Is the temporary ramp at least 36 in. wide?¹⁸ (HIGH)

a. Yes. [Go to #1032.]

b. No. [Go to #1031.]

1031. Width of the temporary ramp in the off street parking area:

[Go to #1032.]

1032. Is the slope of the temporary ramp less than or equal to 8%?¹⁹ (MEDIUM)

a. Yes. [Go to #1034.]

b. No. [Go to #1033.]

1033. Slope of the temporary ramp in the off street parking area:

[Go to #1034.]

1034. Does the temporary ramp have a non-slip surface?²⁰ (LOW)

Note: If the ramp surface has ridges or coarse non-slip tape, mark Yes. If the ramp surface is smooth, mark No.

a. Yes. [Go to #1035.]

b. No. [Go to #1035.]

1035. Does the temporary ramp in the off street parking area have edge protection of at least 2 in.?²¹ (LOW)

a. Yes. [Go to #1054.]

b. No. [Go to #1054.]

SECTION 1C: PARKING – ON STREET

1036. Is there on-street parking?

a. Yes. [Go to #1037.]

b. No. [Go to #1054.]

1037. List the number of marked accessible spaces on the street:²² (LOW)

[If “0”, go to #1054. If > 0, go to #1038.]

¹⁷ 2010 ADA Standards for Accessible Design §405.2

¹⁸ 2010 ADA Standards for Accessible Design §403.5.1

¹⁹ 2010 ADA Standards for Accessible Design §405.2

²⁰ 2010 ADA Standards for Accessible Design §302.1

²¹ 2010 ADA Standards for Accessible Design §405.9

²² 2010 ADA Standards for Accessible Design §208.2

1038. Does the standard accessible space have a sign with the universal symbol of accessibility?²³ (LOW)
- Yes. [Go to #1039.]
 - No, it does not have a sign. [Go to #1041.]
 - No, the sign does not include the universal symbol of accessibility. [Go to #1039.]

1039. Is the sign for the standard accessible space clearly visible and is the bottom of the sign at least 60 in. above the ground?²⁴ (LOW)
- Yes. [Go to #1041.]
 - No, the sign is faded, obstructed, or otherwise illegible. [Go to #1041.]
 - No, the sign is posted too low. [Go to #1040.]

1040. Height of the accessible parking sign:
[Go to #1041.]

1041. Is the accessible parking space on stable, firm, slip-resistant ground and relatively free of cracks?²⁵ (MEDIUM)
- Yes. [Go to #1042.]
 - No, the ground is dirt, grass, gravel, or sand. [Go to #1042.]
 - No, the ground has many cracks. [Go to #1042.]

1042. Are the accessible parking spaces located on the shortest accessible route to the accessible entrance for voters?²⁶ (MEDIUM)
- Yes. [Go to #1043.]
 - No. [Go to #1043.]

SECTION 1C: PARKING – ON STREET CURB CUT/RAMP

1043. Is there a change in level between the accessible parking spaces and the beginning of the accessible pathway?
- Yes, there is a curb between the accessible spaces and the accessible pathway, and a curb cut is provided. [Go to #1044.]
 - Yes, there is a curb between the accessible spaces and the accessible pathway, and a temporary ramp is provided. [Go to #1048.]
 - Yes, there is a curb between the accessible spaces and the accessible pathway, but no curb cut is provided. (HIGH) [Go to #1054.]
 - No, there is no change in level between the accessible parking spaces and the beginning of the accessible pathway. [Go to #1054.]

1044. Is the curb cut at least 36 in. wide, excluding flared sides?²⁷ (HIGH)
- Yes. [Go to #1046.]
 - No. [Go to #1045.]

1045. Width of the curb cut in the on street parking area (excluding flared sides):
[Go to #1046.]

²³ 2010 ADA Standards for Accessible Design §502.6

²⁴ 2010 ADA Standards for Accessible Design §502.6

²⁵ 2010 ADA Standards for Accessible Design §302.1

²⁶ 2010 ADA Standards for Accessible Design §208.3.1

²⁷ 2010 ADA Standards for Accessible Design §403.5.1

1046. Is the slope of the curb cut less than or equal to 8%?²⁸ (MEDIUM)

- a. Yes. [Go to #1054.]
- b. No. [Go to #1047.]

1047. Slope of the curb cut in the on street parking area:

[Go to #1054.]

1048. Is the temporary ramp at least 36 in. wide?²⁹ (HIGH)

- a. Yes. [Go to #1050.]
- b. No. [Go to #1049.]

1049. Width of the temporary ramp in the on street parking area:

[Go to #1050.]

1050. Is the slope of the temporary ramp less than or equal to 8%?³⁰ (MEDIUM)

- a. Yes. [Go to #1052.]
- b. No. [Go to #1051.]

1051. Slope of the temporary ramp in the on street parking area:

[Go to #1052.]

1052. Does the temporary ramp have a non-slip surface?³¹ (LOW)

Note: If the ramp surface has ridges or coarse non-slip tape, mark Yes. If the ramp surface is smooth, mark No.

- a. Yes. [Go to #1053.]
- b. No. [Go to #1053.]

1053. Does the temporary ramp have edge protection of 2 inches or higher to prevent someone or their mobility aid from slipping off the ramp?³² (LOW)

- a. Yes. [Go to #1054.]
- b. No. [Go to #1054.]

SECTION 1D: PARKING – DROP OFF ZONE

1054. Is there a marked drop-off zone?

- a. Yes. [Go to #1055.]
- b. No. [Go to #1074.]

1055. Is there an access aisle adjacent to the pull-up area?³³

- a. Yes. [Go to #1056.]
- b. No. [Go to #1058.]

1056. Is the access aisle at least 60 in. wide and the full length of the drop-off zone?³⁴ (MEDIUM)

²⁸ 2010 ADA Standards for Accessible Design §405.2

²⁹ 2010 ADA Standards for Accessible Design §403.5.1

³⁰ 2010 ADA Standards for Accessible Design §405.2

³¹ 2010 ADA Standards for Accessible Design §302.1

³² 2010 ADA Standards for Accessible Design §405.9

³³ 2010 ADA Standards for Accessible Design §503.3

³⁴ 2010 ADA Standards for Accessible Design §503.3.1,

- a. Yes. [Go to #1058.]
- b. No, the access aisle does not extend the full length of the drop off zone. [Go to #1058.]
- c. No the width of the access aisle is less than 60 in. [Go to #1057.]

1057. Width of the access aisle for the drop off zone:

[Go to #1058.]

1058. Is there at least 9 ft. 6 in. of unobstructed vertical clearance for the vehicle route to the drop-off zone, the drop-off zone, the access aisle, and along the vehicle route to the exit?³⁵ (MEDIUM)

- a. Yes. [Go to #1060.]
- b. No. [Go to #1059.]

1059. Height of the lowest point of vertical clearance along the drop off zone driving route:

[Go to #1060.]

1060. Is the drop off zone including its access aisles on stable, firm, slip-resistant ground and relatively free of cracks?³⁶ (MEDIUM)

- a. Yes. [Go to #1061.]
- b. No, the ground is dirt, grass, gravel, or sand. [Go to #1061.]
- c. No, the ground has many cracks. [Go to #1061.]

1061. Is the slope of the drop-off zone less than or equal to 2%?³⁷ (MEDIUM)

- a. Yes. [Go to #1063.]
- b. No. [Go to #1062.]

1062. Slope of the drop off zone:

[Go to #1063.]

SECTION 1E: PARKING – DROP OFF ZONE CURB CUT/RAMP

1063. Is there a change in level between the drop-off zone and the beginning of the accessible pathway?

- a. Yes, there is a curb between the drop-off zone and the accessible pathway, and a curb cut is provided. [Go to #1064.]
- b. Yes, there is a curb between the drop-off zone and the accessible pathway, and a temporary ramp is provided. [Go to #1068.]
- c. Yes, there is a curb between the drop-off zone and the accessible pathway, but no curb cut is provided. (HIGH) [Go to #1074.]
- d. No, there is no change in level between the drop-off zone and the beginning of the accessible pathway. [Go to #1074.]

1064. Is the curb cut at least 36 in. wide, excluding flared sides?³⁸ (HIGH)

- a. Yes. [Go to #1066.]
- b. No. [Go to #1065.]

1065. Width of the curb cut in the drop off zone (excluding flared sides):

³⁵ 2010 ADA Standards for Accessible Design §503.5

³⁶ 2010 ADA Standards for Accessible Design §302.1

³⁷ 2010 ADA Standards for Accessible Design §503.4

³⁸ 2010 ADA Standards for Accessible Design §403.5.1

[Go to #1066.]

1066. Is the slope of the curb-cut less than or equal to 8%?³⁹ (MEDIUM)

- a. Yes. [Go to #1074.]
- b. No. [Go to #1067.]

1067. Slope of the curb cut in the drop off zone:

[Go to #1074.]

1068. Is the temporary ramp at least 36 in. wide?⁴⁰ (HIGH)

- a. Yes. [Go to #1070.]
- b. No. [Go to #1069.]

1069. Width of the temporary ramp in the drop off zone (excluding flared sides):

[Go to #1070.]

1070. Is the slope of the temporary ramp less than or equal to 8%?⁴¹ (MEDIUM)

- a. Yes. [Go to #1072.]
- b. No. [Go to #1071.]

1071. Slope of the temporary ramp in the drop off zone:

[Go to #1072.]

1072. Does the temporary ramp have a non-slip surface?⁴² (LOW)

Note: If the ramp surface has ridges or coarse non-slip tape, mark Yes. If the ramp surface is smooth, mark No.

- a. Yes. [Go to #1073.]
- b. No. [Go to #1073.]

1073. Does the temporary ramp have edge protection of 2 in. or higher to prevent someone or their mobility aid from slipping off the ramp?⁴³ (LOW)

- a. Yes. [Go to #1074.]
- b. No. [Go to #1074.]

SECTION 1F: PARKING – CURBSIDE VOTING

1074. Does the polling place provide curbside voting to voters who are eligible?⁴⁴ (HIGH)

- a. Yes, the polling place has a designated parking space with instructions for curbside voting. [Go to #1075.]
- b. Yes, the polling place has a designated parking space for curbside voting but no instructions.
- c. Yes, the polling place has instructions for curbside voting in the parking lot. [Go to #1075.]
- d. Yes, the polling place has instructions for curbside voting at the entrance. [Go to #1075.]
- e. Yes, a greeter is stationed to assist voters trying to access curbside.

³⁹ 2010 ADA Standards for Accessible Design §405.2

⁴⁰ 2010 ADA Standards for Accessible Design §403.5.1

⁴¹ 2010 ADA Standards for Accessible Design §405.2

⁴² 2010 ADA Standards for Accessible Design §302.1

⁴³ 2010 ADA Standards for Accessible Design §405.9

⁴⁴ Wis. Stat. §6.82(1)

- f. Yes, poll workers know they are required to provide curbside voting to voters who are eligible, but there are no instructions posted at the polling place.
- g. No, poll workers do not know they are required to provide curbside voting to voters who are eligible.

1075. Describe the instructions:

[Go to #2000.]

ZONE 2 EXTERIOR ROUTE

SECTION 2A: EXTERIOR ROUTE – GENERAL

2000. Is the exterior route at least 36 in. wide and does not narrow to not less than 32 in. for a distance no greater than 24 in.?⁴⁵ (MEDIUM)
- Yes. [Go to #2002.]
 - No. [Go to #2001.]
2001. Width of the exterior route:
[Go to #2002.]
2002. Is there a grate or grille in the exterior route?
- Yes. [Go to #2003.]
 - No. [Go to #2005.]
2003. Are the openings in the grate or grille no greater than ½ in. long in the predominant travel direction? (MEDIUM)
- Yes. [Go to #2005.]
 - No. [Go to #2004.]
2004. Length of openings in the grate or grille in the predominant travel direction:
[Go to #2005.]
2005. Is the exterior route on stable, firm, slip-resistant ground and relatively free of cracks? (MEDIUM)
- Yes. [Go to #2006.]
 - No. [Go to #2006.]
2006. Is the exterior route free of breaks, cracks or edges where the difference in height is over ½ in.?⁴⁶ (MEDIUM)
- Yes. [Go to #2007.]
 - No. [Go to #2007.]
2007. Is the slope of the exterior route less than or equal to 5%?⁴⁷ (MEDIUM)
- Yes. [Go to #2009.]
 - No. [Go to #2008.]
2008. Slope of the exterior route:
[Go to #2009.]
2009. Is the exterior route free of any protruding or hanging objects (flags, tree branches, banners) between 27 and 80 inches above the ground?⁴⁸ (MEDIUM)
- Yes. [Go to #2011.]
 - No. [Go to #2010.]
2010. Describe protrusions (optional):

⁴⁵ 2010 ADA Standards for Accessible Design § 403.5.1

⁴⁶ 2010 ADA Standards for Accessible Design § 303.4

⁴⁷ 2010 ADA Standards for Accessible Design § 402.2

⁴⁸ 2010 ADA Standards for Accessible Design § 307.2

[Go to #2011.]

2011. Is the accessible route the same as the primary route, which all voters use to enter the building?
- Yes. [Go to #2013.]
 - No. [Go to #2012.]
2012. Is the accessible exterior route clearly marked by large print signs?⁴⁹ (MEDIUM)
- Yes. [Go to #2013.]
 - No. [Go to #2013.]
2013. Is the exterior route to the polling place properly lit throughout Election Day? (MEDIUM)
- Yes. [Go to #2014.]
 - No. [Go to #2014.]
 - Unclear. [Go to #2014.]
2014. On Election Day, are exterior routes maintained and kept clear of hazards such as ice, snow, leaves, bicycles, trash cans, etc.⁵⁰ (MEDIUM)
- Yes. [Go to #2015.]
 - No. [Go to #2015.]

SECTION 2B: EXTERIOR ROUTE – CURB CUT/RAMP

2015. Is accessible exterior route interrupted by a change in level?
- Yes, the exterior route is interrupted by a curb on the way to the building (but not the curb at the parking lot), and a curb cut is provided. [Go to #2016.]
 - Yes, the exterior route is interrupted by steps on the way to the building (but not immediately at the entrance) and a ramp is provided.
Note: A ramp is used when steps break the exterior accessible route to the building. It is not a sloping sidewalk, nor is it a ramp directly connected to the accessible entrance. [Go to #2020.]
 - Yes, there is a curb or steps in the exterior accessible route, but no curb cut or ramp is provided. (HIGH) [Go to #3000.]
 - No, the exterior route is not interrupted by any curbs or steps on the way to the building. [Go to #3000.]
2016. Is the curb cut at least 36 in. wide, excluding flared sides?⁵¹ (LOW)
- Yes. [Go to #2018.]
 - No. [Go to #2017.]
2017. Width of the curb cut in the exterior route (excluding flared sides):
[Go to #2018.]
2018. Is the slope of the curb cut less than or equal to 8%?⁵² (MEDIUM)
- Yes. [Go to #3000.]
 - No. [Go to #2019.]
2019. Slope of the curb cut in the exterior route:

⁴⁹ 2010 ADA Standards for Accessible Design § 216.3; ADA Title II Regulations § 35.163

⁵⁰ 2010 ADA Standards for Accessible Design § 403.5.1

⁵¹ 2010 ADA Standards for Accessible Design § 405.5

⁵² 2010 ADA Standards for Accessible Design § 405.2

[Go to #3000.]

2020. Is the ramp at least 36 in. wide?⁵³ (HIGH)

- a. Yes. [Go to #2022.]
- b. No. [Go to #2021.]

2021. Width of the ramp in the exterior route (excluding flared sides):

[Go to #2022.]

2022. Is the slope of the ramp less than or equal to 8%?⁵⁴ (MEDIUM)

- a. Yes. [Go to #2024.]
- b. No. [Go to #2023.]

2023. Slope of the ramp in the exterior route:

[Go to #2024.]

2024. Does the ramp have a non-slip surface? (LOW)

Note: If the ramp surface has ridges or coarse non-slip tape, mark Yes. If the ramp surface is smooth, mark No.⁵⁵

- a. Yes. [Go to #2025.]
- b. No. [Go to #2025.]

2025. Does the ramp have edge protection of 2 in. or higher to prevent someone or their mobility aid from slipping off the ramp?⁵⁶ (LOW)

- a. Yes. [Go to #2026.]
- b. No. [Go to #2026.]

2026. Is the top of the ramp more than 6 inches above the ground:

- a. Yes. [Go to #2027.]
- b. No. [Go to #3000.]

2027. Does the ramp have a mounted handrail where the top of the rail is between 34 and 38 in. above the ramp surface?⁵⁷ (MEDIUM)

- a. Yes [Go to #3000.]
- b. No, the handrail is not between 34 and 38 in. above the ramp surface. [Go to #2028.]
- c. No, the ramp does not have a handrail. [Go to #3000.]

2028. Height of the handrail on the ramp in the exterior route:

[Go to #3000.]

⁵³ 2010 ADA Standards for Accessible Design § 405.5

⁵⁴ 2010 ADA Standards for Accessible Design § 405.2

⁵⁵ 2010 ADA Standards for Accessible Design § 302.1

⁵⁶ 2010 ADA Standards for Accessible Design § 405.9

⁵⁷ 2010 ADA Standards for Accessible Design § 405.8

ZONE 3 ACCESSIBLE ENTRANCE

SECTION 3A: ACCESSIBLE ENTRANCE – RAMP

3000. Is there a change in level between the accessible exterior route and the accessible entrance?
- Yes, there is a change in level at the accessible entrance, like a step or stairs, and there is a ramp connected directly to the accessible entrance. [Go to #3001.]
 - Yes, there is a change in level at the accessible entrance, like a step or stairs, but a ramp is not provided. (HIGH) [Go to #3013.]
 - No, the accessible exterior route is level with the accessible entrance. [Go to #3013.]
3001. Is the ramp at least 36 in. wide?⁵⁸ (HIGH)
- Yes. [Go to #3003.]
 - No. [Go to #3002.]
3002. Width of the ramp connected to the accessible entrance:
[Go to #3003.]
3003. Is the slope of the ramp connected to the accessible entrance less than or equal to 8%?⁵⁹ (MEDIUM)
- Yes. [Go to #3005.]
 - No. [Go to #3004.]
3004. Slope of the ramp connected to the accessible entrance:
[Go to #3005.]
3005. Does the ramp connected to the accessible entrance have a non-slip surface?⁶⁰ (LOW)
- Yes. [Go to #3007.]
 - No. [Go to #3006.]
3006. Describe the surface of the ramp connected to the accessible entrance (optional):
[Go to #3007.]
3007. Does the ramp connected to the accessible entrance have edge protection of 2 in. or higher to prevent someone or their mobility aid from slipping off the ramp?⁶¹ (LOW)
- Yes. [Go to #3008.]
 - No. [Go to #3008.]
3008. Is the top of the ramp more than 6 in. above the ground?
- Yes. [Go to #3009.]
 - No. [Go to #3011.]
3009. Does the ramp connected to the accessible entrance have a mounted handrail where the top of the rail is between 34 and 38 in. above the ramp surface?⁶² (MEDIUM)
- Yes. [Go to #3011.]
 - No. there is no handrail. [Go to #3011.]

⁵⁸ 2010 ADA Standards for Accessible Design § 405.5

⁵⁹ 2010 ADA Standards for Accessible Design § 405.2

⁶⁰ 2010 ADA Standards for Accessible Design § 302.1

⁶¹ 2010 ADA Standards for Accessible Design § 405.9

⁶² 2010 ADA Standards for Accessible Design § 405.8

c. No, the handrail is not between 34 in. and 38 in. above the ramp surface. [Go to #3010.]

3010. Height of the handrail on the ramp at the accessible entrance:
[Go to #3011.]

3011. Is there clear space at the top of the ramp connected to the accessible entrance that is at least as wide as the ramp and extends for at least 5 ft.?⁶³ (HIGH)
a. Yes. [Go to #3013.]
b. No. [Go to #3012.]

3012. Dimensions of level clear space at the top of the ramp:
[Go to #3013.]

3013. Is there at least 18 in. of clear space on the latch side of the door? (HIGH)
a. Yes. [Go to #3015.]
b. No. [Go to #3014.]

3014. Length of clear space on the latch side of the door:
[Go to #3015.]

SECTION 3B: ACCESSIBLE ENTRANCE – DOORWAY

3015. Does the accessible entrance have a sign showing it is accessible?⁶⁴ (HIGH)
a. Yes. [Go to #3016.]
b. No. [Go to #3016.]

3016. Is the door at the accessible entrance unlocked?⁶⁵ (HIGH)
a. Yes. [Go to #3017.]
b. No. [Go to #3017.]

3017. Is there a change in level at the threshold of the accessible entrance?⁶⁶
a. The change in level of the accessible entrance threshold is less than or equal to 1/4 in. [Go to #3021.]
b. The change in level of the accessible entrance threshold is between 1/4 in. and 1/2 in., and it is beveled. [Go to #3021.]
c. The change in level of the accessible entrance threshold is between 1/4 in. and 1/2 in., but it is not beveled. [Go to #3021.]
d. The change in level of the accessible entrance threshold is greater than 1/2 in., and a threshold ramp is provided. [Go to #3018.]
e. The change in level of the accessible entrance threshold is greater than 1/2 in., but a threshold ramp is not provided. [Go to #3021.]

3018. Is the slope of the threshold ramp less than or equal to 8%?⁶⁷ (MEDIUM)
a. Yes. [Go to #3020.]
b. No. [Go to #3019.]

⁶³ 2010 ADA Standards for Accessible Design § 405.7, 405.7.2, 405.7.3, 405.7.4

⁶⁴ ADA Title II Regulations § 35.163; 2010 ADA Standards for Accessible Design § 216.6

⁶⁵ ADA Title II Regulations § 35.133

⁶⁶ 2010 ADA Standards for Accessible Design § 404.2.5

⁶⁷ 2010 ADA Standards for Accessible Design § 405.2

3019. Slope of the threshold ramp:
[Go to #3020.]
3020. Does the threshold ramp have flared sides or edge protection of at least 2 in. to prevent someone or their mobility aid from slipping?⁶⁸ (LOW)
- Yes. [Go to #3021.]
 - No. [Go to #3021.]
3021. With the door opened to a 90° position, is the doorway at least 32 in. wide?⁶⁹ (HIGH)
- Yes. [Go to #3023.]
 - No [Go to #3022.]
3022. Width of the accessible entrance doorway:
[Go to #3023.]
3023. What type of accessible feature is used at the accessible entrance? Check all that apply.
- Automatic opener (button activation). [Go to #3024.]
 - Power assisted open (pull/push activation). [Go to #3024.]
 - Doorbell or buzzer to call for assistance. [Go to #3027.]
 - Greeter stationed at the door. [Go to #3034.]
 - No accessible features. [Go to #3028.]
3024. Is the automatic open/assisted open feature functioning properly from both inside and outside?⁷⁰ (HIGH)
- Yes. [Go to #3025.]
 - No. [Go to #3028.]
3025. Once fully opened to a 90° position, does the door take at least 5 seconds to close to a 12° position?⁷¹ (HIGH)
- Yes. [Go to #3034.]
 - No. [Go to #3026.]
3026. Length of time for door to close from a 90° position to a 12° position:
[Go to #3034.]
3027. Is the doorbell/buzzer functioning properly?⁷² (HIGH)
- Yes. [Go to #3034.]
 - No. [Go to #3028.]
3028. What type of hardware is on the accessible entrance door? Check all that apply.⁷³
- Handle. [Go to #3030.]
 - Pull. [Go to #3030.]
 - Bar. [Go to #3030.]

⁶⁸ 2010 ADA Standards for Accessible Design § 405.9

⁶⁹ 2010 ADA Standards for Accessible Design § 404.2.3

⁷⁰ 2010 ADA Standards for Accessible Design Advisory § 407.1; ADA Title II Regulations § 35.133

⁷¹ 2010 ADA Standards for Accessible Design § 404.2.8.1; ANSI/BHMA A156 § 9.1.4

⁷² 2010 ADA Standards for Accessible Design Advisory § 407.1; ADA Title II Regulations § 35.133

⁷³ 2010 ADA Standards for Accessible Design Advisory § 404.2.7

- d. Lever. [Go to #3030.]
- e. Knob. (HIGH) [Go to #3030.]
- f. Automatic sliding. [Go to #3034.]
- g. Other. [Go to #3031.]

3029. Describe other hardware:

[Go to #3030.]

3030. Are all door handles no higher than 48 in. above the ground?⁷⁴ (LOW)

- a. Yes. [Go to #3032.]
- b. No. [Go to #3031.]

3031. Height of door handles:

[Go to #3032.]

3032. Can the accessible entrance door be opened with 8.5 lbs. of force or less?⁷⁵ (HIGH)

- a. Yes. [Go to #3034.]
- b. No. [Go to #3033.]

3033. Door pressure reading:

[Go to #3034.]

3034. Is there a vestibule or second set of doors immediately inside the accessible entrance?

- a. Yes. [Go to #3035.]
- b. No. [Go to #3037.]

3035. Is there a 30 in. by 48 in. clear space between the 2 sets of doors?⁷⁶ (HIGH)

- a. Yes. [Go to #3037.]
- b. No. [Go to #3036.]

3036. Dimensions of clear space between the 2 sets of doors:

[Go to #3037.]

3037. Is a greeter stationed at the accessible entrance?

- a. Yes. [Go to #4000.]
- b. No. [Go to #4000.]

⁷⁴ 2010 ADA Standards for Accessible Design § 404.2.7

⁷⁵ 2010 ADA Standards for Accessible Design § 405.2

⁷⁶ 2010 ADA Standards for Accessible Design § 404.2.6

ZONE 4 INTERIOR ROUTE

SECTION 4A: INTERIOR ROUTE – HALLWAYS

4000. Is the voting area immediately inside the building entrance?
- Yes, when voters walk through the entrance, they are in the voting area. [Go to #5000.]
 - No, voters have to pass through one or more hallways to reach the voting area. [Go to #4001.]
4001. Is the interior route from the accessible entrance to the voting area clearly marked with a sign?⁷⁷
(MEDIUM)
- Yes. [Go to #4002.]
 - No. [Go to #4002.]
4002. Are all hallways well lit? (HIGH)
- Yes. [Go to #4003.]
 - No. [Go to #4003.]
 - Unclear. [Go to #4003.]
4003. Is the accessible interior route at least 36 in. wide and does not narrow to less than 32 inches for a distance greater than 24 in.?⁷⁸ (HIGH)
- Yes. [Go to #4005.]
 - No. [Go to #4004.]
4004. Width of the narrowest part of the accessible interior route (excluding doorways):
[Go to #4005.]
4005. Is the accessible interior route free of fixed obstacles, like tables, chairs, boxes, that narrow the path of travel to less than 36 in. wide?⁷⁹ (HIGH)
- Yes. [Go to #4007.]
 - No. [Go to #4006.]
4006. Describe obstacles in the interior route (optional):
[Go to #4007.]
4007. Is the accessible interior route free of objects or protrusions that extend more than 4 in. from the wall and are between 27 in. and 80 in. from the floor (e.g., drinking fountains, wall-mounted display cases, fire extinguishers, etc.)?⁸⁰ (HIGH)
- Yes. [Go to #4009.]
 - No. [Go to #4008.]
4008. Describe protrusion (optional):
[Go to #4009.]
4009. Are there mats or rugs on the accessible interior route?
- Yes. [Go to #4010.]
 - No. [Go to #4013.]

⁷⁷ 2010 ADA Standards for Accessible Design § 216.3

⁷⁸ 2010 ADA Standards for Accessible Design § 403.5.1

⁷⁹ 2010 ADA Standards for Accessible Design § 403.5.1

⁸⁰ 2010 ADA Standards for Accessible Design § 307.2

4010. Are mats or rugs on the accessible interior route less than 1/2 in. thick?⁸¹ (MEDIUM)

- a. Yes. [Go to #4112.]
- b. No. [Go to #4111.]

4011. Thickness of mats or rugs:
[Go to #4112.]

4012. Are mats or rugs on the accessible interior route secured to avoid a tripping hazard?⁸² (MEDIUM)

- a. Yes. [Go to #4013.]
- b. No. [Go to #4013.]

SECTION 4B: INTERIOR ROUTE – DOORWAYS

4013. Do voters pass through one or more interior doorways to reach the voting area?

- a. Yes, voters pass through one or more doorways to reach the voting area. [Go to #4014.]
- b. No, voters do not pass through any interior doorways to reach the voting area. [Go to #4032.]

4014. Are all interior doors unlocked?⁸³ (HIGH)

- a. Yes. [Go to #4015.]
- b. No. [Go to #4015.]

4015. Is there a change in level at the threshold of the interior door?⁸⁴

- a. The height of the interior door threshold is less than or equal to 1/4 in. [Go to #4019.]
- b. The height of the interior door threshold is between 1/4 in. and 1/2 in., and it is beveled. [Go to #4019.]
- c. The height of the interior door threshold is between 1/4 in. and 1/2 in., but it is not beveled. (MEDIUM) [Go to #4019.]
- d. The height of the interior door threshold is greater than 1/2 in., and a threshold ramp is provided. [Go to #4016.]
- e. The height of the interior door threshold is greater than 1/2 in., but a threshold ramp is not provided. (MEDIUM) [Go to #4019.]

4016. Is the slope of the threshold ramp less than or equal to 8%?⁸⁵ (MEDIUM)

- a. Yes. [Go to #4018.]
- b. No. [Go to #4017.]

4017. Slope of the threshold ramp:
[Go to #4018.]

4018. Does the threshold ramp have flared sides or edge protection of at least 2 in. to prevent someone or their mobility aid from slipping?⁸⁶ (LOW)

- a. Yes. [Go to #4019.]
- b. No. [Go to #4019.]

⁸¹ 2010 ADA Standards for Accessible Design § 302.2

⁸² 2010 ADA Standards for Accessible Design § 302.2

⁸³ 2010 ADA Standards for Accessible Design Advisory § 407.1; ADA Title II Regulations § 35.133

⁸⁴ 2010 ADA Standards for Accessible Design § 404.2.5

⁸⁵ 2010 ADA Standards for Accessible Design § 405.2

⁸⁶ 2010 ADA Standards for Accessible Design § 405.9

4019. With the door opened to a 90° position, is the doorway at least 32 in. wide?⁸⁷ (HIGH)
- Yes. [Go to #4021.]
 - No. [Go to #4020.]
4020. Width of the interior doorway:
[Go to #4021.]
4021. Are all interior doors propped open?
- Yes. [Go to #4032.]
 - No. [Go to #4022.]
4022. What type of accessible feature is used at the interior doorway? Check all that apply.
- Automatic opener (button activation). [Go to #4023.]
 - Power assisted open (pull/push activation). [Go to #4023.]
 - Doorbell or buzzer to call for assistance. [Go to #4026.]
 - Greeter was stationed at the door. [Go to #4032.]
 - No accessible features. [Go to #4027.]
4023. Is the electronic accessible feature functioning properly?⁸⁸ (HIGH)
- Yes. [Go to #4024.]
 - No. [Go to #4027.]
4024. Once fully opened to a 90° position, does the door take at least 5 seconds to close to a 12° position?⁸⁹ (HIGH)
- Yes. [Go to #4032.]
 - No. [Go to #4025.]
4025. Length of time for door to close from a 90° position to a 12° position:
[Go to #4032.]
4026. Is the doorbell/buzzer functioning properly?⁹⁰ (HIGH)
- Yes. [Go to #4032.]
 - No. [Go to #4027.]
4027. What type of hardware is on the interior door? Check all that apply.⁹¹
- Handle. [Go to #4028.]
 - Pull. [Go to #4028.]
 - Bar. [Go to #4028.]
 - Lever. [Go to #4028.]
 - Knob. (HIGH) [Go to #4028.]
 - Automatic sliding. [Go to #4032.]
4028. Are all door handles no higher than 48 in. from the ground?⁹² (LOW)

⁸⁷ 2010 ADA Standards for Accessible Design § 404.2.3

⁸⁸ 2010 ADA Standards for Accessible Design Advisory § 407.1; ADA Title II Regulations § 35.133

⁸⁹ 2010 ADA Standards for Accessible Design § 404.2.8.1; ANSI/BHMA A156 § 9.1.4

⁹⁰ 2010 ADA Standards for Accessible Design Advisory § 407.1; ADA Title II Regulations § 35.133

⁹¹ 2010 ADA Standards for Accessible Design § 404.2.7

⁹² 2010 ADA Standards for Accessible Design § 404.2.7

- a. Yes. [Go to #4030.]
- b. No. [Go to #4029.]

4029. Height of door handles:
[Go to #4030.]

4030. Can the interior door be opened with 5 lbs. of force or less?⁹³ (HIGH)
a. Yes. [Go to #4032.]
b. No. [Go to #4031.]

4031. Door pressure reading:
[Go to #4032.]

SECTION 4C: INTERIOR ROUTE - RAMP

4032. Is the interior route interrupted by a change in level?
a. Steps break the path of the interior route to the voting area, and a ramp is provided. [Go to #4032.]
b. Steps break the path of the interior route to the voting area, but a ramp is not provided. (HIGH) [Go to #5000.]
c. Steps or changes in level break the path of the interior route to the voting area, and an elevator is provided. [Go to #4044.]
d. Steps or changes in level break the path of the interior route to the voting area, and a wheelchair lift is provided. [Go to #4047.]

4033. Is the ramp at least 36 in. wide?⁹⁴ (HIGH)
a. Yes. [Go to #4035.]
b. No. [Go to # 4034.]

4034. Width of the ramp in the interior route:
[Go to #4035.]

4035. Is the slope of the ramp in the interior route less than or equal to 8%?⁹⁵ (MEDIUM)
a. Yes. [Go to #4037.]
b. No. [Go to #4036.]

4036. Slope of the ramp in the interior route:
[Go to #4037.]

4037. Does the ramp in the interior route have a non-slip surface?⁹⁶ (LOW)
a. Yes. [Go to #4039.]
b. No. [Go to #4038.]

4038. Describe the surface of the ramp in the interior route (optional):
[Go to #4039.]

⁹³ 2010 ADA Standards for Accessible Design § 404.2.9

⁹⁴ 2010 ADA Standards for Accessible Design § 404.2.7

⁹⁵ 2010 ADA Standards for Accessible Design § 405.2

⁹⁶ 2010 ADA Standards for Accessible Design § 302.1

4039. Does the ramp in the interior route have edge protection of 2 in. or higher to prevent someone or their mobility aid from slipping off the ramp?⁹⁷ (LOW)

a. Yes. [Go to #4040.]

b. No. [Go to #4040.]

4040. Is the top of the ramp in the interior route more than 6 in. above the ground?

a. Yes. [Go to #4041.]

b. No. [Go to #4043.]

4041. Does the ramp in the interior route have a mounted handrail where the top of the rail is between 34 and 38 in. above the ramp surface?⁹⁸ (MEDIUM)

a. Yes. [Go to #4043.]

b. No, there is no handrail. [Go to #4043.]

c. No, the handrail is not between 34 and 38 in. above the ramp surface. [Go to #4042.]

4042. Height of the handrail on the ramp in the interior route:

[Go to #4043.]

4043. Is there a level clear space at the top of the ramp that is at least as wide as the ramp and extends for at least 5 ft.⁹⁹ (HIGH)

a. Yes. [Go to #5000.]

b. No. [Go to #5000.]

SECTION 4D: INTERIOR ROUTE – ELEVATOR

4044. Is the elevator functioning properly?¹⁰⁰ (HIGH)

a. Yes. [Go to #4046.]

b. No. [Go to #4046.]

4045. Is the elevator cab at least 4 ft. x 4 ft. wide?¹⁰¹ (HIGH)

a. Yes. [Go to #4048.]

b. No. [Go to #4047.]

4046. Dimensions of the elevator cab:

[Go to #4048.]

4047. Are the elevator doors at least 36 in. wide?¹⁰² (HIGH)

a. Yes. [Go to #4050.]

b. No. [Go to #4049.]

4048. Width of elevator doors:

[Go to #4050.]

⁹⁷ 2010 ADA Standards for Accessible Design § 405.9

⁹⁸ 2010 ADA Standards for Accessible Design § 405.8

⁹⁹ 2010 ADA Standards for Accessible Design § 405.7, 405.7.3, 405.7.4

¹⁰⁰ 2010 ADA Standards for Accessible Design Advisory § 407.1; ADA Title II Regulations § 35.133

¹⁰¹ 2010 ADA Standards for Accessible Design § 407.4.1

¹⁰² 2010 ADA Standards for Accessible Design § 407.3.6

4049. Are the call buttons outside the elevator at 42 in. above the floor?¹⁰³ (HIGH)

- a. Yes. [Go to #4052.]
- b. No. [Go to #4051.]

4050. Height of call buttons outside the elevator:

[Go to #4052.]

4051. Approach for controls inside the elevator:

- a. Parallel approach. [Go to #4052.]
- b. Forward approach. [Go to #4053.]
- c. Both parallel and forward approaches are possible. [Go to #4052.]

4052. Are controls inside the elevator between 35 in. and 54 in. above the floor?¹⁰⁴ (HIGH)

- a. Yes. [Go to #4056.]
- b. No. [Go to #4055.]

4053. Are controls inside the elevator between 35 in. and 48 in. above the floor?¹⁰⁵ (HIGH)

- a. Yes. [Go to #4056.]
- b. No. [Go to #4055.]

4054. Height of controls inside the elevator:

[Go to #4056.]

4055. Are elevator controls marked with raised lettering and/or Braille?¹⁰⁶ (HIGH)

- a. Yes. [Go to #4057.]
- b. No. [Go to #4057.]

4056. Is the elevator equipped with audible tones, bells, or verbal enunciators that announce each floor as it is passed?¹⁰⁷ (HIGH)

- a. Yes. [Go to #5000.]
- b. No. [Go to #5000.]

SECTION 4E: INTERIOR ROUTE – WHEELCHAIR LIFT

4057. Is the wheelchair lift functioning properly?¹⁰⁸ (HIGH)

- a. Yes. [Go to #4058.]
- b. No. [Go to #5000.]

4058. Is there a change in level from the floor to the wheelchair lift surface?¹⁰⁹

- a. There is a change in level less than or equal to 1/4 in. [Go to #4059.]
- b. There is a change in level between 1/4 in. and 1/2 in., and it is beveled. [Go to #4060.]
- c. There is a change in level between 1/4 in. and 1/2 in., but it is not beveled. (MEDIUM) [Go to #4060.]

¹⁰³ 2010 ADA Standards for Accessible Design § 308.2.1, 308.3.1

¹⁰⁴ 2010 ADA Standards for Accessible Design § 308.2.1, 308.3.1

¹⁰⁵ 2010 ADA Standards for Accessible Design § 308.2.1, 308.3.1

¹⁰⁶ 2010 ADA Standards for Accessible Design § 407.1.1

¹⁰⁷ 2010 ADA Standards for Accessible Design § 407.2.2.1

¹⁰⁸ 2010 ADA Standards for Accessible Design Advisory § 407.1; ADA Title II Regulations § 35.133

¹⁰⁹ 2010 ADA Standards for Accessible Design § 303.2, 303.3

- d. There is a change in level greater than 1/2 in., and a threshold ramp is provided. [Go to #4060.]
 - e. There is a change in level greater than 1/2 in., but a threshold ramp is not provided. (HIGH) [Go to #4060.]
4059. Is there at least a 30 x 48inch clear floor space on the lift?¹¹⁰ (HIGH)
- a. Yes. [Go to #4062.]
 - b. No. [Go to #4061.]
4060. Dimensions of clear floor space on the lift:
[Go to #4062.]
4061. Does the lift allow a user unassisted entry/exit and independent operation?¹¹¹ (HIGH)
- a. Yes. [Go to #4064.]
 - b. No. [Go to #4063.]
4062. Describe the operation of the wheelchair lift:
[Go to #4064.]
4063. Approach for controls of the wheelchair lift:
- a. Parallel approach. [Go to #4065.]
 - b. Forward approach. [Go to #4064.]
 - c. Both parallel and forward approaches are possible. [Go to #4065.]
4064. Are controls for the wheelchair lift between 35 in. and 54 in. above the floor?¹¹² (HIGH)
- a. Yes. [Go to #4068.]
 - b. No. [Go to #4067.]
4065. Are controls for the wheelchair lift between 35 in. and 48 in. above the floor?¹¹³ (HIGH)
- a. Yes. [Go to #4068.]
 - b. No. [Go to #4067.]
4066. Height of controls inside the wheelchair lift:
[Go to #4068.]
4067. Are the controls and operating mechanisms usable with one hand without tight grasping, pinching, or twisting of the wrist?¹¹⁴ (HIGH)
- a. Yes. [Go to #5000.]
 - b. No. [Go to #4068.]
4068. Describe the controls for the wheelchair lift:
[Go to #5000.]

¹¹⁰ 2010 ADA Standards for Accessible Design § 305.3

¹¹¹ 2010 ADA Standards for Accessible Design § 410.1

¹¹² 2010 ADA Standards for Accessible Design § 308.2.1, 308.3.1

¹¹³ 2010 ADA Standards for Accessible Design § 308.2.1, 308.3.1

¹¹⁴ 2010 ADA Standards for Accessible Design § 309.44

ZONE 5: VOTING AREA

SECTION 5A: VOTING AREA – NOTICES

5000. Are ward maps and street directories posted or prominently displayed?¹¹⁵ (LOW)
- Yes. [Go to #5001.]
 - No. [Go to #5001.]
5001. Are there 2 samples of each ballot style posted?¹¹⁶ (LOW)
- Yes. [Go to #5002.]
 - No, there were some sample ballots posted, but there were not 2 samples of each ballot style. [Go to #5002.]
 - No, there were no sample ballots posted. [Go to #5002.]
5002. Is the Type B Notice Sample Ballot and Voting Instructions posted in at least 18 pt. font?¹¹⁷ (LOW)
- Yes. [Go to #5003.]
 - No, the Type B Notice was posted in a font size smaller than 18 pt. [Go to #5003.]
 - No, the Type B Notice was not posted. [Go to #5003.]
5003. Is the Type C Notice of Referendum posted in at least 18 pt. font?¹¹⁸ (LOW)
- Yes. [Go to #5004.]
 - No, the Type C Notice was posted in a font size smaller than 18 pt. [Go to #5004.]
 - No, the Type C Notice was not posted. [Go to #5004.]
 - There is no referendum on the ballot. [Go to #5004.]
5004. Is the Type D Notice Polling Place Hours and Location posted in at least 18 pt. font?¹¹⁹ (LOW)
- Yes. [Go to #5005.]
 - No, the Type D Notice was posted in a font size smaller than 18 pt. [Go to #5005.]
 - No, the Type D Notice was not posted. [Go to #5005.]
5005. Is the Election Fraud Notice (EL-111) posted in at least 18 pt. font?¹²⁰ (LOW)
- Yes. [Go to #5006.]
 - No, the EL-111 was posted in a font size smaller than 18 pt. [Go to #5006.]
 - No, the EL-111 was not posted. [Go to #5006.]
5006. Is the Notice of Crossover Voting (EL-112/EL-112m) posted in at least 18 pt. font?¹²¹ (LOW)
- Yes. [Go to #5007.]
 - No, the EL-112/EL-112m was posted in a font size smaller than 18 pt. [Go to #5007.]
 - No, the EL-112/EL-112m was not posted. [Go to #5007.]
5007. Is the Voter Qualification Poster (EL-115) posted in at least 18 pt. font?¹²² (LOW)
- Yes. [Go to #5008.]
 - No, the EL-115 was posted in a font size smaller than 18 pt. [Go to #5008.]

¹¹⁵ Wis. Stat. § 5.35(6)(c)

¹¹⁶ Wis. Stat. § 5.35(6)(a)(3)

¹¹⁷ Wis. Stat. § 5.35(6)(a)(1)

¹¹⁸ Wis. Stat. § 5.35(6)(a)(1)

¹¹⁹ Wis. Stat. § 5.35(6)(a)(4)

¹²⁰ Wis. Stat. § 5.35(6)(a)(2), 5.35(6)(a)(2m)

¹²¹ Wis. Stat. § 5.35(6)(b)

¹²² Wis. Stat. § 5.35(6)(a)(4b)

c. No, the EL-115 was not posted. [Go to #5008.]

5008. Is the General Information on Voting Rights Under Federal Laws (EL-117) posted in at least 18 pt. font?¹²³ (LOW)

a. Yes. [Go to #5009.]

b. No, the EL-117 was posted in a font size smaller than 18 pt. [Go to #5009.]

c. No, the EL-117 was not posted. [Go to #5009.]

5009. Is the Contact Information (EL-118) posted in at least 18 pt. font?¹²⁴ (LOW)

a. Yes. [Go to #5010.]

b. No, the EL-118 was posted in a font size smaller than 18 pt. [Go to #5010.]

c. No, the EL-118 was not posted. [Go to #5010.]

SECTION 5B: VOTING AREA – GENERAL

5010. Are all paths of travel within the voting area at least 36 inches wide and do not narrow to less than 32 inches for a distance greater than 24 in.?¹²⁵ (HIGH)

a. Yes. [Go to #5012.]

b. No. [Go to #5011.]

5011. Width of the narrowest path of travel:

[Go to #5012.]

5012. Is there a minimum clear space of 5 ft. x 5 ft. for the movement of voters in wheelchairs?¹²⁶ (HIGH)

a. Yes. [Go to #5014.]

b. No. [Go to #5013.]

5013. Dimensions of clear space:

[Go to #5014.]

5014. Is the voting area free of objects or protrusions that extend greater than 4 inches from the wall, and are between 27 in. and 80 inches from the floor? (e.g., drinking fountains, wall-mounted display cases, chairs in the path of travel, boxes).¹²⁷ (HIGH)

a. Yes. [Go to #5016.]

b. No. [Go to #5015.]

5015. Describe protrusions (optional): [Go to #5016.]

SECTION 5C: VOTING AREA – ACCESSIBLE VOTING BOOTH

5016. Is there a booth or table where voters in a wheelchair may cast a paper ballot?¹²⁸ (HIGH)

a. Yes. [Go to #5017.]

b. No. [Go to #5028.]

¹²³ Wis. Stat. § 5.35(6)(a)(4b)

¹²⁴ Wis. Stat. § 5.35(6)(a)(5)

¹²⁵ 2010 ADA Standards for Accessible Design § 403.5.1

¹²⁶ 2010 ADA Standards for Accessible Design § 304.3.1, 304.3.2

¹²⁷ 2010 ADA Standards for Accessible Design § 307.2

¹²⁸ Wis. Stat. § 5.25(4)(a)

5017. Is the booth or table set up to ensure voter privacy?¹²⁹ (HIGH)

a. Yes. [Go to #5018.]

b. No. [Go to #5018.]

5018. Is the entrance to the booth or table at least 30 inches wide?¹³⁰ (HIGH)

a. Yes. [Go to #5020.]

b. No. [Go to #5019.]

5019. Width of the entrance to the booth or table:

[Go to #5020.]

5020. Is the height of the top of the booth or table between 28 and 34 inches?¹³¹ (HIGH)

a. Yes. [Go to #5022.]

b. No. [Go to #5021.]

5021. Height of the top of the booth or table:

[Go to #5020.]

5022. Is the knee clearance from the entrance to the back of the booth or table at 27 in. above the floor a minimum of 8 in. deep?¹³² (HIGH)

a. Yes. [Go to #5024.]

b. No. [Go to #5023.]

5023. Depth of knee clearance at 27 in. above the floor:

[Go to #5024.]

5024. Is the toe clearance from the entrance to the back of the booth or table a minimum of 17 in. deep at 9 in. above the floor?¹³³ (HIGH)

a. Yes. [Go to #5026.]

b. No. [Go to #5025.]

5025. Depth of toe clearance at 9 in. above the floor:

[Go to #5026.]

5026. Is there at least a 30 in. x 48 in. clear floor space in front of the booth or table so a person using a wheelchair could make either a parallel or a forward approach?¹³⁴ (HIGH)

a. Yes. [Go to #5028.]

b. No. [Go to #5027.]

5027. Dimensions of clear space in front of the booth or table:

[Go to #5028.]

SECTION 5D: VOTING AREA – ACCESSIBLE VOTING EQUIPMENT

¹²⁹ Wis. Stat. § 5.25(4)(a)

¹³⁰ 2010 ADA Standards for Accessible Design § 306.3.5

¹³¹ 2010 ADA Standards for Accessible Design § 902.3

¹³² 2010 ADA Standards for Accessible Design § 306.3.3

¹³³ 2010 ADA Standards for Accessible Design § 306.2.3

¹³⁴ 2010 ADA Standards for Accessible Design § 305.3

5028. Indicate the type of accessible voting equipment used at the polling place:
- ClearAccess 2.0.1
 - Dominion Voting – ImageCast Evolution (ICE)
 - Dominion Voting – ImageCast Evolution (ICE) w/ secondary display
 - Dominion Voting – ImageCastX (ICX) BMD
 - Dominion Voting – ImageCast X (ICX) VVPAT
 - ES&S AutoMARK
 - ES&S ExpressVote
 - ES&S ExpressVote Tabulator
 - Sequoia AVC Edge II

[Go to #5029.]

5029. Is the accessible voting equipment set up?¹³⁵ (HIGH)
- Yes. [Go to #5030.]
 - No. [Go to #5030.]

5030. Are the headphones and tactile keypad plugged in?¹³⁶ (MEDIUM)
- Yes. [Go to #5032.]
 - No. [Go to #5031.]

5031. Describe the location of the headphones and tactile keypad:
[Go to #5032.]

5032. Is the accessible voting equipment powered on?¹³⁷ (HIGH)
- Yes. [Go to #5033.]
 - No. [Go to #5033.]

5033. Is the accessible voting equipment working (i.e., it is not malfunctioning or otherwise unusable)?¹³⁸ (HIGH)
- Yes. [Go to #5034.]
 - No. [Go to #5034.]

5034. Is the accessible voting equipment located in the voting area?¹³⁹ (HIGH)
- Yes. [Go to #5036.]
 - No. [Go to #5035.]

5035. Describe the location of the accessible voting equipment:
[Go to #5036.]

5036. Do all voters know that the accessible voting equipment is available to use?¹⁴⁰ (HIGH)
- Yes, election inspectors are offering the accessible voting equipment to each voter. [Go to #5038.]
 - Yes, there are signs telling voters that accessible voting equipment is available. [Go to #5038.]

¹³⁵ Wis. Stat. § 5.25(4)(a)

¹³⁶ Wis. Stat. § 5.25(4)(a)

¹³⁷ Wis. Stat. § 5.25(4)(a)

¹³⁸ Wis. Stat. § 5.25(4)(a)

¹³⁹ Wis. Stat. § 5.35(4)

¹⁴⁰ Wis. Stat. § 5.25(4)(a); HAVA § 301(a)(3)(A)

- c. Yes, other. [Go to #5037.]
- d. No. [Go to #5038.]

5037. Describe how voters know accessible voting equipment is available to use:
[Go to #5038.]

5038. Is the equipment positioned in a way that if a voter was seated or standing at the machine, no one else could see how they were marking their ballot?¹⁴¹ (HIGH)

- a. Yes. [Go to #5039.]
- b. No. [Go to #5039.]

5039. Check one of the following statements:

- a. The accessible voting equipment is resting on a booth or table. [Go to #5040.]
- b. The accessible voting equipment is attached to a stand. [Go to #5048.]

5040. Is the entrance to the booth or table at least 30 inches wide?¹⁴² (HIGH)

- a. Yes. [Go to #5042.]
- b. No. [Go to #5041.]

5041. Width of the entrance to the booth or table:
[Go to #5042.]

5042. Is the height of the top of the booth or table between 28 and 34 inches?¹⁴³ (HIGH)

- a. Yes. [Go to #5044.]
- b. No. [Go to #5043.]

5043. Height of the top of the booth or table:
[Go to #5044.]

5044. Is the knee clearance from the entrance to the back of the booth or table at 27 in. above the floor a minimum of 8 in. deep?¹⁴⁴ (HIGH)

- a. Yes. [Go to #5046.]
- b. No. [Go to #5045.]

5045. Depth of knee clearance at 27 in. above the floor:
[Go to #5046.]

5046. Is the toe clearance from the entrance to the back of the booth or table a minimum of 17 in. deep at 9 in. above the floor?¹⁴⁵ (HIGH)

- a. Yes. [Go to #5048.]
- b. No. [Go to #5047.]

5047. Depth of toe clearance at 9 in. above the floor:
[Go to #5048.]

¹⁴¹ Wis. Stat. § 5.25(4)(a)

¹⁴² 2010 ADA Standards for Accessible Design § 306.3.5

¹⁴³ 2010 ADA Standards for Accessible Design § 902.3

¹⁴⁴ 2010 ADA Standards for Accessible Design § 306.3.3

¹⁴⁵ 2010 ADA Standards for Accessible Design § 306.2.3

5048. Is there at least a 30 in. x 48 in. clear floor space in front of the booth, table, or stand so a person using a wheelchair could make either a parallel or a forward approach?¹⁴⁶ (HIGH)

- a. Yes. [Go to #5050.]
- b. No. [Go to #5049.]

5049. Dimensions of clear space in front of the booth, table, or stand:
[Go to #5050.]

5050. Approach to the accessible voting equipment:

- a. Parallel approach. [Go to #5051.]
- b. Forward approach. [Go to #5052.]
- c. Both parallel and forward approaches are possible. [Go to #5051.]

5051. Are the accessible voting equipment controls resting between 35 in. and 54 in. above the floor?¹⁴⁷ (MEDIUM)

- a. Yes. [Go to #5054.]
- b. No. [Go to #5053.]

5052. Are the accessible voting equipment controls resting between 35 in. and 48 in. above the floor?¹⁴⁸ (MEDIUM)

- a. Yes. [Go to #5054.]
- b. No. [Go to #5053.]

5053. Height of the accessible voting equipment controls:
[Go to #5054.]

5054. Additional comments about the accessible voting equipment (optional):

¹⁴⁶ 2010 ADA Standards for Accessible Design § 305.3

¹⁴⁷ 2010 ADA Standards for Accessible Design § 308.3.1

¹⁴⁸ 2010 ADA Standards for Accessible Design § 308.2.1

2014 POLLING PLACE SURVEY

ZONE 1 SETUP – PARKING

1. Check all that apply and complete the corresponding subsections.
 - a. Parking Lot/Off-Street Parking
 - b. Drop-off Zone (specifically designated with signage)
 - c. On-street parking (main entrance or accessible entrance only)

SECTION 1A: PARKING LOT/OFF-STREET PARKING

2. When facing the front doors, indicate the location of the parking area to the building:
 - a. Front
 - b. Back
 - c. Left side
 - d. Right side
3. List the total number of parking spaces. If there are no stripes on the parking surface, approximately how many vehicles can park in the parking area?:¹⁴⁹
4. List the number of van-accessible spaces marked with a sign:¹⁵⁰
5. For van-accessible spaces, is there at least 8 ft. 2 in. of unobstructed vertical clearance for the vehicle route to the space, the parking space, the access aisle and along the vehicle route to the exit?¹⁵¹
(MEDIUM)
 - a. Yes
 - b. No
6. List the number of standard accessible spaces that are marked with a sign:¹⁵²
7. Does this polling place comply with the requirements for the number of van-accessible and standard accessible parking spaces?¹⁵³ (MEDIUM)
 - a. Yes
 - b. No
8. Does each accessible space have a sign with the universal symbol of accessibility?¹⁵⁴ (LOW)
 - a. Yes
 - b. No
9. Is the accessible parking sign posted at least 60" high and clearly visible?¹⁵⁵ (LOW)
 - a. Yes
 - b. No
10. Identify the applicable van-accessible parking set-up¹⁵⁶

¹⁴⁹ 2010 ADA Standards for Accessible Design § 208.2

¹⁵⁰ 2010 ADA Standards for Accessible Design § 208.2.4

¹⁵¹ 2010 ADA Standards for Accessible Design § 502.5

¹⁵² 2010 ADA Standards for Accessible Design § 502.6

¹⁵³ 2010 ADA Standards for Accessible Design § 208.2

¹⁵⁴ 2010 ADA Standards for Accessible Design § 502.6

¹⁵⁵ 2010 ADA Standards for Accessible Design § 502.6

¹⁵⁶ 2010 ADA Standards for Accessible Design § 502.2, 502.3.1, 502.3.2, 502.3.3, 502.3.4, 502.5

- a. Marked with a regular accessible parking sign, but there is no van-accessible sign and no marked access aisle on the ground. (MEDIUM)
 - b. Meets van-accessible requirements and a sign is present, but sign is not marked as "Van-Accessible" (MEDIUM)
 - c. Meets van-accessible requirements, but no sign is present (MEDIUM)
 - d. Meets van-accessible requirements, but there is not 8' 2" of vertical clearance above the space (MEDIUM)
 - e. No space is present that meets any of the van-accessible parking space criteria (MEDIUM)
 - f. Properly signed van accessible space, but no marked access aisle on the ground (MEDIUM)
11. Are all accessible spaces, including the access aisle, on level and firm, stable, and slip-resistant ground? Note: If the surface is concrete, asphalt, tile, stone or brick, mark Yes. If the surface is gravel, dirt, sand or grass, or if there are cracks in the surface, mark No.¹⁵⁷ (MEDIUM)
- a. Yes
 - b. No
12. Are the accessible parking spaces located nearest to the accessible entrance for the polling place? (MEDIUM)
- a. Yes
 - b. No
13. Check one of the following statements:
- a. The accessible spaces are level with the beginning of the accessible pathway (i.e., there is no curb).
 - b. There is a curb between the accessible spaces and the accessible pathway, and a curb cut is provided.
 - c. There is a curb between the accessible spaces and the accessible pathway, and a temporary ramp is provided.
 - d. There is a curb between the accessible spaces and the accessible pathway, and no curb cut is provided. (HIGH)
14. Is the curb cut or ramp at least 36 inches wide, excluding flared sides?¹⁵⁸ (LOW)
- a. Yes
 - b. No
15. Is the slope of the ramp less than or equal to 1:12 inches (8%)?¹⁵⁹ (MEDIUM)
- a. Yes
 - b. No
16. Does the ramp have a non-slip surface? Note: If the ramp surface has ridges or coarse non-slip tape, mark Yes. If the ramp surface is smooth, mark No.¹⁶⁰ (LOW)
- a. Yes
 - b. No

¹⁵⁷ 2010 ADA Standards for Accessible Design § 302.1

¹⁵⁸ 2010 ADA Standards for Accessible Design § 403.5.1

¹⁵⁹ 2010 ADA Standards for Accessible Design § 405.2

¹⁶⁰ 2010 ADA Standards for Accessible Design § 302.1

17. Does the bottom of the ramp have edge protection of 2 inches or higher to prevent anyone from slipping off the ramp?¹⁶¹ (LOW)
- Yes
 - No

18. No Responses:

SECTION 1B: DROP-OFF ZONES

19. Is the slope of the drop-off zone less than or equal to 1:50 inches (2%)?¹⁶² (MEDIUM)
- Yes
 - No
20. Is the drop-off zone, including any access aisle and/or curb ramp on firm, stable, and slip resistant ground? Note: If the surface is concrete, asphalt, tile, stone or brick, mark Yes. If the surface is gravel, dirt, sand or grass, or if there are cracks in the surface, mark No.¹⁶³ (MEDIUM)
- Yes
 - No
21. Is there at least 9 ft. 6 in. of unobstructed vertical clearance for the vehicle route to the drop-off zone, the designated area itself, the access aisle, and along the vehicle route to the exit?¹⁶⁴ (MEDIUM)
- Yes
 - No
22. Is there an access aisle adjacent and parallel to the pull-up area?¹⁶⁵ (MEDIUM)
- Yes
 - No
23. Is the access aisle at least 5 ft. wide and 20 ft. long?¹⁶⁶ (LOW)
- Yes
 - No
24. Check the setup that applies, then continue with the survey as instructed.
- The drop-off zone is level with the beginning of the accessible pathway or there is only a slight incline (i.e., there is no curb).
 - There is a curb between the drop-off zone and the accessible pathway, and a curb cut is provided.
 - There is a curb between the accessible spaces and the accessible pathway, and no curb cut is provided. (HIGH)
25. Is the curb cut at least 36 inches wide, excluding flared sides?¹⁶⁷ (LOW)
- Yes
 - No

¹⁶¹ 2010 ADA Standards for Accessible Design § 405.5

¹⁶² 2010 ADA Standards for Accessible Design § 503.4

¹⁶³ 2010 ADA Standards for Accessible Design § 302.1

¹⁶⁴ 2010 ADA Standards for Accessible Design § 503.5

¹⁶⁵ 2010 ADA Standards for Accessible Design § 503.3

¹⁶⁶ 2010 ADA Standards for Accessible Design § 503.3.1, 503.3.2

¹⁶⁷ 2010 ADA Standards for Accessible Design § 405.5

26. Is the slope of the curb-cut zone less than or equal to 1:12 inches (8%)?¹⁶⁸ (MEDIUM)
- Yes
 - No

27. No Responses:

SECTION 1C: ON-STREET PARKING

28. List the number of marked accessible spaces on the street. Note: If on-street parking is your only available parking, there must be at least one marked accessible space. (LOW)
29. Does each accessible space have a sign with the universal symbol of accessibility?¹⁶⁹ (LOW)
- Yes
 - No
30. Is the accessible parking sign posted at least 60" high and clearly visible?¹⁷⁰ (LOW)
- Yes
 - No
31. Are all accessible spaces, including the access aisle, on level and firm, stable, and slip-resistant ground? Note: If the surface is concrete, asphalt, tile, stone or brick, mark Yes. If the surface is gravel, dirt, sand or grass, or if there are cracks in the surface, mark No.¹⁷¹ (MEDIUM)
- Yes
 - No
32. Are the accessible spaces located nearest to the accessible entrance for the polling place?¹⁷² (MEDIUM)
- Yes
 - No
33. Check one or more of the following statements then continue with the survey as instructed:
- The accessible spaces are level with the beginning of the accessible pathway (i.e., there is no curb).
 - There is a curb between the accessible parking spaces and the accessible pathway, and a curb cut is provided.
 - There is a curb between the accessible parking spaces and the accessible pathway, and no curb cut is provided. (HIGH)
 - There is a curb between the accessible parking spaces and the accessible pathway, and a temporary ramp is provided.
34. Is the curb cut or ramp at least 36 inches wide, excluding flared sides?¹⁷³ (LOW)
- Yes
 - No
35. Is the slope of the ramp less than or equal to 1:12 inches (8%)?¹⁷⁴ (MEDIUM)

¹⁶⁸ 2010 ADA Standards for Accessible Design § 405.2

¹⁶⁹ 2010 ADA Standards for Accessible Design § 502.6

¹⁷⁰ 2010 ADA Standards for Accessible Design § 502.6

¹⁷¹ 2010 ADA Standards for Accessible Design § 302.1

¹⁷² 2010 ADA Standards for Accessible Design § 208.3.1

¹⁷³ 2010 ADA Standards for Accessible Design § 405.5

¹⁷⁴ 2010 ADA Standards for Accessible Design § 405.2

- a. Yes
- b. No

36. Does the ramp have a non-slip surface? Note: If the ramp surface has ridges or coarse non-slip tape, mark Yes. If the ramp surface is smooth, mark No.¹⁷⁵ (LOW)

- a. Yes
- b. No

37. Does the bottom of the temporary ramp have edge protection of 2 inches or higher to prevent anyone from slipping off the ramp?¹⁷⁶ (LOW)

- a. Yes
- b. No

38. No Responses:

ZONE 2 SETUP – PATHWAYS

39. Check the setup that applies:

- a. The accessible pathway is not interrupted by any curbs or steps on the way to the building.
- b. The accessible pathway is interrupted by a curb, and a curb cut is provided.
- c. The accessible pathway is interrupted by a curb, but a curb cut is not provided. (HIGH)
- d. The accessible pathway is interrupted by steps, and a ramp is provided.
- e. The accessible pathway is interrupted by steps, but a ramp is not provided. (HIGH)

ZONE 2 PATHWAYS SECTION 2A: GENERAL

40. Is the pathway at least 36 inches wide? If obstacles such as fire hydrants, light poles, fixed signposts, etc. narrow the pathway to less than 32 inches, mark No.¹⁷⁷ (MEDIUM)

- a. Yes
- b. No

41. Is the pathway on firm, stable, and slip-resistant ground? Note: If the surface is concrete, asphalt, tile, stone or brick, mark Yes. If the surface is gravel, dirt, sand or grass, or if there are cracks in the surface, mark No.¹⁷⁸ (MEDIUM)

- a. Yes
- b. No

42. Is the pathway free of any protruding or hanging objects (flags, tree branches, banners) between 27 and 80 inches above the ground?¹⁷⁹ (MEDIUM)

- a. Yes
- b. No

43. Is the pathway (including any grating surface) free of breaks, cracks or edges where the difference in height is over ½ inches?¹⁸⁰ (MEDIUM)

¹⁷⁵ 2010 ADA Standards for Accessible Design § 302.1

¹⁷⁶ 2010 ADA Standards for Accessible Design § 405.9

¹⁷⁷ 2010 ADA Standards for Accessible Design § 403.5.1

¹⁷⁸ 2010 ADA Standards for Accessible Design § 302.1

¹⁷⁹ 2010 ADA Standards for Accessible Design § 307.2

¹⁸⁰ 2010 ADA Standards for Accessible Design § 303.4

- a. Yes
- b. No

44. Is the slope of the pathway less than or equal to 1:20 inches (5%)?¹⁸¹ (MEDIUM)

- a. Yes
- b. No

45. Check one of the following statements:

- a. The accessible pathway is the same as the primary route to the building and all voters use the same path of travel.
- b. The accessible pathway is different than the primary route to the building. There is a separate route to the accessible entrance.

46. Is the accessible pathway clearly marked by large print signs?¹⁸² (LOW)

- a. Yes
- b. No

47. Are all pathways to the polling place properly lit throughout Election Day? (MEDIUM)

- a. Yes
- b. No

48. On Election Day, are pathways maintained and kept clear of hazards such as ice, snow, leaves, bicycles, trash cans, etc.?¹⁸³ (MEDIUM)

- a. Yes
- b. No

49. No Responses:

SECTION 2B: PATHWAYS – CURB CUTS

50. Is the curb cut at least 36 inches wide, excluding flared sides?¹⁸⁴ (LOW)

- a. Yes
- b. No

51.

52. Is the slope of the curb cut less than or equal to 1:12 inches (8%)?¹⁸⁵ (MEDIUM)

- a. Yes
- b. No

53. No Responses:

SECTION 2C: PATHWAYS – RAMPS

¹⁸¹ 2010 ADA Standards for Accessible Design § 402.2

¹⁸² 2010 ADA Standards for Accessible Design § 216.3; ADA Title II Regulations § 35.163

¹⁸³ 2010 ADA Standards for Accessible Design § 403.5.1

¹⁸⁴ 2010 ADA Standards for Accessible Design § 405.5

¹⁸⁵ 2010 ADA Standards for Accessible Design § 405.2

54. An exterior pathway ramp is used when steps break the accessible pathway to the building. It is not a sloping sidewalk, nor is it a ramp directly connected to the accessible entrance. Is the ramp at least 36 inches wide?¹⁸⁶ (LOW)

- a. Yes
- b. No

55. Is the slope of the ramp less than or equal to 1:12 inches (8%)?¹⁸⁷ (MEDIUM)

- a. Yes
- b. No

56. Does the ramp have a non-slip surface? Note: If the ramp surface has ridges or coarse non-slip tape, mark Yes. If the ramp surface is smooth, mark No.¹⁸⁸ (LOW)

- a. Yes
- b. No

57. Check one of the following statements:

- a. The vertical height of the ramp is 6 inches or less from the top of the ramp to the ground.
- b. The vertical height of the ramp is greater than 6 inches from the top of the ramp to the ground.

58. Does the ramp have a mounted handrail where the top of the rail is between 34 and 38 inches above the ramp surface?¹⁸⁹ (MEDIUM)

- a. Yes
- b. No

59. Does the bottom of the ramp have a lower guard rail (no more than 27" high), vertical guard rails or edge border protection (at least 2" high) to prevent anyone from slipping off the ramp?¹⁹⁰ (LOW)

- a. Yes
- b. No

60. No Responses:

ZONE 3 SETUP - ACCESSIBLE ENTRANCE

61. Check the setup that applies and complete the corresponding subsections. (Only choose 1.)

- a. The accessible pathway is level with the building entrance. There is no ramp, and the door threshold is less than or equal to ½ inches (or beveled). Do not include pathway ramps addressed in Zone 2.
- b. There is a ramp directly connected to the accessible entrance. The door threshold is less than or equal to ½ inches (or beveled).
- c. There is a lip at the door that is greater than ½ inches and not beveled.
- d. There is an obstacle present at the accessible entrance, such as stairs, but a ramp is not provided. (HIGH)

ZONE 3 SECTION 3A: ACCESSIBLE ENTRANCE – DOORS

¹⁸⁶ 2010 ADA Standards for Accessible Design § 405.5

¹⁸⁷ 2010 ADA Standards for Accessible Design § 405.2

¹⁸⁸ 2010 ADA Standards for Accessible Design § 302.1

¹⁸⁹ 2010 ADA Standards for Accessible Design § 405.8

¹⁹⁰ 2010 ADA Standards for Accessible Design § 405.9

62. When facing the front doors, indicate the location of the accessible entrance to the building:
- Front
 - Back
 - Left side
 - Right side
63. Does the accessible entrance have a sign showing it as accessible?¹⁹¹ (HIGH)
- Yes
 - No
64. Some buildings have a second set of doors inside the exterior doors. If the polling place has this type of entrance, both sets of doors must pass each question in order to answer yes. Is the accessible door at the accessible entrance unlocked on Election Day?¹⁹² (HIGH)
- Yes
 - No
65. Check one of the following statements.¹⁹³
- The threshold to the door is less than ¼ inches in height. OR it is greater than ¼ inches but less than ½ inches and it is beveled with a slope no greater than 1:2 inches
 - The threshold to the door is greater than ½ inches and a threshold ramp is provided
 - The threshold is greater than ¼ inches in height and not beveled, OR it is greater than ½ inches and a threshold ramp is not provided.
66. Are all door handles no higher than 48 inches from the ground?¹⁹⁴ (LOW)
- Yes
 - No
67. With the entrance door in a 90-degree open position, is there at least 32" of clearance for a wheelchair to enter? Note: measure from the face of the door to the latch side of the doorstop.¹⁹⁵ (HIGH)
- Yes
 - No
68. Indicate the type of hardware on the exterior doors. Check all that apply.
- Handle
 - Pull
 - Bar
 - Lever
 - Knob
 - Automatic Sliding
 - Other (describe):
69. Indicate the type of electronic accessible feature or other accommodation (if any) on/at the exterior door(s). Check all that apply.
- Automatic opener (button)
 - Power-assisted open (when pulled or pushed) Bell/Buzzer to call for assistance

¹⁹¹ ADA Title II Regulations § 35.163; 2010 ADA Standards for Accessible Design § 216.6

¹⁹² ADA Title II Regulations § 35.133

¹⁹³ 2010 ADA Standards for Accessible Design § 404.2.5

¹⁹⁴ 2010 ADA Standards for Accessible Design § 404.2.7

¹⁹⁵ 2010 ADA Standards for Accessible Design § 404.2.3

- c. An Election Inspector or greeter is stationed at the door throughout Election Day to assist voters
- d. No accessible features: no greeter stationed at the door

70. Is the door hardware (lever, push/pull, panic bar) usable with one hand without tight grasping, pinching, or twisting of the wrist? Note: If a doorknob is the only hardware present, you must answer NO to this question.¹⁹⁶ (HIGH)

- a. Yes
- b. No

71. Is the exterior accessible door able to be opened with a closed fist using 8 pounds of force or less? Note: Use pressure gauge to determine pounds of force.¹⁹⁷ (HIGH)

- a. Yes
- b. No

72. Door Pressure reading:

73. Has this electronic accessible feature been tested from both inside and outside, and is it currently working?¹⁹⁸ (HIGH)

- a. Yes
- b. No

74. For automatic (button) and power assist open (when pulled or pushed) features, does the door stay open at least three (3) seconds once it is fully open?¹⁹⁹ (HIGH)

- a. Yes
- b. No

75. Is there a 30 x 48-inch clear floor space between the two sets of doors where a wheelchair user can be outside the swing of a hinged door? If there is only one set of doors, mark Not Applicable.²⁰⁰ (HIGH)

- a. Not Applicable
- b. Yes
- c. No

76. No Responses:

SECTION 3B: ACCESSIBLE ENTRANCE – RAMPS

77. Is the ramp at least 36 inches wide?²⁰¹ (LOW)

- a. Yes
- b. No

78. Is the slope of the ramp less than or equal to 1:12 inches (8%)?²⁰² (MEDIUM)

- a. Yes
- b. No

¹⁹⁶ 2010 ADA Standards for Accessible Design Advisory § 404.2.7

¹⁹⁷ 2010 ADA Standards for Accessible Design § 404.2.9

¹⁹⁸ 2010 ADA Standards for Accessible Design Advisory § 407.1; ADA Title II Regulations § 35.133

¹⁹⁹ 2010 ADA Standards for Accessible Design § 404.2.8.1; ANSI/BHMA A156 § 9.1.4

²⁰⁰ 2010 ADA Standards for Accessible Design § 404.2.6

²⁰¹ 2010 ADA Standards for Accessible Design § 405.5

²⁰² 2010 ADA Standards for Accessible Design § 405.2

79. Does the ramp have a non-slip surface? Note: If the ramp surface has ridges or coarse non-slip tape, mark Yes. If the ramp surface is smooth, mark No.²⁰³ (LOW)
- Yes
 - No
80. Check one of the following statements, then continue with the survey as instructed:
- The vertical height of the ramp is 6 inches or less from the top of the ramp to the ground.
 - The vertical height of the ramp is greater than 6 inches from the top of the ramp to the ground.
81. Does the ramp have a mounted handrail where the top of the rail is between 34 and 38 inches above the ramp surface?²⁰⁴ (MEDIUM)
- Yes
 - No
82. Does the bottom of the ramp have a lower guard rail (no more than 27" high), vertical guard rails or edge border protection (at least 2" high) to prevent anyone from slipping off the ramp?²⁰⁵ (LOW)
- Yes
 - No
83. At the top of the ramp, is there a 5 ft. x 5 ft. level space in front of the door, such that a wheelchair can maneuver or rest while the door is opened?²⁰⁶ (HIGH)
- Yes
 - No
84. Is there at least 18 inches minimum maneuvering space on the latch side of the door to allow for opening the door?²⁰⁷ (HIGH)
- Yes
 - No
85. No Responses:

ZONE 4 SETUP - INTERIOR ROUTES

86. Check all that apply and complete the corresponding subsections.
- Voting area is immediately inside the building entrance.
 - Voting area not immediately inside entrance. Voters navigate one or more corridors/hallways to reach the voting area.
 - Voter passes through one or more interior doors to reach the voting area.
 - Steps or changes in level break the path of the interior route to the voting area, and a ramp is provided.
 - Steps or changes in level are present along the interior route but a ramp is not provided.
 - Steps or changes in level break the path of the interior route to the voting area, and an elevator is provided.
 - Steps or changes in level break the path of the interior route to the voting area, and a wheelchair lift is provided.

²⁰³ 2010 ADA Standards for Accessible Design § 302.1

²⁰⁴ 2010 ADA Standards for Accessible Design § 405.8

²⁰⁵ 2010 ADA Standards for Accessible Design § 405.9

²⁰⁶ 2010 ADA Standards for Accessible Design § 405.7, 405.7.2, 405.7.3, 405.7.4

²⁰⁷ 2010 ADA Standards for Accessible Design § 404.2.4.1

SECTION 4A: INTERIOR ROUTES – CORRIDORS

87. Is the route from the accessible entrance to the voting area inside the building clearly marked with a sign?²⁰⁸ (MEDIUM)
- Yes
 - No
88. Are all corridors well lit? (HIGH)
- Yes
 - No
89. Are all corridors free of obstacles such as tables, chairs, boxes, etc.?²⁰⁹ (HIGH)
- Yes
 - No
90. Are all corridors at least 48 inches wide and do not narrow for more than a short distance to less than 36 inches?²¹⁰ (HIGH)
- Yes
 - No
91. Are corridors free of objects or protrusions that extend greater than 4 inches from the wall, and are greater than 27 and less than 80 inches from the floor (e.g., drinking fountains, wall-mounted display cases, fire extinguishers, etc.)?²¹¹ (HIGH)
- Yes
 - No
92. Check one of the following statements, then continue with the survey as instructed:
- There are no mats/rugs in the interior route.
 - There are mats/rugs present in the interior route.
93. Are mats/rugs secured to avoid causing a tripping hazard?²¹² (MEDIUM)
- Yes
 - No
94. Are mats/rugs/carpet on the accessible route less than ½ inches thick?²¹³ (MEDIUM)
- Yes
 - No
95. No Responses:

SECTION 4B: INTERIOR ROUTES – DOORS

96. Are all interior doors along the accessible route to the voting area unlocked on Election Day?²¹⁴ (HIGH)

²⁰⁸ 2010 ADA Standards for Accessible Design § 216.3

²⁰⁹ 2010 ADA Standards for Accessible Design § 403.5.1

²¹⁰ 2010 ADA Standards for Accessible Design § 403.5.1

²¹¹ 2010 ADA Standards for Accessible Design § 307.2

²¹² 2010 ADA Standards for Accessible Design § 302.2

²¹³ 2010 ADA Standards for Accessible Design § 302.2

²¹⁴ 2010 ADA Standards for Accessible Design Advisory § 407.1; ADA Title II Regulations § 35.133

- a. Yes
 - b. No
97. Are the door thresholds less than ½ inches high, and if greater than ¼ inches are they beveled with a slope of no greater than 1:2 inches?²¹⁵ (MEDIUM)
- a. Yes
 - b. No
98. With the entrance door in a 90-degree open position, is there at least 32" of clearance for a wheelchair to enter? Note: measure from the face of the door to the latch side of the doorstop. See figure 1.²¹⁶ (HIGH)
- a. Yes
 - b. No
99. Are all door handles no higher than 48 inches from the ground?²¹⁷ (LOW)
- a. Yes
 - b. No
100. Check one of the following statements:
- a. All interior doors along the accessible route to the voting area are propped open on Election Day.
 - b. Interior doors along the accessible route to the voting area are not propped open on Election Day.
101. Indicate the type of accessible hardware on the interior doors. Check all that apply.
- a. Handle
 - b. Pull
 - c. Bar
 - d. Lever
 - e. Knob
 - f. Automatic Sliding
 - g. Other (describe):
102. Indicate the type of electronic accessible feature or other accommodation (if any) on/at the interior door(s). Check all that apply.
- a. Automatic opener (button)
 - b. Power-assisted open (when pulled or pushed) Bell/Buzzer to call for assistance
 - c. An Election Inspector or greeter is stationed at the door throughout Election Day to assist voters
 - d. No accessible features: no greeter stationed at the door
103. Is the door hardware (lever, push/pull, panic bar) usable with one hand without tight grasping, pinching, or twisting of the wrist? Note: If a doorknob is present, you must answer NO to this question.²¹⁸ (HIGH)
- a. Yes
 - b. No
104. Are the interior doors along the accessible route to the voting area able to be opened with a closed fist using 5 pounds of force or less? Note: Use pressure gauge to determine pounds of force.²¹⁹ (HIGH)
- a. Yes

²¹⁵ 2010 ADA Standards for Accessible Design § 404.2.5

²¹⁶ 2010 ADA Standards for Accessible Design § 404.2.3

²¹⁷ 2010 ADA Standards for Accessible Design § 404.2.7

²¹⁸ 2010 ADA Standards for Accessible Design § 404.2.7

²¹⁹ 2010 ADA Standards for Accessible Design § 404.2.9

b. No

105. Has this electronic accessible feature been tested from both sides of the door, and is it currently working?²²⁰ (HIGH)

a. Yes

b. No

106. For automatic (button) and power assist open (when pulled or pushed) features, does the door stay open at least three (3) seconds once it is fully open?²²¹ (HIGH)

a. Yes

b. No

107. No Responses:

SECTION 4C: INTERIOR ROUTES – RAMPS

108. Is the ramp at least 36 inches wide?²²² (LOW)

a. Yes

b. No

109. Is the slope of the ramp less than or equal to 1:12 inches (8%)?²²³ (MEDIUM)

a. Yes

b. No

110. Does the ramp have a non-slip surface? Note: If the ramp surface has ridges or coarse non-slip tape, mark Yes. If the ramp surface is smooth, mark No.²²⁴ (LOW)

a. Yes

b. No

111. Check one of the following statements:

a. The vertical height of the ramp is 6 inches or less from the top of the ramp to the ground.

b. The vertical height of the ramp is greater than 6 inches from the top of the ramp to the ground.

112. Does the ramp have a mounted handrail where the top of the rail is between 34 and 38 inches above the ramp surface?²²⁵ (MEDIUM)

a. Yes

b. No

113. Does the bottom of the ramp have a lower guard rail (no more than 27" high), vertical guard rails or edge border protection (at least 2" high) to prevent anyone from slipping off the ramp?²²⁶ (LOW)

a. Yes

b. No

²²⁰ 2010 ADA Standards for Accessible Design Advisory § 407.1; ADA Title II Regulations § 35.133

²²¹ 2010 ADA Standards for Accessible Design § 404.2.8.1; ANSI/BHMA A156 § 9.1.4

²²² 2010 ADA Standards for Accessible Design § 405.5

²²³ 2010 ADA Standards for Accessible Design § 405.2

²²⁴ 2010 ADA Standards for Accessible Design § 302.1

²²⁵ 2010 ADA Standards for Accessible Design § 405.8

²²⁶ 2010 ADA Standards for Accessible Design § 405.9

114. Is there a 5 ft. x 5 ft. level space at both the top and bottom of the ramp, such that a wheelchair can maneuver or rest?²²⁷ (HIGH)

- a. Yes
- b. No

115. No Responses:

SECTION 4D: INTERIOR ROUTES – ELEVATOR

116. Is the elevator operational on Election Day?²²⁸ (HIGH)

- a. Yes
- b. No

117. Is the elevator cab at least 4 ft. x 4 ft. wide?²²⁹ (HIGH)

- a. Yes
- b. No

118. Are the elevator doors at least 36 inches wide?²³⁰ (HIGH)

- a. Yes
- b. No

119. Are the call buttons outside the elevator at 42 inches above the floor?²³¹ (HIGH)

- a. Yes
- b. No

120. Are elevator controls inside the cab at least 35 inches above the floor, but no higher than 54 inches for parallel approach or 48 inches for forward approach?²³² (HIGH)

- a. Yes
- b. No

121. Are elevator controls marked with raised lettering and/or Braille?²³³ (HIGH)

- a. Yes
- b. No

122. Is the elevator equipped with audible tones, bells, or verbal enunciators that announce each floor as it is passed?²³⁴ (HIGH)

- a. Yes
- b. No

123. No Responses:

SECTION 4E: INTERIOR ROUTES – WHEELCHAIR LIFT

²²⁷ 2010 ADA Standards for Accessible Design § 405.7, 405.7.3, 405.7.4

²²⁸ 2010 ADA Standards for Accessible Design Advisory § 407.1; ADA Title II Regulations § 35.133

²²⁹ 2010 ADA Standards for Accessible Design § 407.4.1

²³⁰ 2010 ADA Standards for Accessible Design § 407.3.6

²³¹ 2010 ADA Standards for Accessible Design § 308.2.1, 308.3.1

²³² 2010 ADA Standards for Accessible Design § 308.2.1, 308.3.1

²³³ 2010 ADA Standards for Accessible Design § 407.1.1

²³⁴ 2010 ADA Standards for Accessible Design § 407.2.2.1

124. Is the lift operational at the time of the survey?²³⁵ (HIGH)
- Yes
 - No
125. Is the change in level from the floor to the lift surface ramped or beveled?²³⁶ (HIGH)
- Yes
 - No
126. Is there at least a 30 x 48-inch clear floor space on the lift?²³⁷ (HIGH)
- Yes
 - No
127. Does the lift allow a wheelchair user unassisted entry/exit and independent operation?²³⁸ (HIGH)
- Yes
 - No
128. Are the controls and operating mechanisms mounted no more than 54 inches above the floor for a parallel/side reach or 48 inches for a forward reach? See figure 1.²³⁹ (HIGH)
- Yes
 - No
129. Are the controls and operating mechanisms usable with one hand without tight grasping, pinching, or twisting of the wrist?²⁴⁰ (HIGH)
- Yes
 - No
130. No Responses:

ZONE 5: VOTING AREA

SECTION 5A: VOTING AREA – NOTICES

131. Is the Type B Sample Ballot and Voting Instructions Notice posted?²⁴¹ (LOW)
- Yes
 - No
132. Is the Type C Notice of Referendum posted? If no referendum for this election, check Not Applicable.²⁴² (LOW)
- Not Applicable
 - Yes
 - No

²³⁵ 2010 ADA Standards for Accessible Design Advisory § 407.1; ADA Title II Regulations § 35.133

²³⁶ 2010 ADA Standards for Accessible Design § 303.2, 303.3

²³⁷ 2010 ADA Standards for Accessible Design § 305.3

²³⁸ 2010 ADA Standards for Accessible Design § 410.1

²³⁹ 2010 ADA Standards for Accessible Design § 308.2.1, 308.3.1

²⁴⁰ 2010 ADA Standards for Accessible Design § 309.44

²⁴¹ Wis. Stat. § 5.35(6)(a)(1)

²⁴² Wis. Stat. § 5.35(6)(a)(1)

133. Is the Type D Polling Place Hours and Location Notice Posted?²⁴³ (LOW)
- Yes
 - No
134. Are there two samples of each ballot style posted?²⁴⁴ (LOW)
- Yes
 - No
135. Are ward maps and street directories posted or prominently displayed?²⁴⁵ (LOW)
- Yes
 - No
136. Is the Election Fraud Notice (EL-111) posted?²⁴⁶ (LOW)
- Yes
 - No
137. For Partisan Primaries, is the Notice of Crossover Voting (EL-112/EL- 112m) posted? If not a Partisan Primary, check Not Applicable.²⁴⁷ (LOW)
- Not Applicable
 - Yes
 - No
138. Is the Voter Qualification Poster (EL-115) posted?²⁴⁸ (LOW)
- Yes
 - No
139. Is the General Information on Voting Rights Under Federal Laws (EL-117) posted?²⁴⁹ (LOW)
- Yes
 - No
140. Is the Contact Information (EL-118) posted?²⁵⁰ (LOW)
- Yes
 - No
141. Are all notices and instructions in at least 18-point size and prominently displayed?²⁵¹ (HIGH)
- Yes
 - No
142. No Responses:

SECTION 5B: VOTING AREA – ACCESSIBLE SPACE

²⁴³ Wis. Stat. § 5.35(6)(a)(4)

²⁴⁴ Wis. Stat. § 5.35(6)(a)(3)

²⁴⁵ Wis. Stat. § 5.35(6)(c)

²⁴⁶ Wis. Stat. § 5.35(6)(a)(2), 5.35(6)(a)(2m)

²⁴⁷ Wis. Stat. § 5.35(6)(b)

²⁴⁸ Wis. Stat. § 5.35(6)(a)(4b)

²⁴⁹ Wis. Stat. § 5.35(6)(a)(4b)

²⁵⁰ Wis. Stat. § 5.35(6)(a)(5)

²⁵¹ Wis. Stat. § 5.35(6)(a)

143. Are all paths of travel within the voting area at least 36 inches wide and do not narrow for more than a short distance to less than 32 inches?²⁵² (MEDIUM)
- Yes
 - No
144. Is there sufficient unobstructed turning radius in the voting area (minimum 5 ft. x 5 ft.) for the movement of voters in wheelchairs? See figure 2.²⁵³ (HIGH)
- Yes
 - No
145. Is the voting area free of objects or protrusions that extend greater than 4 inches from the wall, and are greater than 27 and less than 80 inches from the floor? (e.g., drinking fountains, wall-mounted display cases, chairs in the path of travel, boxes, etc.).²⁵⁴ (HIGH)
- Yes
 - No
146. Is there a booth or table where voters in a wheelchair may cast a paper ballot?²⁵⁵ (HIGH)
- Yes
 - No
147. Is the booth or table set up to ensure voter privacy?²⁵⁶ (HIGH)
- Yes
 - No
148. Is the entrance to the booth or table at least 30 inches wide?²⁵⁷
- Yes
 - No
149. Is the height of the top of the booth or table between 28 and 34 inches?²⁵⁸ (HIGH)
- Yes
 - No
150. Is the knee clearance from the floor to the underside of the booth or table at least 27 inches?²⁵⁹ (HIGH)
- Yes
 - No
151. Is the toe/knee clearance from the front to the back of the booth or table at least 19 inches?²⁶⁰ (HIGH)
- Yes
 - No
152. No Responses:

²⁵² 2010 ADA Standards for Accessible Design § 403.5.1

²⁵³ 2010 ADA Standards for Accessible Design § 304.3.1, 304.3.2

²⁵⁴ 2010 ADA Standards for Accessible Design § 307.2

²⁵⁵ Wis. Stat. § 5.25(4)(a)

²⁵⁶ Wis. Stat. § 5.25(4)(a)

²⁵⁷ 2010 ADA Standards for Accessible Design § 306.3.5

²⁵⁸ 2010 ADA Standards for Accessible Design § 902.3

²⁵⁹ 2010 ADA Standards for Accessible Design § 306.3.3

²⁶⁰ 2010 ADA Standards for Accessible Design § 306.2.3

SECTION 5C: VOTING AREA – ACCESSIBLE VOTING EQUIPMENT

153. Indicate the type of accessible voting equipment used at the polling place:
- ES&S AutoMARK
 - Sequoia AVC Edge II
 - ES&S iVotronic
 - Populex 2.3
 - Premier (Diebold) Accuvote TSX
 - Vote-PAD
154. Is the accessible voting equipment set up?²⁶¹ (HIGH)
- Yes
 - No
155. Is the accessible voting equipment powered on?²⁶² (HIGH)
- Yes
 - No
156. Is the accessible voting equipment working (i.e., it is not malfunctioning or otherwise unusable)?²⁶³ (HIGH)
- Yes
 - No
157. Is the accessible voting equipment in a location where voters will see it and know it is available when they enter the voting area?²⁶⁴ (MEDIUM)
- Yes
 - No
158. Is the equipment positioned in a way that if a voter was seated or standing at the machine, no one else could see how they were marking their ballot?²⁶⁵ (HIGH)
- Yes
 - No
159. Check one of the following statements:
- The accessible voting equipment is resting on a booth or table.
 - The accessible voting equipment is attached to a stand.
160. Is the entrance to the booth or table at least 30 inches wide?²⁶⁶ (HIGH)
- Yes
 - No
161. Is the height of the top of the booth or table between 28 and 34 inches?²⁶⁷ (HIGH)

²⁶¹ Wis. Stat. § 5.25(4)(a)

²⁶² Wis. Stat. § 5.25(4)(a)

²⁶³ Wis. Stat. § 5.25(4)(a)

²⁶⁴ Wis. Stat. § 5.35(4)

²⁶⁵ Wis. Stat. § 5.25(4)(a)

²⁶⁶ 2010 ADA Standards for Accessible Design § 306.3.5

²⁶⁷ 2010 ADA Standards for Accessible Design § 902.3

- a. Yes
- b. No

162. Is the knee clearance from the floor to the underside of the booth or table at least 27 inches?²⁶⁸ (HIGH)

- a. Yes
- b. No

163. Is the toe/knee clearance from the front to the back of the booth or table at least 19 inches?²⁶⁹ (HIGH)

- a. Yes
- b. No

164. Is there at least a 30 x 48-inch clear floor space in front of the table or stand holding the accessible voting equipment where a person in a wheelchair could make either a parallel or a forward approach to the voting equipment?²⁷⁰ (HIGH)

- a. Yes
- b. No

165. Are controls on the accessible voting equipment no higher than 54 inches for parallel/side approach or 48 inches for forward approach?²⁷¹ (HIGH)

- a. Yes
- b. No

166. No Responses:

²⁶⁸ 2010 ADA Standards for Accessible Design § 306.3.3

²⁶⁹ 2010 ADA Standards for Accessible Design § 306.2.3

²⁷⁰ 2010 ADA Standards for Accessible Design § 305.3

²⁷¹ 2010 ADA Standards for Accessible Design § 308.2.1, 308.3.1

Please note that there are no pages 240-246. This was a simple error made in the creation of the table of contents. This placeholder is being used so the numbering is consistent.



Wisconsin Elections Commission

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DATE: For the **February 8, 2024**, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Prepared and Presented by:
Angela O'Brien Sharpe
Staff Attorney

SUBJECT: Finalization of Proposed Section "Voter Correction of Incomplete Absentee Certificate Envelopes" for *Election Administration Manual* and *Election Day Manual*

Purpose & Orientation

On January 24, 2024, the Wisconsin Elections Commission ("the Commission") passed the following motion unanimously as part of its review of legal edits to the Election Administration Manual and Election Day Manual:

MOTION: The Wisconsin Elections Commission ("the Commission") directs staff to include the above manual text in the Election Administration and Election Day manuals. The Commission also directs staff to implement changes from Appendices 1A and 2A in the green "Incomplete Certificate Envelopes" category. The Commission further authorizes staff to make formatting, numbering, and other scrivener's edits to the manuals consistent with effectuating these changes.

- Change "envelop" to "envelope" at the top of page 90 of the Election Administration manual.
- Apply the changes to the litigation note suggested by the Wisconsin Department of Justice (see above) on pages 88 and 89 of the Election Administration manual.
- Delete the sentence in the litigation note starting with, "Accordingly."
- Staff will reformat Option 3 into a more readable format, to be reviewed by Chair Millis and Commissioner Jacobs.

This memo pertains to the last part of that motion — "Staff will reformat Option 3 into a more readable format, to be reviewed by Chair Millis and Commissioner Jacobs."

Consistent with that directive, staff have reorganized the entirety of the section "Voter Correction of Incomplete Absentee Certificate Envelopes" that was presented to the Commission on January 24, including adding new section headings that are designed to more easily facilitate how a clerk may find pertinent information.

As part of the reorganization, Commissioner Jacobs and Chair Millis agreed upon a series of additions to this section to make it reflective of the Commission's longstanding guidance to clerks. Those changes appear highlighted in yellow, and are further discussed in the chart below. All of the text that is not

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

highlighted or formatted was previously included in the “Voter Correction of Incomplete Absentee Certificate Envelopes” section that the Commission reviewed on January 24, it has just been reorganized for clarity.

To facilitate the discussion, the paragraphs in the draft section have been numbered. The numbered paragraphs will be removed from the final version of this section.

Discussion

Paragraph Number	Change Made	Explanation of Change
¶1	Disclaimer added	This disclaimer mirrors the disclaimer that the Commission approved in the “Spoiling and Replacement of Ballots” section. The purpose of including this disclaimer is to ensure clerks do not confuse the procedures for returning an absentee ballot due to an incomplete certificate with the procedures for providing a new ballot for a voter if the original was spoiled or damaged.
¶6	Change “Ballot Rejected” language to “Setting Aside the Ballot for Rejection.”	Sec. 6.88(3)(b) directs that a clerk “shall not count the ballot” if they find that a certification is “insufficient.” However, the voter may correct the defect as long as they can ensure the ballot will be returned to the polling place by 8 p.m. Accordingly, it has consistently been the Commission’s guidance that clerks should <i>set ballots aside</i> for rejection in case the voter attempts to correct the defect.
¶7	Add direction that a clerk should attempt to contact a voter directly if there is a defect with their certificate envelope.	This addition is consistent with previous Commission guidance that voters should be notified of potential defects in their absentee certificate envelopes so that they have an opportunity to correct the defect.
¶7	Add “Whenever time permits” to preface a clerk’s ability to return a ballot to a voter pursuant to § 6.87(9).	This addition is consistent with the plain language of § 6.87(9).
¶10	Add reference to in-person absentee voting	This addition clarifies that in addition to voting in person on Election Day, a voter may also vote in-person absentee if they choose not to correct the defect and return their ballot to the municipal clerk.

¶12	Add “or witness signature” to the first line	This addition completes the section and provides the two items in the witness information section that can be corrected.
¶12	Remove “incomplete or insufficient” and replace with “missing”	This change is to make this section in compliance with the <i>League of Women Voters</i> and <i>Rise</i> permanent injunctions discussed in a separate memo.
¶12	Revise footnote	This change is to make this section in compliance with the <i>League of Women Voters</i> and <i>Rise</i> permanent injunctions discussed in a separate memo.
¶12	Consider line in blue regarding whether a witness can go to the clerk’s office without the voter to correct a defect in the witness information section	See in-depth Discussion and potential motion below.
¶12	Add a line that clerks may not issue a new certificate envelope to the witness only	The clerk should not issue a new certificate envelope to a witness for a witness to correct without the voter because only the voter may fold and insert his or her ballot into the certificate envelope. Wis. Stat. § 6.87(4)(b)1.
¶13	Add a line that clarifies when a clerk may issue a new certificate envelope	Sec. 6.87(9) directs that when returning a ballot to a voter for the voter to correct a defect with the certificate envelope the clerk may issue a new certificate envelope, if necessary. This addition describes when it may be necessary for the clerk to issue a new certificate envelope as the statute is silent on that front.
¶14	Add “or witness” to the first section.	This addition makes this sentence consistent with the rest of the sections to confirm that a voter and witness may go together to the clerk’s office to correct a defect.
¶19	Add bulleted list of situations where the defect in the certificate will not be completed by the voter	This list is to make it easier for clerks to determine when it is not possible for a defect in the absentee certificate to be corrected. It also better links the two subsections for clerks’ actions under § 6.87(9) and § 6.88(3)(b).
¶21	Add a line to specify that ballots to be rejected should be kept separate to allow voters the opportunity to timely correct the defect.	Sec. 6.88(3)(b) directs that a clerk “shall not count the ballot” if they find that a certificate is “insufficient.” However, the voter may correct the defect as long as they can ensure the ballot will be returned to the

		polling place by 8 p.m. Accordingly, it has consistently been the Commission’s guidance that clerks should <i>set ballots aside</i> for rejection in case the voter attempts to correct the defect.
¶22	Add “After 8 p.m. on Election Day” to the first line.	This addition provides clarity to clerks that they should not reject ballots until after 8 p.m. on Election Day to ensure the voter has an opportunity to correct the defect.

Further Discussion:

Q: Should the manuals include a line stating that a witness may go to the clerk’s office or polling place, without the voter, for the witness to correct the defect in the witness information section?

As part of the review and reorganization of this proposed section, Chair Millis and Commissioner Jacobs both indicated they wished the full Commission to consider whether the manuals should include guidance on whether a witness may correct defects in the witness certificate section at the clerk’s office without the voter being present.

Sec. 6.87(4)(b)1. requires voters to make and subscribe to the absentee envelope certification before a witness. The witness must certify the statements described by § 6.87(2) and provide their signature and address on the certificate envelope.

While § 6.87(9) describes the procedure by which a clerk may return a ballot to a voter if the certificate is improperly completed, that statute goes on to say that a municipal clerk may do so “whenever time permits the elector to correct the defect and return the ballot...” One could look at this statute and conclude that the Legislature only ever intended for voters to be able to correct defects in their ballots. A voter may go with their witness and direct the witness to correct a defect in the witness certification section, but there does not appear to be support in § 6.87(9), or any other statute, for the proposition that a witness may correct a defect in the witness certification section without the voter being present.

The strongest argument for permitting witnesses to correct an error in their own certificate section without the voter would be to avoid a voter being disenfranchised because they could not be present to accompany their witness. If the voter is informed by their clerk that their witness forgot to sign the ballot but is not available or able to accompany their witness to the clerk’s office, the voter risks having their ballot be set aside for rejection when nothing in statute prohibits their witness from correcting a defect in the witness certification section without the voter being present.

Possible Motion 1: The Wisconsin Elections Commission approves the proposed section “Voter Correction of Incomplete Absentee Certificate Envelopes,” as modified by the reorganization and additional text in the chart above, but **excluding** the following line in paragraph 12: “A witness may go to the clerk’s office or polling place for the witness to correct the defect in the witness information section.” The Commission directs staff to insert this section into both the *Election Day* and *Election Administration*

manuals, and further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

Possible Motion 2: The Wisconsin Elections Commission approves the proposed section “Voter Correction of Incomplete Absentee Certificate Envelopes,” as modified by the reorganization and additional text in the chart above, including the following line in paragraph 12: “A witness may go to the clerk’s office or polling place for the witness to correct the defect in the witness information section.” The Commission directs staff to insert this section into both the *Election Day* and *Election Administration* manuals, and further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

Draft Manual Text: “Voter Correction of Incomplete Absentee Certificate Envelopes”

- ¶1 Disclaimer: This section of the manual covers a clerk’s ability to return absentee ballots to voters under § 6.87(9), or to reject absentee ballots under § 6.88(3)(b) when there are defects oin the certificate envelope. For information on a municipal clerk’s ability to return absentee ballots to electors under § 6.86(5) when the ballot is spoiled or damaged, see “Spoiling and Replacement Ballots” on page XX. **Be advised that these two sections of the manual are not interchangeable.**
- ¶2 Municipal clerks should make every effort to review absentee certificate envelopes as they receive voted absentee ballots from voters so that they can choose to exercise their authority under § 6.87(9) or § 6.88(3) ahead of Election Day.
- ¶3 The clerk should document any certificate errors on the Absentee Ballot Log (EL-124).
- ¶4 If the information on the absentee certificate envelope is incomplete, or if the certificate is missing, the clerk has two options for how to proceed, each of which is discussed further in the numbered sections below:
- ¶5 **(1) Returning the Ballot to the Voter** - Time permitting, they may attempt to return the ballot and incomplete certificate envelope to the voter for the voter to correct the defect; or
- ¶6 **(2) Setting Aside the Ballot for Rejection** – Rejecting a ballot is governed by Wis. Stat. 6.88(3)(b).

(1) Returning the Ballot to the Voter – Wis. Stat. § 6.87(9)

- ¶7 If the information on the absentee certificate envelope is incomplete, or if the certificate is missing, the clerk “may return the ballot to the elector...whenever time permits the elector to correct the defect and return the ballot” so that the municipal clerk can cause the completed ballot to be delivered to the proper polling place by 8 p.m. on Election Day. Wis. Stat. § 6.87(9). Sec. 6.87(9) does not limit how a municipal clerk should “return the ballot” to the elector. **A clerk should contact a voter directly (phone, email, or otherwise) to notify the voter that there is a defect with their certificate envelope so that the voter may take steps to correct the defect. Whenever time permits,** a clerk may choose to return the ballot to the voter under § 6.87(9) by returning it by mail, or by returning it to the voter in person in the clerk’s office or at the polling place on Election Day.
- ¶8 It is incumbent upon the voter to “correct the defect.”
- ¶9 If necessary, a clerk may include a new certificate envelope to the voter when returning a ballot for a voter to correct pursuant to § 6.87(9).

¶10 If the ballot has been returned to the voter under § 6.87(9), the voter must ensure the corrected ballot is returned so it is delivered to the polling place no later than 8 p.m. on Election Day. If a municipal clerk returns a ballot to a voter pursuant to § 6.87(9) and the voter chooses not to return it with the defect corrected, the voter may still vote in person at the polls on Election Day, or vote in person absentee pursuant to § 6.86(1)(a)2.

Defect in Voter Information Section

¶11 If the voter is correcting the original certificate envelope (to fill in a missing required field, for example), the original witness does not need to be present to witness the voter correcting the defect under § 6.87(9).

Defect in Witness Information Section

¶12 If the witness address or witness signature is ~~incomplete or insufficient~~missing, the voter and their original witness may go together to the clerk’s office or polling place for the witness to correct the defect.¹ A witness may go to the clerk’s office or polling place for the witness to correct the defect in the witness information section. A clerk may not issue a new certificate envelope to the witness only—if a new certificate envelope is issued to allow a witness to correct a defect, the voter must also be present.

Issuing a New Certificate Envelope

¶13 A new certificate envelope may be necessary if the voter or witness are unable to correct the defect on the existing envelope.

¶14 If the voter or witness corrects the certificate envelope in the clerk’s office, the clerk may issue a new certificate envelope to the voter. Wis. Stat. § 6.87(9). An election inspector at the polls may issue a new envelope, if necessary, pursuant to the clerk’s authority under § 6.87(9). If a new certificate envelope is issued and completed, the original defective certificate envelope must be destroyed, but still set aside to be accounted for later in the event of a recount.

¹ **Litigation Note:** The definition of “witness address” is the subject of ongoing litigation in two Wisconsin circuit courts. *Rise Inc., et al v. Wis. Elections Comm’n et al* (2022CV002446); *League of Women Voters v. Wis. Elections Comm’n et al* (2022CV002472). Although decisions in both cases were issued on January 2, 2024, the litigation, including the issuance of final injunctive relief and appeal schedule, is still ongoing. Accordingly, the Commission is not able to provide guidance pursuant to either case in the January 2024 version of the manual. However, the manual will be updated to be consistent with the final orders in either or both cases. The definition of “witness address” on an absentee ballot certificate is the subject of ongoing litigation. In two cases, *Rise, Inc., et al v. Wis. Elections Comm’n, et al* (2022CV002446), and *League of Women Voters of Wis. v. Wis. Elections Comm’n, et al* (2022CV002472), the Dane County Circuit Court issued decisions on January 2, and permanent injunctions on January 30, 2024. Both cases are on appeal as of February 2024. Refer to “[Clerk Comm Title]” for further information on how the decisions and permanent injunctions impact the definition of a complete witness address field/provides explanation and definition of when a ballot may be rejected due to a defect in the witness address field. The manual will be updated to be consistent with the final appellate decisions in either or both cases.

- ¶15 If the municipal clerk has provided the voter with a new envelope, the voter must request that their original witness re-complete the witness portion of the absentee envelope. The original witness must be used in this case because they were the one who witnessed the voter marking, folding, and depositing the ballot into the envelope. A new witness cannot be used because there is no way for a new witness to witness the elector marking their ballot if an elector is attempting to correct a defect under § 6.87(9).
- ¶16 If the voter is correcting a defect and the clerk has issued a new certificate envelope, **the voter** should take the following steps:
- Open the original certificate envelope
 - Verify their ballot
 - The voter may NOT remove the ballot from the polling place or the clerk’s office.
 - Seal the ballot in the new certificate envelope and complete the certifications with their original witness.
- ¶17 If the voter corrects a defect of the certificate envelope, they may only correct the defect—they may not vote a new ballot.
- ¶18 The clerk or election inspector should document that a correction was made (and if the ballot was accepted on Election Day) on the Absentee Ballot Log (EL-124).
- ¶19 If any of the following occur, the defect will not be corrected by the voter, and the clerk should proceed to section (2) below:
- 1) There is not time for a clerk to attempt to return the ballot to the voter pursuant to § 6.87(9).
 - 2) The clerk chooses not to attempt to return the ballot to the voter pursuant to § 6.87(9).
 - 3) The clerk has attempted to return the ballot to the voter under § 6.87(9), but the voter has failed to correct the defect by 8 p.m. on Election Day.
 - 4) The clerk has notified the voter of the defect in the certificate and the voter has not remedied the defect by 8 p.m. on Election Day.

(2) Setting Aside the Ballot for Rejection – Wis. Stat. § 6.88(3)(b)

- ¶20 If a clerk, or election inspector, finds that a certificate is insufficient, they shall not count the ballot. Wis. Stat. § 6.88(3)(b).
- ¶21 If exercising authority under § 6.88(3), the clerk should label missing and no certificate envelope ballots as “To Be Rejected,” and keep them separate from the rest of the absentee ballots when delivering to the polling place. **These ballots should be kept separate to allow the voter to correct any defects prior to 8 p.m. on Election Day.**
- ¶22 **After 8 p.m. on Election Day**, if a ballot is rejected, an inspector must write “rejected, insufficient certificate” on the back of the ballot. Wis. Stat. § 6.88(3)(b). The rejected

ballot should then be reinserted into the certificate envelope in which it was delivered, and securely seal both in an envelope marked for rejected absentee ballots. Wis. Stat. § 6.88(3)(b). All other procedures specified by § 6.88(3)(b) should always be followed when rejecting absentee ballots for any reason.



Wisconsin Elections Commission

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DATE: For the **February 8, 2024**, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Prepared and Presented by:
Angela O'Brien Sharpe
Staff Attorney

SUBJECT: Manual Revisions Consistent with Legal Decisions
League of Women Voters of Wis. v. Wis. Elections Comm'n, et al (2022CV002472)
Rise, Inc., et al v. Wis. Elections Comm'n, et al (2022CV002446)

Purpose & Orientation

This memorandum and its attachments present suggested edits to the *Election Day Manual* and *Election Administration Manual* to ensure that the guidance therein is consistent with litigation decisions that have been issued since the last time the manuals were revised and updated on January 24, 2024.

On January 30, 2024, the Dane County Circuit Court issued permanent injunctions in two cases, *Rise, Inc., et al v. Wis. Elections Comm'n, et al* (2022CV002446), and *League of Women Voters of Wis. v. Wis. Elections Comm'n, et al* (2022CV002472). Both cases are on appeal as of February 2024.

Since these permanent injunctions were issued at the same time staff was implementing the changes directed by the Commission from the January 24 meeting, staff recommends that the Commission consider and approve the following additional legal changes before the final versions of the manuals are issued. As both the *Election Administration* and *Election Day* manuals contain language that is inconsistent with the directives of the permanent injunctions, they require additional edits before they can be published.

Discussion

Neither manual requires extensive changes to be compliant with the permanent injunctions issued on January 30.

The proposed edits fall into three categories:

- (1) Removing instances where the witness address field is defined to exclusively mean street number, street name, and municipality.
- (2) Removing instances where the manuals state or imply that an incomplete witness address field renders the absentee certificate to be insufficient. Sections of the manuals that direct that an

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Administrator
Meagan Wolfe

absentee certificate envelope is insufficient if the witness address is completely missing do not contradict the permanent injunctions in these cases.

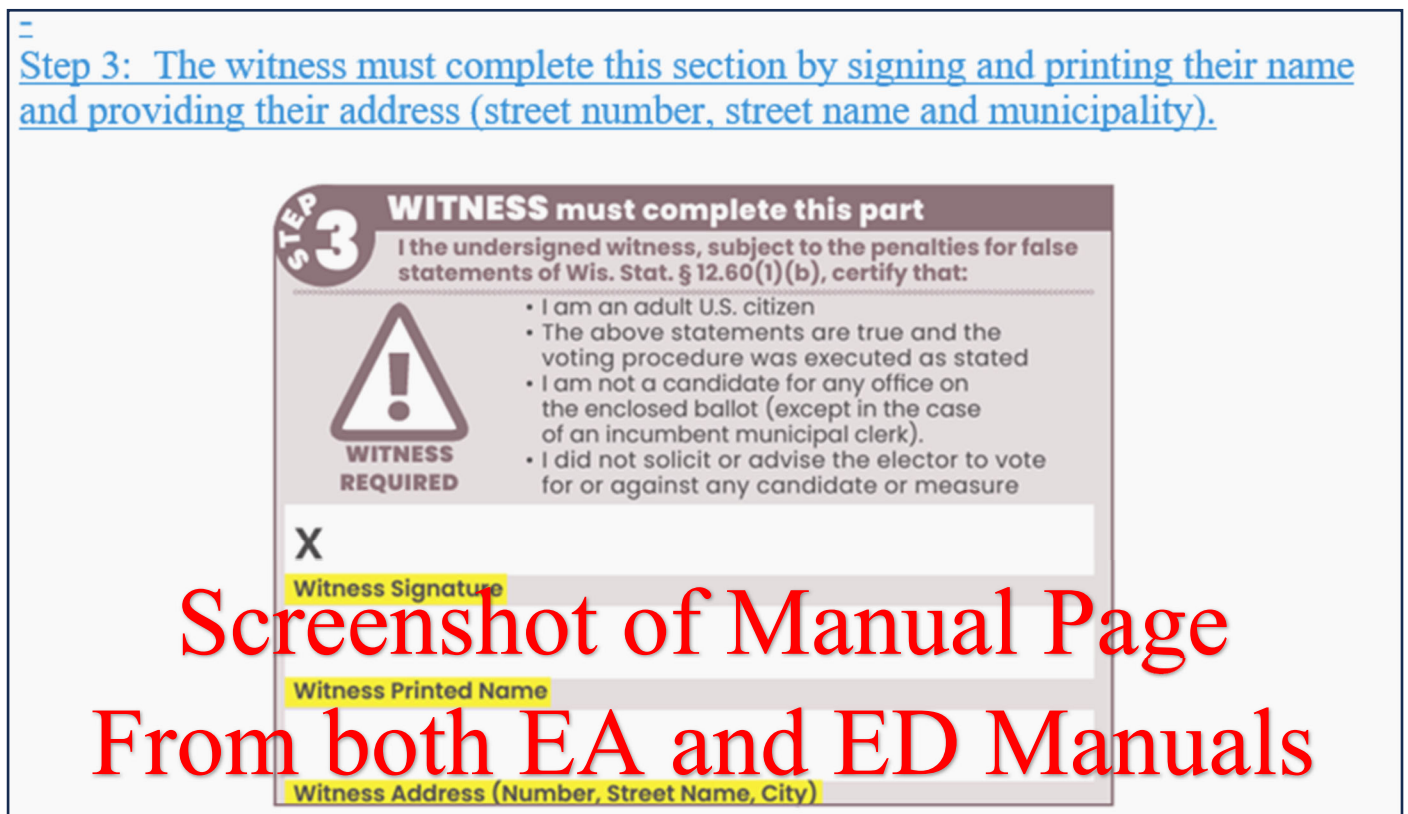
(3) Updating a Litigation Note footnote to reflect the updates in both cases.

(1) Removing Inconsistent Definitions of Witness Address Field

Both the *Election Administration* and *Election Day* manuals require the same edit. Commission staff had previously recommended including the following line:

“Step 3: The witness must complete this section by signing and printing their name and providing their address (street number, street name, and municipality).”

This line appeared above an image of the witness portion of the absentee certificate envelope, as reproduced below:



The Commission approved adding this line in full at its December 19, 2023 meeting, and it was flagged again at the January 24, 2024 meeting after staff had replaced the envelope certificate snips with versions of the new envelopes that the Commission approved in August 2023.

Staff recommend removing the parenthetical from the end of this line so the new line would read: “**Step 3: The witness must complete this section by signing and printing their name and providing their**

address." As written, the line is inconsistent with the permanent injunctions in these cases to the extent that it states, implies, or directs that a witness address is only sufficient if it contains the street number, street name, and municipality.

Recommended Motion 1: The Wisconsin Elections Commission accepts the staff's recommendation to remove the parenthetical "street number, street name, and municipality" from the line referenced above that appears in the *Election Administration* and *Election Day* manuals. The Commission further authorizes staff to make formatting, numbering, and other scrivener's edits to the manuals consistent with effectuating these changes.

(2) Removing References to Incomplete Witness Address

Both the *Election Administration* and *Election Day* manuals require the same two edits. At the January 24, 2024 meeting, the Commission reviewed a new proposed section to both manuals titled "Voter Correction of Incomplete Absentee Certificate Envelopes." The Commission directed that the text of Option 3 be used, but that the section should be reorganized to make it easier to read.

Separate from those reorganization changes, which are presented in a separate memo, there are two changes that need to be made for the section to comply with the permanent injunctions in *League* and *Rise*.

The recommended change is to this line: "If the witness address or witness signature is incomplete or insufficient, the voter and their original witness may go together to the clerk's office or polling place for the witness to correct the defect." This line appears in paragraph 12 of the revised proposed section "Voter Correction of Incomplete Absentee Certificate Envelopes."

Staff recommend removing "incomplete or insufficient" and replacing those words with "missing" so that the new line reads: "**If the witness address or witness signature is missing, the voter and their original witness may go together to the clerk's office or polling place for the witness to correct the defect.**"

Recommended Motion 2: The Wisconsin Elections Commission accepts the staff's recommendation to remove the words "incomplete or insufficient" from the line referenced above that appears in the *Election Administration* and *Election Day* manuals, and replace them with the word "missing." The Commission further authorizes staff to make formatting, numbering, and other scrivener's edits to the manuals consistent with effectuating these changes.

(3) Updating the Litigation Note for these Cases

The same proposed section, "Voter Correction of Incomplete Absentee Certificate Envelopes," also contains a litigation footnote that specifically references these two cases. In the wake of the permanent injunctions, the footnote is now out of date. This footnote appears within paragraph 12 of the revised proposed section "Voter Correction of Incomplete Absentee Certificate Envelopes."

On January 24, the Commission reviewed and approved the following version of the footnote:

Litigation Note: The definition of “witness address” is the subject of ongoing litigation in two Wisconsin circuit court cases. *Rise Inc., et al v. Wis. Elections Comm’n et al* (2022CV002446); *League of Women Voters v. Wis. Elections Comm’n et al* (2022CV002472). Although decisions in both cases were issued on January 2, 2024, the litigation, including the issuance of final injunctive relief and possible appeals, is still ongoing. However, the manual will be updated to be consistent with the final outcomes in either or both cases.

Subsequent to the permanent injunctions that were issued on January 30, the Commission must now consider and approve one of two versions of the revised footnote.

Option 1 – DOJ Version. This version of the footnote was provided by litigation counsel in the wake of the permanent injunctions. Changes from the original footnote above are indicated in red.

Litigation Note: The definition of “witness address” is the subject of ongoing litigation ~~in two Wisconsin circuit court cases.~~ **In two cases,** *Rise Inc., et al v. Wis. Elections Comm’n et al* (2022CV002446); *League of Women Voters v. Wis. Elections Comm’n et al* (2022CV002472), **the Dane County Circuit Court.** ~~Although issued decisions in both cases were issued~~ on January 2, 2024, **and permanent injunctions on January 30, 2024. Both cases are on appeal as of February 2024. Refer to “[Clerk Comm Title]” for further information on how the decisions and permanent injunctions impact the definition of a complete witness address field. However, the** The manual will be updated to be consistent with the final **outcomes appellate decisions** in either or both cases.

Option 2 – Clerk Communication Clarification Version. This version of the footnote was proposed by a commissioner and makes only one proposed change that differs from Option 1. This change is proposed in order to more accurately describe the clerk communication’s direction on when and whether an absentee ballot should be rejected based on incomplete or insufficient witness address field grounds.

Litigation Note: The definition of “witness address” is the subject of ongoing litigation. In two cases, *Rise Inc., et al v. Wis. Elections Comm’n et al* (2022CV002446); *League of Women Voters v. Wis. Elections Comm’n et al* (2022CV002472), the Dane County Circuit Court-issued decisions on January 2, 2024, and permanent injunctions on January 30, 2024. Both cases are on appeal as of February 2024. Refer to “[Clerk Comm Title]” for further information on how the decisions and permanent injunctions ~~impact the definition of a complete witness address field~~ **provide explanation and definition of when a ballot may be rejected due to a defect in the witness address field.** The manual will be updated to be consistent with the final appellate decisions in either or both cases.

Recommended Motion 3: The Wisconsin Elections Commission accepts the staff’s recommendation to include the litigation footnote in **Option 1/Option 2** that appears in the *Election Administration* and *Election Day* manuals. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.



Wisconsin Elections Commission

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DATE: For the February 8, 2024, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Prepared and Presented by:
Brandon Hunzicker
Staff Attorney

SUBJECT: Required Clerk Communications following *Rise, Inc., et al. v. WEC et al.*, (2022-CV-2446), and *League of Women Voters of Wisconsin v. WEC, et al.*, (2022-CV-2472)

Background

On January 30, the Commission received two signed decisions and Declaratory Judgment and Permanent Injunction Orders in the above-named cases from the Dane County Circuit Court concerning witness address information. Both cases require Commission action by February 9. The Commission must send all county and municipal clerks both orders, as well as send guidance consistent with the orders. Further, the *Rise* Order requires the Commission to address the memo it issued to comply with the Waukesha County Circuit Court's Permanent Injunction in *White et al. v. WEC*. The *Rise* Order does not require the Commission to modify its absentee ballot certificate envelope designs as long as the Commission's guidance properly advises Wisconsin's clerks of the Order and their obligations concerning absentee ballot witness address sufficiency.

Following this memo is a draft revision and reissue of the Commission's clerk communication concerning the *White* case, a draft of a communication to be issued to clerks concerning the *League of Women Voters* and *Rise* cases, and a draft Q&A document that attempts to address the key questions clerks may have concerning the three cases and what they mean.

Discussion

1. Draft Revised and Reissued Clerk Communication for *White et al. v. WEC*

The revised draft presented to the Commission in today's materials complies with the Dane County Court's Order "to rescind the Memorandum entitled 'Temporary Injunction on WEC Guidance re Missing Absentee Witness Address,' . . . or to revise and reissue the memorandum consistent with this Order." The Dane County Court found the memorandum to be "invalid and contrary to law to the extent that it adopts a different definition of 'address' for purposes of the witness address requirement than the definition adopted in this Order." Because the Permanent Injunction issued by the Waukesha County Court still applies to the Commission, staff recommend updating and reissuing the document.

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Administrator
Meagan Wolfe

The attached draft updates the language of the clerk communication to refer to the permanent injunction rather than the temporary injunction. The section containing the Commission’s previous witness address definition has been removed, and replaced with these sentences:

The Court stated that the Permanent Injunction is not “intended, nor shall be construed, to enjoin WEC from issuing or distributing its guidance regarding the definition of ‘address’ as used in Wis. Stat. § 6.87.” **On witness address content, please refer to the Commission’s memorandum concerning *League of Women Voters of Wisconsin v. WEC, et al.* and *Rise, Inc., et al. v. WEC et al.* also issued on February 8, 2024.**

2. Draft Clerk Communication for *Rise, Inc., et al. v. WEC et al.* and *League of Women Voters of Wisconsin v. WEC, et al.*

The draft clerk communication follows the format that has been adopted by the Commission in other contexts and summarizes and quotes both decisions and orders to inform clerks of the key language within the documents. Staff will be ready to alter the draft as directed by the Commission during the meeting if the Commission wishes to make alterations.

3. Draft Q&A document

The Dane County Circuit Court and the Waukesha County Circuit Court have issued Permanent Injunctions concerning previous Commission guidance on absentee ballot witness addresses. All told, clerks have received a large amount of information on this topic over the last several years. A short, clear Q&A document that presents the requirements of each case in a manner that is easy to understand and apply may be very useful to clerks across Wisconsin. Staff have thought about what questions are most likely to come up, and hope that this document will help both the Commission and local clerks to comply with the orders across all three cases. This document is not required, and the clerk communications discussed in sections one and two are enough to comply with the orders. However, staff believe that this document, as edited by the Commission during this meeting, would be very useful.

Recommended Motion

The Commission approves the documents discussed in this memo as edited by the Commission in today’s meeting. Staff shall send the revised and reissued clerk communication and attached order for *White et al. v. WEC*, the clerk communication for *Rise, Inc., et al. v. WEC et al.* and *League of Women Voters of Wisconsin v. WEC, et al.* and attached orders, and the Q&A document to all Wisconsin County and Municipal Clerks and the County and City of Milwaukee Election Commissions.



Wisconsin Elections Commission

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DATE: February 8, 2024

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

FROM: Wisconsin Elections Commission

SUBJECT: **AMENDED February 8, 2024:** Permanent Injunction on WEC Guidance re: Missing Absentee Witness Address
(*White et al. v. Wisconsin Elections Commission*, 22-CV-1008)

On October 3, 2022, the Honorable Judge Michael J. Aprahamian of the Waukesha County Circuit Court issued a Permanent Injunction declaring two memoranda issued by the Wisconsin Elections Commission (WEC) invalid and contrary to law. The Permanent Injunction, attached to this memorandum, prohibits the WEC from disseminating or displaying the following memoranda:

- 1) The October 18, 2016, memorandum entitled “AMENDED: Missing or Insufficient Witness Address on Certificate Envelopes”
- 2) The October 19, 2020, memorandum entitled, “Spoiling Absentee Ballot Guidance”

The Court further prohibited WEC from providing any advice or guidance that municipal clerks or other local election officials have the duty or ability to modify or add information to absentee ballot certifications. The Court additionally prohibited WEC from giving any advice or guidance contrary to the provision in Wis. Stat. § 6.87 that, if a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, whenever time permits for the elector to correct the defect and return the ballot by the applicable deadline. *See*, Wis. Stat. § 6.87(9).

Pursuant to the Permanent Injunction of October 3, 2022, this communication is hereby issued to give notice that the WEC memoranda of October 18, 2016, and October 19, 2020, have been declared invalid and contrary to law and have been withdrawn. The Court stated that the Permanent Injunction is not “intended, nor shall be construed, to enjoin WEC from issuing or distributing its guidance regarding the definition of ‘address’ as used in Wis. Stat. § 6.87.” **With respect to witness address content, please refer to the Commission’s memorandum concerning *League of Women Voters of Wisconsin v. WEC, et al.* and *Rise, Inc., et al. v. WEC et al.* also issued on February 8, 2024.**

Please review this notice and the attached Permanent Injunction with your municipal attorney to determine if any changes to your procedures are required.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Please contact the WEC Help Desk at elections@wi.gov or at (608) 261-2028 with any questions. Thank you for your prompt attention to this matter. This memorandum was reviewed and approved by the six members of the Wisconsin Elections Commission at their February 8, 2024, public meeting.

FILED
10-03-2022
Clerk of Circuit Court
Waukesha County
2022CV001008

DATE SIGNED: October 3, 2022

Electronically signed by Michael J. Aprahamian
Circuit Court Judge

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY
BRANCH 9

MICHAEL WHITE, EVA WHITE, EDWARD
WINIECKE, *and* REPUBLICAN PARTY OF
WAUKESHA COUNTY,

Plaintiffs,

Case No. 2022CV1008

THE WISCONSIN STATE LEGISLATURE,

Intervenor-Plaintiff,

v.

WISCONSIN ELECTIONS COMMISSION,

Defendant,

WAUKESHA COUNTY DEMOCRATIC PARTY,
and LEAGUE OF WOMEN VOTERS OF
WISCONSIN,

Intervenor-Defendants.

**ORDER GRANTING FINAL JUDGMENT TO PLAINTIFFS AND INTERVENOR
PLAINTIFF THE WISCONSIN STATE LEGISLATURE**

After considering the parties' briefing, arguments, and all other record evidence presented in this case, it is hereby **ORDERED** that Plaintiffs and Intervenor Plaintiff are entitled to final judgment on their claims for declaratory and permanent injunctive relief, *see* Wis. Stat. § 806.01(1)(c);

Defendant the Wisconsin Election Commission (“WEC”) is **PERMANENTLY PROHIBITED** and **ENJOINED** from publicly displaying or disseminating any document, communication, guidance, or memoranda that municipal clerks or election officials can add information to absentee ballot witness certifications in any form including, but not limited to, the October 18, 2016, memorandum entitled “AMENDED: Missing or Insufficient Witness Address on Absentee Certificate Envelopes,” and the memorandum dated October 19, 2020, entitled “Spoiling Absentee Ballot Guidance”;

WEC is **PERMANENTLY PROHIBITED** and **ENJOINED** from advising, guiding, instructing, publishing, or otherwise communicating information to Wisconsin municipal clerks and local elections officials that is contrary to Wis. Stat. § 6.87(9), which provides that if a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, whenever time permits the elector to correct the defect and return the ballot by the applicable deadline;

WEC is **PERMANENTLY PROHIBITED** and **ENJOINED** from advising, guiding, instructing, publishing, or otherwise communicating information to Wisconsin municipal clerks and local elections officials that clerks or local election officials have the duty or ability to modify or add information to incomplete absentee ballot certifications;

The Court's final judgment applies to portions of the WEC memoranda of October 18, 2016 and October 19, 2020, now withdrawn, and any other memoranda, communication, guidance, or publication of WEC that contains or indicates that municipal clerks or local election officials can modify or add information to absentee ballot certifications;

Nothing herein is intended, nor shall be construed, to enjoin WEC from issuing or distributing its guidance regarding the definition of "address" as used in Wis. Stat. § 6.87;

Thus, the Court now enters final judgment in favor of Plaintiffs and Intervenor-Plaintiff, consistent with the above. This final judgment resolves all claims pending in this case, and is final for purposes of appeal.

SO ORDERED.



Wisconsin Elections Commission

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DATE: February 8, 2024

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

FROM: Wisconsin Elections Commission

SUBJECT: Permanent Injunctions for WEC concerning Absentee Voter Witness Address Information
(*Rise, Inc., et al. v. WEC et al.*, 2022-CV-2446)
(*League of Women Voters of Wisconsin v. WEC, et al.*, 2022-CV-2472)

On January 30, 2024, the Honorable Judge Ryan D. Nilsestuen of the Dane County Circuit Court issued two decisions and Declaratory Judgment and Permanent Injunction orders, respectively, in the above-referenced cases relating to what witness address information must be included on an absentee ballot certificate. This memo will discuss both cases as well as the Commission's reissued memorandum concerning the Permanent Injunction in *White et al. v. WEC* (22-CV-1008). The decisions, the reissued memorandum, and a Q&A document are attached to this memorandum.

1. Reissued Memorandum Concerning *White et al. v. WEC*

Pursuant to the Permanent Injunction in *Rise, Inc., et al. v. WEC et al.* of January 30, 2024, this communication is hereby issued to give notice that the WEC memorandum of September 14, 2022, contained a definition of a witness address that is invalid and contrary to law. That memorandum has therefore been revised and reissued. Specifically, the Commission's prior definition of a witness address has been withdrawn and replaced with the standards explained in this memorandum and attached permanent injunctions. **Please refer to the reissued memorandum, also dated February 8, 2024, concerning *White et al. v. WEC* and continue to follow the Commission's guidance contained in that document.**

2. Concerning the Permanent Injunction for *Rise, Inc., et al. v. WEC et al.*

The Dane County Circuit Court declared that:

[W]ith respect to a witness's address on an absentee ballot certificate, the term 'address' in Wis. Stat. § 6.87(2) and (6d) means 'a place where the witness may be communicated with.'

The Dane County Circuit Court further declared that:

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Wis. Stat. § 6.87's requirement that the witness's address be included on the absentee ballot certificate does not require that any particular components or information be included, but only that the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with.

The Dane County Circuit Court declared that, "an absentee ballot certificate is not 'improperly completed' under Wis. Stat. § 6.87(9), based on a witness address," and that, "Wis. Stat. § 6.87 does not authorize the rejection of, return for cure of, or refusal to count an absentee ballot based on a witness's address," as long as "the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with."

The Commission is enjoined "from promulgating rules, guidance documents, or other materials inconsistent with this Order, or from otherwise taking any action inconsistent with" the decision. However, the Court did not require the Commission to modify the text of any absentee ballot certificate envelope as long as it advises Wisconsin election officials of the Court's order and advises Wisconsin election officials that they have an:

obligation not to reject, return for cure, or refuse to count any absentee ballot based on a witness's address if the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with.

This memorandum, the attached Permanent Injunction, and attached Q&A document constitute the Wisconsin Elections Commission's advisement to Wisconsin's election officials of their obligations as stated by the Court.

3. Concerning the Permanent Injunction for *League of Women Voters of Wisconsin v. WEC, et al.*

The Dane County Court declared that:

the Materiality Provision of the federal Civil Rights Act of 1964, 52 U.S.C. § 10101, applies to the requirement under Wisconsin statute that each absentee ballot contain address information for an eligible adult U.S. citizen who witnessed the voter casting the absentee ballot.

Concerning witness address information, the Court found that the materiality provision prevents absentee ballots from being rejected in four specific instances. An absentee ballot may **not** be rejected if:

- a. The witness's street number, street name, and municipality are present, but there is neither a state name nor a ZIP code provided;
- b. The witness's street number, street name, and ZIP code are present, but there is neither a municipality nor a state name provided;
- c. The witness's street number and street name are present and match the street number and street name of the voter, but no other address information is provided; or
- d. The witness certification indicates that the witness address is the same as the voter's address with any or any combination of the following words: "same," "same address,"

“same as voter,” “same as above,” “see above,” “ditto,” or by using quotation marks and/or an arrow or line pointing to or from the voter address.

The Wisconsin Elections Commission is enjoined from taking any action inconsistent with the decision.

Please review this notice, the attached Permanent Injunctions, and the Q&A document with your municipal attorney to determine if any changes to your procedures are required.

Please contact the WEC Help Desk at elections@wi.gov or at (608) 261-2028 with any questions. Thank you for your prompt attention to this matter. This memorandum was reviewed and approved by the six members of the Wisconsin Elections Commission at their February 8, 2024, public meeting.

BY THE COURT:

DATE SIGNED: January 30, 2024

Electronically signed by Ryan D. Nilsestuen
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

BRANCH 10

RISE, INC. AND JASON RIVERA,
Plaintiffs

Declaratory Judgment and Permanent
Injunction

vs.

WISCONSIN ELECTIONS
COMMISSION et al.,
Defendants

Case No. 2022CV2446

For the reasons stated on the record and given in the Court’s January 2, 2024, Decision and Order (Dkt. 223), the Court hereby:

1. **DECLARES** that, with respect to a witness’s address on an absentee ballot certificate, the term “address” in Wis. Stat. § 6.87(2) and (6d) means “a place where the witness may be communicated with”;
2. **DECLARES** that Wis. Stat. § 6.87’s requirement that the witness’s address be included on the absentee ballot certificate does not require that any particular components or information be included, but only that the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with;

3. **DECLARES** that an absentee ballot certificate is not “improperly completed” under Wis. Stat. § 6.87(9), based on a witness’s address, so long as the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with;
4. **DECLARES** that Wis. Stat. § 6.87 does not authorize the rejection of, return for cure of, or refusal to count an absentee ballot based on a witness’s address, if the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with;
5. **DECLARES** that the Wisconsin Elections Commission’s September 14, 2022, Memorandum entitled “Temporary Injunction on WEC Guidance re Missing Absentee Witness Address,” Dkt. 38 Ex. 8, is invalid and contrary to law to the extent that it adopts a different definition of “address” for purposes of the witness address requirement than the definition adopted in this Order;
6. **ORDERS** Defendant the Wisconsin Elections Commission, by February 9, 2024, to rescind the Memorandum entitled “Temporary Injunction on WEC Guidance re Missing Absentee Witness Address,” Dkt. 38 Ex. 8, or to revise and reissue the memorandum consistent with this Order;
7. **ORDERS** Defendant the Wisconsin Elections Commission, by February 9, 2024, to promptly advise all municipal and county election officials of this Court’s Order;
8. **ENJOINS** Defendant the Wisconsin Elections Commission from promulgating rules, guidance documents, or other materials inconsistent with this Order, or from otherwise taking any action inconsistent with this Order; and

9. **ENJOINS** Defendants Maribeth Witzel-Behl, Tara McMenamin, and Celestine Jeffreys from rejecting or returning for cure any absentee ballot based on a witness's address, if the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with.
10. Provided, however, that nothing in this Order shall require Defendant the Wisconsin Elections Commission to modify the printed text of the absentee ballot certificate as the Wisconsin Elections Commission approved it at its December 19, 2023, meeting, so long as Defendant the Wisconsin Elections Commission advises municipal and county election officials of this Court's Order and of their obligation not to reject, return for cure, or refuse to count any absentee ballot based on a witness's address, if the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with.

This order is final for purposes of appeal.

FILED
01-30-2024
CIRCUIT COURT
DANE COUNTY, WI
2022CV002472

BY THE COURT:

DATE SIGNED: January 30, 2024

Electronically signed by Ryan D. Nilsestuen
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 10

DANE COUNTY

LEAGUE OF WOMEN VOTERS OF
WISCONSIN

Plaintiff

Declaratory Judgment and Permanent
Injunction

vs.

WISCONSIN ELECTIONS
COMMISSION, et al.,
Defendants

Case No. 2022CV2472

On January 2, 2024, after extensive briefing and fully apprised of the premises, the Court issued a Decision and Order on Summary Judgment (Dkt. 157) in favor of Plaintiff League of Women Voters of Wisconsin. After further consideration and a hearing involving counsel for all parties on January 30, 2024, the Court now enters the following declaratory judgment and permanent injunction.

THE COURT DECLARES that the Materiality Provision of the federal Civil Rights Act of 1964, 52 U.S.C. § 10101, applies to the requirement under Wisconsin statute that each absentee ballot contain address information for an eligible adult U.S. citizen who witnessed the voter casting the absentee ballot. *See* Wis. Stat. § 6.87. Because federal law preempts state authority that purports to establish rules determining substantive rights and obligations contrary to federal law, the Materiality Provision prohibits rejecting absentee ballots based upon one of the following

errors or omissions: (1) witness certifications containing the witness's street number, street name, and municipality, but not other address information such as state name or ZIP code; (2) witness certifications by a member of the voter's household who lists a street number and street name, but omits other information, such as a municipality; (3) witness certifications using terms like "same" or "ditto" or other means to convey that their address is the same as the voter; and (4) witness certifications with a street number, street name, and ZIP code, but not the municipality or state name.

Consistent with the judgment above and the Court's prior Decision and Order on Summary Judgment (Dkt. 157), IT IS HEREBY ORDERED that:

1. By February 9, 2024, Defendants Don Millis, Robert F. Spindell, Jr., Mark L. Thomsen, Ann S. Jacobs, Marge Bostelmann, Carrie Riepl, and Meagan Wolfe, through Defendant Wisconsin Elections Commission, must disseminate to all county clerks, all municipal clerks, the Milwaukee County Election Commission, and the Milwaukee City Election Commission, a copy of this Order and guidance on its implementation such that no absentee ballot may be rejected based upon witness certifications bearing witness-address information meeting any of the following four sets of criteria:

- a. The witness's street number, street name, and municipality are present, but there is neither a state name nor a ZIP code provided;
- b. The witness's street number, street name, and ZIP code are present, but there is neither a municipality nor a state name provided;
- c. The witness's street number and street name are present and match the street number and street name of the voter, but no other address information is provided; or
- d. The witness certification indicates that the witness address is the same as the voter's address with any or any combination of the following words: "same," "same address," "same as voter," "same as above," "see above," "ditto," or by using quotation marks and/or an arrow or line pointing to or from the voter address.

2. Defendants Wisconsin Elections Commission, its Commissioners, and Administrator are hereby permanently enjoined from taking any action inconsistent with this Declaratory Judgment and Permanent Injunction.

This order is final for purposes of appeal.



Wisconsin Elections Commission

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

DATE: February 8, 2024

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

FROM: Wisconsin Elections Commission

SUBJECT: Q&A Concerning Witness Address Information Related to *Rise, Inc., et al. v. WEC et al.*, (2022-CV-2446), *League of Women Voters of Wisconsin v. WEC, et al.*, (2022-CV-2472), and *White et al. v. Wisconsin Elections Commission*, (22-CV-1008)

This memo is intended to answer basic questions that may arise from the Commission's two clerk communications concerning the above-referenced cases relating to absentee ballot witness addresses. This Q&A document does not alter the meaning of those communications and is intended as a practical guide to understanding them.

Question 1: Can an election official modify or add information to absentee ballot witness certifications?

Answer 1: No. Election officials cannot modify or add information to absentee ballot witness certifications.

Question 2: What does "address" mean as used in Wis. Stat. § 6.87(2) and (6d)?

Answer 2: It means "a place where the witness may be communicated with."

Question 3: What information is required for a sufficient witness address?

Answer 3: No particular components or information are required, but **an absentee ballot cannot be rejected or returned to a voter for correction under Wis. Stat. § 6.87(9) as long as the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with.** This does not prevent returning an absentee ballot to a voter or rejecting an absentee ballot after 8 p.m. on Election Day if this standard cannot be met or if there is a separate issue, such as a missing witness signature or missing voter signature.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Question 4: What information is enough for a reasonable person in the community to identify a location where the witness can be communicated with?

Answer 4: The Commission cannot provide a complete answer to this question since, by definition, it is community specific. However, it can state that in the four scenarios below, the witness address must be considered sufficient. A witness address is sufficient if:

- a. The witness's street number, street name, and municipality are present, but there is neither a state name nor a ZIP code provided;
- b. The witness's street number, street name, and ZIP code are present, but there is neither a municipality nor a state name provided;
- c. The witness's street number and street name are present and match the street number and street name of the voter, but no other address information is provided; or
- d. The witness certification indicates that the witness address is the same as the voter's address with any or any combination of the following words: "same," "same address," "same as voter," "same as above," "see above," "ditto," or by using quotation marks and/or an arrow or line pointing to or from the voter address.

Question 5: If one of these four scenarios is not present, should the absentee ballot be rejected?

Answer 5: Not on that basis. **If an election official determines that one of the four scenarios above is present, the witness address is sufficient and no further determination is needed. If one of these scenarios is not present, an election official must apply the standard in Answer 3, which is to look to the face of the certificate for information that would allow a reasonable person in the community to identify a location where the witness may be communicated with. If the information can be found on the face of the certificate, it is sufficient.**

Please contact the WEC Help Desk at elections@wi.gov or at (608) 261-2028 with any questions. This memorandum was reviewed and approved by the six members of the Wisconsin Elections Commission at their February 8, 2024, public meeting.



Wisconsin Elections Commission

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

DATE: For the February 8, 2024 Commission Meeting

TO: All Municipal and County Clerks

FROM: The Wisconsin Elections Commission

SUBJECT: Required Use of New Absentee Envelopes and Instructions

Summary

This communication reminds clerks that use of the new absentee ballot materials is mandatory for all 2024 elections. Specifically, jurisdictions must use only new versions of the following forms:

- [Official Absentee Ballot Certificate and Application \(EL-122 and associated versions\)](#)
- [Absentee Ballot Mailer Envelope \(EL-120 and associated versions\)](#)
- [Uniform Absentee Ballot Instructions \(EL-128 and associated versions\)](#)

Further, this memorandum affirms that the substantive text on absentee envelopes must be printed on the side of the envelope without the “flap.” In the case of the certificate envelope (EL-122) the certificate itself is the substantive language, because it is important that municipalities receive an intact certificate form. In the case of the outer envelope (EL-120), the voter address is the substantive language, because the opposite side of the EL-120 does not contain any essential information.

Why Use of the New Envelopes (EL-122 and EL-120) Is Required

The Wisconsin Elections Commission unanimously voted to require use of the new envelopes on April 28, 2023. This decision was communicated to all jurisdictions on May 2, 2023. The original clerk communication is available here: <https://elections.wi.gov/memo/absentee-envelope-redesign-update>. The Commission affirmed this decision in August, 2023, and their announcement was again communicated to clerks on August 9, 2023. You can find the August memo here: <https://elections.wi.gov/memo/absentee-envelope-designs-approved-commission>.

The new design, approved by the Commission, ensures compliance with current law and court decisions. The specifics of the design have also been reviewed and approved by the U.S. Postal Service. **Using old envelopes in 2024 elections could lead to challenges, complaints, lawsuits, and mailing delays related to the use of a form that is no longer approved by the Commission.**

In summary, on April 28, 2023 the Wisconsin Elections Commission unanimously passed a motion directing that only the new envelope design would be authorized for use in Wisconsin starting with the February 2024 Spring Primary. In August, the Commission prescribed the new versions of the Official

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Absentee Ballot Certificate and Application (EL-122 and associated versions) and the Absentee Ballot Mailer Envelope (EL-120 and associated versions). The colors, format and size of the envelope are also requirements prescribed by the Commission. As is outlined in previous communications, the prescribed form includes the option for clerks to use WisVote mailing labels and their own postage. You can find the print guide posted with the Clerk Communication linked above. The August 4, 2023 Commission materials and minutes can be found here <https://elections.wi.gov/event/special-meeting-842023>

Why Use of the Uniform Instructions For Absentee (EL-128) is Required

On December 19, 2023 the Commission directed the mandatory use of a new version of the Uniform Instructions for Absentee Voters (EL-128 and associated versions) for all 2024 elections. The meeting materials and minutes can be found here: <https://elections.wi.gov/event/special-meeting-12192023>.

A Communication was sent to all clerks on December 27, 2023 announcing the new instructions and the mandatory use of the new instructions. That communication can be found here: <https://elections.wi.gov/memo/commission-approves-revised-uniform-absentee-ballot-instructions>.

Further, Wisconsin Statutes §§[6.22\(4\)\(d\)](#), [6.24\(6\)](#), and [6.869](#) all require that the versions of the Uniform Instructions for Absentee (EL-128 and associated versions) prescribed by the Commission be sent to all voters.

Clerks must send voters the [Uniform Absentee Ballot Instructions \(EL-128 and associated versions\)](#) with every absentee ballot sent by mail. You may not modify the text of the form. The only sections where you may add information are the fillable fields for your municipal contact information. While you must use the Commission's prescribed Uniform Instructions for Absentee, some jurisdictions may choose to send additional information on a separate piece of paper.

Printing Substantive Content on the Side of the Envelope Without the Flap

The Commission believes that previous communications make it clear that all substantive text for the new absentee envelopes should be printed on the side of the envelope without the flap. Specifically, certificate text for the Official Absentee Ballot Certificate and Application (EL-122 and associated versions) should be printed on the side of the envelope without the flap. This means postage information on the EL-122 is printed on the "flap" side. On the Absentee Mailer Envelope (EL-120), the address and postage information should be printed on the side without the flap, meaning the side with the flap is blank.

Conclusion

Use of only the new absentee ballot materials is mandatory for all 2024 elections. The substantive text on absentee envelopes must be printed on the side without a flap.

This memorandum was reviewed and approved by the six members of the Wisconsin Elections Commission at their February 8, 2024 public meeting.



Wisconsin Elections Commission

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

DATE: For the February 8, 2024, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator

SUBJECT: Wisconsin Green Party Ballot Status Petition

Background

Wisconsin Statute §5.62(1)(b)1. governs how a political party can achieve and maintain ballot status in Wisconsin. In relevant part, a political party that has achieved ballot status will maintain that status in future elections if a candidate representing the political party receives at least 1% of the votes cast for any statewide contest in a gubernatorial election year.

This statute also provides that:

An organization which was listed as “independent” at the last general election and whose candidate meets the same qualification shall receive the same ballot status upon petition of the chairperson and secretary of the organization to the commission requesting such status and specifying their party name, which may not duplicate the name of an existing party. A petition under this subdivision may be filed no later than 5 p.m. on April 1 in the year of each General Election.

After the 2022 gubernatorial election, the Democratic Party of Wisconsin, the Republican Party of Wisconsin, the Libertarian Party of Wisconsin, and the Constitution Party of Wisconsin all maintained ballot status due to their candidates receiving at least 1% of the vote for a statewide office in the 2022 General Election. The Wisconsin Green Party had ballot status in the 2018 General Election but did not gather at least 1% of the vote in a statewide office in that election and therefore did not maintain their ballot status ahead of the 2020 and 2022 election cycles.

Green Party Petition

Sharyl R. McFarland, representing the Wisconsin Green Party, received over 1% of the votes cast for Secretary of State in the November 8, 2022, General Election and therefore, under Wis. Stat. § 5.62(1)(b)1., the Wisconsin Green Party is eligible to petition the Wisconsin Elections Commission (WEC) for ballot status.

Statute does not describe the precise language or required information on this petition. On January 31, 2024, the Chair and the Secretary of the Wisconsin Green Party emailed a petition to the WEC requesting that the Wisconsin Green Party gain ballot status ahead of the 2024 Partisan Primary and General Election (Attachment A).

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

WEC staff believe that the petition filed by the Wisconsin Green Party is compliant with the requirements described in Wis. Stat. §5.62(1)(b)1. as long as the signed original of the document is received by the Commission with a postmark no later than 5 p.m. on April 1 of this year. Staff have reached out to the Green Party concerning the original document. The Green Party is entitled to have ballot status for the August 13, 2024, Partisan Primary election if the document arrives by the deadline.

Recommended Motions

The Commission grants approval of ballot status for the Wisconsin Green Party for the 2024 Partisan Primary and General Election subject to the arrival of the signed original document in the office of the Commission. Staff are directed to scan and send the document to the Commission upon its arrival, and to then take the actions necessary to implement the Green Party's ballot status.

Attachment A



Wisconsin Green Party

www.WisconsinGreenParty.org
P.O. Box 1701, Madison, WI 53701-1701
info@wisconsingreenparty.org

January 31, 2024

Wisconsin Elections Commission
212 East Washington Avenue, Third Floor
Madison, Wisconsin 53703

Members of the Commission:

Sheryl McFarland received 41,532 votes for secretary of state in the 2022 election, representing the Wisconsin Green Party. As this total accounts for 1.58% of the total votes, our party qualifies under Wisconsin Statute § 5.62(1)(b)1 for ballot status.

We petition for this status in the 2024 and subsequent elections as the Wisconsin Green Party.

Thank you for considering this petition.

Sincerely,

AJ Reed
Co-Chair

Michael McCallister
Recording Secretary