

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Elections Commission Meeting Notice

Regular Meeting
Friday, March 7, 2025
10:00 A.M.

This meeting will be held in person in Room 412 East of the Wisconsin State Capitol building, which is located at 2 East Main Street, Madison, WI 53702. Participants will also have the option to present public comment virtually, via telephone/Zoom.

WisconsinEye is likely to stream the meeting online, and members of the public and media are encouraged to view coverage at <https://wiseye.org/> Please check WisconsinEye's schedule at <https://wiseye.org/schedule/> to determine whether it plans to stream the meeting.

Please visit <https://elections.wi.gov/event/commission-meeting-march-7-2025> to view materials for the meeting. Members of the public wishing to provide written comment to the Commissioners should email electioncomments@wi.gov with "Message to Commissioners" in the subject line.

*Members of the public who wish to address the Commission during public comment have the opportunity to do so virtually or in person. Please follow public comment instructions posted at <https://elections.wi.gov/event/commission-meeting-march-7-2025>. Once your request is received, you will receive instructions via email. Please submit requests to present public comment by 4:00 p.m. on Thursday, March 6, 2025. **Please note that you must sign up ahead of time to be permitted to speak at the meeting. "Walk in" requests the day of the meeting without prior sign up will not be permitted.***

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. **October 4, 2024** 5
 - 2. **November 1, 2024** 12
 - 3. **December 2, 2024** 16
 - 4. **January 2, 2025** 18
 - 5. **January 14, 2025** 22
 - 6. **January 27, 2025** 28
- F. **Discussion and Possible Further Action Relating to Wis. Stat. § 5.06(4) Investigation of City of Madison Clerk regarding 193 Uncounted Absentee Ballots for November 5, 2024, General Election** 31
- G. **Discussion, Review, and Possible Action Pertaining to the Post-Election Voting Equipment Audit for the 2024 Fall General Election** 51
- H. **Discussion of Microsoft CRM Migration** 82
- I. **Discussion, Review, and Possible Action Pertaining to the Badger Books Program and Policies** 85
- J. **Discussion, Review, and Possible Action Pertaining to WisVote Record Reconciliation Policies** 96
- K. **Administrative Rulemaking [Potential Discussion Item]**
 - 1) **Discussion, Review, and Possible Action Pertaining to the Election Observer Rule (EL Chapter 4)**
 - 2) **Discussion, Review, and Possible Action Pertaining to Suspended Emergency Rulemaking and the Associated Permanent Rules (Nomination Paper Challenges, DOC)**

NOTICE OF OPEN AND CLOSED MEETING

Challenges, Uniform Instructions Rule)

L.	Discussion, Review, and Possible Action Pertaining to the Interpretation and Implementation of Wis. Stat. § 19.36(14), Identities of Election Officials or Election Registration Officials, Including any Updates or Action on the Attorney General Opinion Request	102
M.	Discussion, Review, and Possible Action Pertaining to Agency Records Policy, Retention, and Planning	111
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O.	Discussion, Review, and Possible Action Pertaining to Commission compliance with Wis. Stat. § 757.07, including Discussion, Review, and Possible Action Pertaining to the Judicial Privacy Rule (EL Chapter 19)	245
P.	Discussion, Review, and Possible Action Pertaining to the Agency Internal Control Plan	264
Q.	Staff Updates to the Commission	293
R.	Closed Session*	
	1. Litigation Update and Consideration of Potential Litigation	
	2. Approval of Previous Meeting Minutes	
	a. October 4, 2024	
	b. September 11, 2024	
	c. December 2, 2024	
	d. January 12, 2025	
	3. Advisory Opinion Requests	
	4. Wis. Stat. § 5.05 Complaints	

§ 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

NOTICE OF OPEN AND CLOSED MEETING

concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

§ 19.85(1)(h) – Consideration of requests for confidential written advice from the elections commission under s. 5.05 (6a) or the ethics commission under s. 19.46 (2), or from any county or municipal ethics board under s. 19.59 (5).

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

§ 19.85(1)(f) – Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

S. Adjourn

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

Quarterly Meeting

Wisconsin Capitol Building, Room 412E

Madison, Wisconsin

10:00 a.m. October 4, 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 in person.

Staff present: Ahna Barreau, Cody Davies, Sharrie Hauge, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Angela Sharpe, Riley Vetterkind, Riley Willman, Jim Witecha, and Meagan Wolfe, all in person.

A. Call to Order

Commission Chair Jacobs called the meeting to order at 10:00 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Public Comment

Chair Jacobs announced each speaker would have three minutes to provide comment.

Eileen Newcomer

Eileen Newcomer appeared via Zoom on behalf of the League of Women Voters of Wisconsin and thanked the Wisconsin Elections Commission staff for their work. She provided comments in support of the 2024 Voting Equipment Audit Guidelines and the EL Chapter 4 Observer Rule Emergency Scope Statement.

Jennifer Cremers

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Jennifer Cremers appeared in person and expressed dissatisfaction with the work of the City of Madison clerk's office and the Wisconsin Elections Commission. She provided comments opposing the promulgation of the EL Chapter 4 Observer Rule Emergency Scope Statement.

Commissioner Spindell, Commissioner Millis, and Commissioner Thomsen followed up with questions.

Mike Willett

Mike Willett appeared in person and provided recommendations regarding the Commission's recount manual. He noted he brought written comments with him.

Debbie Morin

Debbie Morin appeared via Zoom and expressed appreciation for Commissioner Spindell's work on the Commission. She provided comments opposing the promulgation of the EL Chapter 4 Observer Rule Emergency Scope Statement. She expressed approval for the Elector Challenges pamphlet and provided feedback regarding statutory references.

Commissioner Spindell followed up with questions.

Jack Landwehr

Jack Landwehr appeared via Zoom and provided comments opposing the promulgation of the EL Chapter 4 Observer Rule Emergency Scope Statement. He provided recommendations regarding observation procedures and noted his own work to ensure voting integrity.

Julie Seegers

Julie Seegers appeared via Zoom and provided comments opposing the promulgation of the EL Chapter 4 Observer Rule Emergency Scope Statement.

D. Written Comments

Chair Jacobs noted the Commission received and read the written comments that were submitted.

E. Approval of Previous Meeting Minutes

a. September 11, 2024

b. September 18, 2024

MOTION: Approve the September 11, 2024, and September 18, 2024, open session minutes.

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.

F. Discussion, Review, and Possible Action Pertaining to the 2024 Voting Equipment Audit Guidelines Proposal

Elections Specialist Cody Davies summarized the memo regarding the 2024 Voting Equipment Audit Guidelines.

Discussion.

MOTION: The Commission adopts the 2024 post-election audit parameters and procedures outlined above, including the selection criteria, timeline for completion, error rate calculation, and reimbursement structure.

Moved by Commissioner Millis. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

G. Discussion, Review, and Possible Action Pertaining to the 2024 Revised Public Records Policy

Staff Attorney Angela Sharpe presented the proposed public records policy to the Commission.

Discussion.

The Commission directed staff to revise the policy based on the Commission’s discussion:

- Include direction on when and how to delete records in accordance with State records retention timelines.
- Replace “Commissioners must copy their public @wisconsin.gov email account...” on page 29 of the Commission’s materials with, “Commissioners are encouraged to copy their public @wisconsin.gov email account...”
- Incorporate references to State public records law.
- Clarify that staff will ask requesters to clarify whether bulk solicitation emails are included in their request.
- Include agency RDAs in the next draft.

H. Discussion, Review, and Possible Action Pertaining to the 2024 Annual Report

Chief Administrative Officer Sharrie Hauge summarized the 2024 Annual Report.

Chair Jacobs noted no action was required for the item.

I. Discussion, Review, and Possible Action Pertaining to the 2024 “Report of Suspected Election Fraud, Irregularities, or Violations” (§ 7.15(1)(g) Report)

Staff Attorney Brandon Hunzicker summarized the 2024 “Report of Suspected Election Fraud, Irregularities, or Violations”

Discussion.

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

Moved by Commissioner Bostelmann. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

J. Administrative Rulemaking
a. Update on the Status of the Permanent and Emergency Rulemaking Pertaining to Election Observers

Attorney Hunzicker updated the Commission on the status of the permanent and emergency rules pertaining to election observers.

MOTION: That the Commission not proceed with the emergency rule on observers.

Moved by Commissioner Millis. Seconded by Commissioner Spindell.

Discussion.

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

Motion carried 6-0.

K. Discussion, Review, and Possible Action Pertaining to Clerk Communication: Elector Challenges

Chief Legal Counsel Jim Witecha summarized past directives regarding the Elector Challenges pamphlet before the Commission.

MOTION: Adopt the Elector Challenges handout as found in the Commission’s materials.

Moved by Commissioner Bostelmann. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

L. Discussion, Review, and Possible Action Pertaining to Agency Intellectual Property and Logo Usage Policy

Public Information Officer Riley Vetterkind summarized past directives regarding the policy before the Commission.

Discussion.

The Commission agreed that the third bullet point on page 60 of the Commission’s materials will say, “Any organization using the MyVote logo should have an endorsement. That endorsement shall be reviewed by two Commissioners of opposite parties who will agree on its language.”

MOTION: The Commission approves the above policies regarding the external use of the agency’s and the MyVote Wisconsin logo, and directs staff to place the respective policies, with any changes made by Commissioners, on the elections.wi.gov website and the MyVote.wi.gov website.

- The third bullet point on page 60 will say, “Any organization using the MyVote logo should have an endorsement. That endorsement shall be reviewed by two Commissioners of opposite parties who will agree on its language.”

Moved by Commissioner Thomsen. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

M. Closed Session

Chair Jacobs noted the Commission would return to open session.

MOTION: Move into closed session pursuant to § 19.85(1)(g), §19.85(1)(h), § 19.851, and § 19.85(1)(f).

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 left open session at 11:52 a.m. and returned at 1:06 p.m.

N. Discussion and Reconsideration of Susan Trojan v. Claire Woodall-Vogg et al. (EL 22-63)

MOTION: Withdraw the following portions of the opinion letter for Susan Trojan v. Claire Woodall Vogg (EL-22-63): Page 6 starting with “Voting Functions During Alternate Site Designation;” page 7; page 8 through the fourth full paragraph ending with “by mail or from alternate sites;” the entirety of number 2 on page 10.

Moved by Commissioner Millis. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

O. Staff Update & Preparations Status Report

Chair Jacobs opened the floor for questions.

Administrator Wolfe fielded questions from Commissioner Spindell regarding reconciliation, ERIC Movers postcards, and the cost of voter data.

Administrator Wolfe noted that the draft report presented at the last quarterly meeting, “How Wisconsin is Ready for the November 2024 Election,” was now published on the WEC website.

Commissioner Spindell commended the staff on their customer service skills.

P. Adjourn

MOTION: To adjourn.

Moved by Commissioner Thomsen. 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 adjourned at 1:17 p.m.

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October 4, 2024, Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

March 7, 2025

October 4, 2024, Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

March 7, 2025

DRAFT



Wisconsin Elections Commission

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

Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
1:30 p.m. November 1, 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: Sharrie Hauge, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Angela Sharpe, Riley Vetterkind, Jim Witecha, and Meagan Wolfe, all by teleconference.

A. Call to Order

Commission Chair Jacobs called the meeting to order at 1:31 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. Consideration and Resolution of Wis. Stat. § 5.06 Complaints

a. EL 24-32 – Patrick Gitzlaff v. Julie Sigmund et al

Chair Jacobs directed the Commission to their meeting materials for the summary and supporting materials for each complaint.

Staff Attorney Brandon Hunzicker provided a summary and staff's recommendation regarding the complaint.

MOTION: The Commission has reviewed the proposed draft decision letter in Appendix 1, and decides this matter pursuant to Wis. Stat. § 5.06(6) by adopting the proposed decision letter in full. The Commission directs staff to immediately transmit a copy of this order to the parties.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann: Aye Riepl: Aye

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

Administrator
Meagan Wolfe

Jacobs:	Aye	Spindell:	Aye
Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

b. EL 24-35 – Glen Hogan et al v. Celestine Jeffreys

Staff Attorney Angela Sharpe provided a summary and staff’s recommendation regarding the complaint.

MOTION: The Commission has reviewed the proposed draft decision letter in Appendix 2, and decides this matter pursuant to Wis. Stat. § 5.06(6) by adopting the proposed decision letter in full. The Commission directs staff to immediately transmit a copy of this order to the parties.

Moved by Commissioner Bostelmann. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

Attorney Sharpe fielded questions from Commissioner Thomsen and Commissioner Millis on how clerks report undeliverable Election Day Registration postcards to the Commission.

D. Consideration and Resolution of Wis. Stat. § 5.061 Complaint

a. Disability Rights Wisconsin v. Suzanne Pinnow et al

Chief Legal Counsel Jim Witecha provided a summary and staff’s recommendation regarding the complaint.

Discussion.

MOTION: The Commission has reviewed the proposed draft decision letter in Appendix 3, and decides this matter pursuant to Wis. Stat. § 5.061(4) by adopting the proposed decision letter in full. The Commission directs staff to immediately transmit a copy of this order to the parties. The first sentence of the second paragraph under the header, “Commission’s Findings,” is amended to read, “Clerk Pinnow and the Town of Thornapple are ordered to take affirmative steps to comply with Wis. Stat. § 5.25(4)(a) and employ accessible electronic voting equipment in Wisconsin elections as described in this decision.”

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.

E. Discussion, Review, and Possible Action Pertaining to Clerk Communication on Planning for a Potential Presidential Recount

Administrator Wolfe provided background information regarding the clerk communication. She summarized the communication and the proposed minor changes to the recount manual for the Commission.

Discussion.

MOTION: The Wisconsin Elections Commission approves the clerk communication that accompanies this memo, which includes approval of the proposed recount timeline, and revisions to the Recount Manual. Staff are instructed to immediately transmit the communication and supplemental materials to all clerks.

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.

F. Discussion, Review, and Possible Action Pertaining to Clerk Guidance for “Limited Term” and “Non-Domiciled” Designations on Division of Motor Vehicles Products

Attorney Sharpe presented a brief summary of the agenda item.

Discussion.

Attorney Witecha clarified with the Commission that instances where the month and day on the date of birth and expiration date on a Wisconsin ID are different would only appear on a Limited Term or Non-Domiciled ID.

Discussion.

MOTION: The Commission has reviewed the draft clerk communication provided in Appendix 1 and directs staff to make revisions consistent with discussion, if necessary. Staff are directed to immediately transmit this communication to Wisconsin’s municipal and county clerks, as well as the Milwaukee County Elections Commission and the City of Milwaukee Elections Commission. The Commission approves the script provided by staff to be given to poll workers.

Moved by Commissioner Millis. Seconded by Commissioner Riepl.

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

Motion carried 5-1.

G. Discussion, Review, and Possible Action Pertaining to Extension of the HAVA Federal Subgrant to Reimburse Local Election Offices for the Cost of Absentee Envelopes

Administrator Wolfe explained the reason why this item was put on the agenda and that it would be a better discussion for after the election. She clarified that there was no Commission action required for the item.

Discussion.

Commissioner Thomsen noted a typo in the materials for Item F and recommended correcting “73 counties” to “72 counties.”

Administrator Wolfe noted an additional point for Item E and advised the Commission that they would need to hold an emergency meeting to issue an order for a recount in the case a candidate requested a recount for the upcoming election.

H. Adjourn

MOTION: To adjourn.

Moved by Commissioner Spindell. 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 adjourned at 2:36 p.m.

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November 1, 2024, Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

March 7, 2025

November 1, 2024, Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

March 7, 2025



Wisconsin Elections Commission

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

Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
8:00 a.m. December 2, 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: Ahna Barreau, Joel DeSpain, Sharrie Hauge, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Angela Sharpe, Jim Witecha, and Meagan Wolfe, all by teleconference.

A. Call to Order

Commission Chair Jacobs called the meeting to order at 8:06 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Closed Session

a. Advisory Opinion Consideration and Potential Action

MOTION: Go into closed session pursuant to Wis. Stats. § 19.85(1)(g) and § 19.85(1)(h).

Moved by Commissioner Bostelmann. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

Chair Jacobs noted that the Commission would not return to open session.

D. Adjourn

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

The Commission adjourned in closed session at 8:33 a.m.

####

December 2, 2024, Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

Meeting TBD

December 2, 2024, Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

Meeting TBD



Wisconsin Elections Commission

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Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
10:00 a.m. January 2, 2025

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

A. Call to Order

Commission Chair Jacobs called the meeting to order at 10:00 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Discussion and Possible Action on Authorization of Wis. Stat. § 5.06(4) Investigation of City of Madison Clerk regarding 193 Uncounted Absentee Ballots for November 5, 2024, General Election

Chair Jacobs explained why she asked that the meeting be scheduled and summarized the materials before the Commission, as well as her own suggestions.

Staff Attorney Angela Sharpe presented a timeline of events. She explained the statutory basis and intention behind the Commission possibly voting to open an investigation. Attorney Sharpe also noted that WEC staff verified that the uncounted ballots did not impact any race.

Discussion.

MOTION: The Wisconsin Elections Commission ("the Commission") authorizes an investigation pursuant to Wis. Stat. § 5.06(4) to determine whether City of Madison Clerk Maribeth Witzel-Behl has failed to comply with the law or abused her discretion regarding the 193 uncounted absentee ballots

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

from Wards 56, 65, and 68 from the November 5, 2024, General Election. Staff are directed to conduct the investigation pursuant to the January 2, 2025, memo, the bipartisan discovery requests prepared by Chair Jacobs and Commissioner Millis, and any parameters or directives that achieved consensus during the Commission discussion. Staff are directed to immediately transmit the discovery requests to Clerk Witzel-Behl, as soon as they are finalized, and to make those requests immediately available to the public. Staff are directed to summarize the findings of the investigation for the Commission at an upcoming meeting so that the Commission can provide further direction.

Moved by Commissioner Millis. Seconded by Commissioner Bostelmann.

FRIENDLY AMENDMENT: That the WEC authorize an investigation pursuant to Wis. Stat. § 5.06(4) to determine whether or not the City of Milwaukee Election Commission Executive Director Paulina Gutierrez and the Deputy Director Bonnie Chang have failed to apply the law and abused their discretion regarding the problems resulting in the central count and vote not being received to the public until approximately 4:25 a.m. on November 6.

Proposed by Commissioner Spindell.

Commissioner Millis seconded the friendly amendment.

Discussion.

Commissioner Bostelmann rejected the friendly amendment.

Chair Jacobs noted that friendly amendments are not motions that can be seconded, and as second to the original motion Commissioner Bostelmann had the authority to reject the proposed friendly amendment. Chair Jacobs suggested that Commissioner Spindell make a new motion to amend the original motion to include his proposed language.

Discussion.

AMENDMENT: The Wisconsin Elections Commission authorizes an investigation pursuant to Wis. Stat. § 5.06(4) to determine whether or not the City of Milwaukee Election Commission Executive Director Paulina Gutierrez and the Deputy Director Bonnie Chang have failed to apply the law and abused their discretion regarding the identified problems pursuing the central count and vote not being released to the public until approximately 4:25 a.m. on November 6.

Moved by Commissioner Spindell. Seconded by Commissioner Millis.

Discussion.

Chair Jacobs ruled that the motion was out of order because the meeting was not noticed for consideration of an investigation unrelated to the City of Madison and the uncounted ballots.

Commissioner Spindell asked Chair Jacobs if she would place the question of opening an investigation into the City of Milwaukee over its central count procedures on a future agenda. Chair Jacobs requested that Commissioner Spindell separately provide to her his reasoning and justification for why such an investigation should be undertaken by the Commission, and what new evidence or allegations would support it.

The Commission voted on the original motion moved by Commissioner Millis and seconded by Commissioner Bostelmann:

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

Motion carried 6-0.

D. Discussion and Approval of Discretionary Rebuttal Filing for Ballot Access Challenges, and the Overall Challenge Deadlines, for the Spring Election Candidates

Chief Legal Counsel Jim Witecha presented background information on the agenda item.

Commissioner Millis suggested clarifying that any rebuttal would be limited to any factual or legal arguments in the challenger's filing and the response, rather than include new information or items not raised by the challenger. Chair Jacobs indicated support for this clarification.

Discussion.

MOTION: Any filing submitted in rebuttal to a response for the January 14, 2025, ballot access meeting shall be provided to the Commission no later than Tuesday, January 14, 2025, at 9:00 a.m. Staff are directed to immediately forward any submitted documents to the Commissioners. If someone offers to provide factual testimony with a limit of three minutes during the January 14 meeting, Chair Jacobs will swear that person in under oath. Parties filing a rebuttal shall explain to the Commission the steps they took to serve a copy of the rebuttal on the candidate. Rebuttals are limited to any factual or legal arguments in the challenge and response. A challenger shall serve the rebuttal on a candidate electronically, and if unable to do so, shall explain to the Commission why they could not do so. Commission staff are instructed to communicate with candidates the instructions listed in this motion.

Moved by Commissioner Thomsen. Seconded by Commissioner Riepl.

FRIENDLY AMENDMENT: That staff also, once a complaint is received, make every effort to contact the candidate.

Proposed by Commissioner Spindell.

Commissioner Thomsen rejected the friendly amendment. Attorney Witecha clarified that staff already take the steps described by Commissioner Spindell.

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

Motion carried 5-1.

E. Adjourn

MOTION: To adjourn.

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

Motion carried 6-0.

The Commission adjourned at 10:50 a.m.

####

January 2, 2025, Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

March 7, 2025

January 2, 2025, Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

March 7, 2025



Wisconsin Elections Commission

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

Wisconsin Elections Commission

Ballot Access Meeting

201 W. Washington Avenue, Second Floor
Madison, Wisconsin
11:00 a.m. January 14, 2025

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: Ahna Barreau, 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 Jacobs called the meeting to order at 11:10 a.m. 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. Ballot Access Challenges

- a. EL 25-04 - Jennifer Weber v. Cortney Iverson - Jefferson County Circuit Court, Branch 2**
- b. EL 25-05 - Theresa Beck v. Cortney Iverson - Jefferson County Circuit Court, Branch 2**

Chair Jacobs informed the Commission that the two challenges against respondent Cortney Iverson would be taken together. Each challenger had five minutes to present and the respondent had ten minutes to respond to both challengers.

Staff Attorney Brandon Hunzicker presented the challenges and staff's recommendation.

Discussion.

Chair Jacobs noted that she did not call the roll at the start of the meeting. She did so at this point and all Commissioners were present.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

MOTION: Amend the minutes to reflect that all Commissioners were present at the beginning of the meeting.

Moved by Chair Jacobs. Seconded by Commissioner Millis.

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

Motion carried 6-0.

Challenger Jennifer Weber presented arguments.

Discussion.

David Hollander appeared on behalf of challenger Theresa Beck and presented arguments.

Discussion.

George Burnett appeared on behalf of respondent Cortney Iverson and presented arguments.

Discussion.

MOTION: The Commission sustains the challenges of Jennifer Weber and Theresa Beck against Cortney Iverson, and exercises its authority under Wis. Stat. s. 8.30(1)(b) and (c) to exclude Cortney Iverson from the ballot because it conclusively appears that she is not eligible to be elected on April 1, 2025, and, if elected, could not qualify for the office sought because she will not have been an attorney licensed to practice law in Wisconsin for five years immediately preceding the election. Accordingly, the Commission denies ballot status to Candidate Iverson, and her name will not be added to the list of candidates to be approved for ballot access. Commission staff shall issue a closure letter to the parties consistent with this motion.

Moved by Chair Jacobs. Seconded by Commissioner Riepl.

Discussion.

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

Motion failed 2-4.

Commissioner Millis questioned whether the failed motion meant that Candidate Iverson would be included on the list of candidates approved for ballot access. Chief Legal Counsel Jim Witecha explained that the way the recommended motion in Item D was written, any candidate that did not have a sustained challenge against them was included in the motion to approve ballot access.

c. EL 25-06 - Natalia Taft v. Jeff Wright - State Superintendent

Staff Attorney Angela Sharpe presented the challenge and staff's recommendation.

The Commission did not have any questions for Attorney Sharpe.

Michael Maistelman appeared on behalf of challenger Natalia Taft and presented arguments.

The Commission did not have any questions for Attorney Maistelman.

Barret Van Sicklen appeared on behalf of respondent Jeff Wright and presented arguments.

The Commission did not have any questions for Attorney Van Sicklen.

MOTION: The Wisconsin Elections Commission (“the Commission”) sustains 0 challenges, and does not sustain 2,662 challenges, in accordance with staff recommendations and the accompanying materials for EL 25-06. The Commission finds that Jeff Wright submitted 2,662 valid signatures, and the Commission adds Jeff Wright to the list of candidates to be approved for ballot access. Commission staff shall issue a closure letter to the parties consistent with this motion.

Moved by Commissioner Thomsen. Seconded by Commissioner Millis.

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

Motion carried 6-0.

D. Ballot Access Report and Certification of Candidates for the February 18, 2025, Primary and April 1, 2025, Spring Election

Elections Supervisor Riley Willman presented the rest of the ballot access memo. He clarified that Cortney Iverson and Jeff Wright were included in the “56” figure listed in the recommended motion.

Discussion.

MOTION: The 56 candidates marked “approve” on the “Candidates Tracking by Office” report are approved for ballot access for the April 1, 2025, Spring Election, in addition to any candidates who were subject to challenge but were ultimately approved for ballot access by the Commission.

Moved by Commissioner Millis. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

The Commission took a break at 1:17 p.m. and returned at 1:37 p.m.

E. Discussion and Potential Approval of a Ballot Access Appeal Meeting Date (Appeals of Local Challenge Decisions) and Other 2025 Meeting Dates of the Commission

Administrator Wolfe presented the agenda item.

Discussion.

MOTION: The Commission adopts the quarterly meeting schedule as follows for 2025: The Quarter 1 meeting will be held on March 7 beginning at 10:00 a.m. in-person, the Quarter 2 meeting will be held on April 17 beginning at 10:00 a.m. in-person, the Quarter 3 meeting will be held on July 17 beginning at 10:00 a.m. in-person, and the Quarter 4 meeting will be held on October 23 beginning at 10:00 a.m. in-person.

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.

The Commission agreed to schedule a special meeting for March 12, 2025, at 3:00 p.m.

F. Discussion and Approval of Ballot Templates for the 2025 Primary and Spring Election

Administrator Wolfe presented the agenda item.

MOTION: The Commission approves the ballot design presented by staff and directs staff to utilize the ballot design for the 2025 Spring Primary and Spring Election.

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.

G. Discussion, Review, and Possible Action Pertaining to the Interpretation and Implementation of Wis. Stat. § 19.36(14), Identities of Election Officials or Election Registration Officials, Including a Possible Attorney General Opinion Request.

Attorney Sharpe provided an overview of Wis. Stat. § 19.36(14) and explained the recommended action before the Commission.

Discussion.

MOTION: Approve the draft request, moving question four to be question one. Provide, with approval, language from the staff to indicate that the new question one is of utmost importance to the Commission, but the remaining three questions should be promptly addressed by the Attorney General.

Moved by Commissioner Thomsen. Seconded by Commissioner Millis.

Discussion.

Chair Jacobs clarified that she would work with staff to draft the language indicating that while question one is the priority for the Commission, the Attorney General should promptly address all of the questions in the request.

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

Motion carried 6-0.

H. Closed Session

a. Litigation update

MOTION: Move into closed session.

Moved by Commissioner Thomsen. 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 left open session at 2:12 p.m.

I. Adjourn

The Commission adjourned in closed session at 2:28 p.m.

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January 14, 2025, Wisconsin Election Commission meeting minutes prepared by:

January 14, 2025, Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

March 7, 2025

DRAFT



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
11:00 a.m. January 27, 2025

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: Ahna Barreau, 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 Jacobs called the meeting to order at 11:00 a.m. and called the roll. All Commissioners were present.

B. Deputy Administrator's Report of Appropriate Meeting Notice

Deputy Administrator Robert Kehoe informed the Commission that the meeting was noticed in accordance with Wisconsin's open meetings laws.

C. Following an oral decision in Theresa Beck v. Wisconsin Elections Commission (Dane County Circuit Court Case 2025-CV-00238), withdraw the candidate list sent to the Jefferson County Clerk, generate and send a new candidate list without Courtney J. Iverson's name, and discuss possible revisions to Common Nomination Paper Challenges manual

Staff Attorney Brandon Hunzicker introduced the first portion of the agenda item: withdraw the candidate list sent to the Jefferson County Clerk, generate and send a new candidate list without Courtney J. Iverson's name. He suggested that the word "superseded" in the recommended motion be changed to "withdrawn."

Discussion.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

MOTION: The candidates marked “Approve” on the “Jan. 27, 2025, Candidate Tracking by Office” report are approved for ballot access for the April 1, 2025, Spring Election, and the previous “Candidate Tracking by Office” report approved on Jan. 14, 2025, is hereby withdrawn. Staff are directed to send two clerk communications regarding the updated report, one to the Jefferson County Clerk noting the removal of Cortney Iverson’s ballot status for Branch II of the Jefferson County Circuit Court, and another to all county clerks noting that the updated “Jan. 27, 2025, Candidate Tracking by Office” report does not impact any ballot candidates in their counties.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

Staff Attorney Angela Sharpe introduced the second portion of the agenda item: discuss possible revisions to Common Nomination Paper Challenges manual.

Discussion.

The Commission declined to take action on possible revisions to the Common Nomination Paper Challenges manual, with the understanding that the recommended revisions would come before the Commission again at the March 7, 2025, meeting.

D. Adjourn

MOTION: To adjourn.

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.

The Commission adjourned at 11:22 a.m.

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January 27, 2025, Wisconsin Election Commission meeting minutes prepared by:

January 27, 2025, Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

March 7, 2025

DRAFT



Wisconsin Elections Commission

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

DATE: For the March 7, 2025, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: WEC Staff

SUBJECT: **In re the investigation of: City of Madison
Investigation Summary and Findings**

APPENDICES: **See Full Appendix Following this Memo**

Introduction

On January 2, 2025, the Wisconsin Elections Commission (“the Commission”) voted unanimously to authorize an investigation pursuant to Wis. Stat. § 5.06(4) to determine whether City of Madison Clerk Maribeth Witzel-Behl has failed to comply with the law or abused her discretion regarding the 193 uncounted absentee ballots from Wards 56, 65, and 68 from the November 5, 2024, General Election.

Commission staff were directed to summarize the findings of the investigation for the Commission at an upcoming meeting so that the Commission can provide further direction. The primary purpose of this memo is to summarize and synthesize all of the facts that Commission staff have learned through Clerk Witzel-Behl’s written responses and documents produced, and to identify the contributing factors that staff believe led to the 193 ballots going uncounted. Commission staff have also prepared an outline of possible statewide clerk communication so that the lessons learned from this incident can be distributed beyond the City of Madison.

Part One of this memo highlights the most relevant documents that were produced, all of which are attached in full in **Appendices 1 – 43**.

Part Two of this memo synthesizes the written responses of Clerk-Witzel-Behl along with the produced documents to provide an expanded timeline of events from October 2024 through January 2025 relating to the uncounted ballots.

Part Three of this memo presents what Commission staff believe to be the contributing factors for why the uncounted ballots were not processed, and why they were not included in the final state canvass and certification of the official results.

Part Four of this memo contains an additional series of recommendations for the Commission regarding further questions or requests it may wish to ask of Clerk Witzel-Behl.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Part Five of this memo outlines a staff recommended option for statewide guidance following this incident so that all clerks can understand the Commission’s best practices for ensuring an incident like this is not repeated during a future election.

Part Six contains a conclusion and a series of possible motions for the Commission to consider with respect to next steps for this matter.

Part One – Appendices

Documents pertinent to the investigation are organized and included in the appendices that follow this memo. The appendices are organized by request from the Commission’s January 2 open records request.

For quick reference, the most significant documents are included in the following table, and have been provided as part of the printed materials. **Please refer to the table of contents that follows this memo for complete descriptions of all of the appendices.** The full appendix consists of 43 total appendices constituting 1,667 pages. Staff can provide any of the appendices that were not included upon request. All materials relating to the investigation, including every appendix, will be posted on the Commission’s website.

Appendix	Document Description
1	Response of Clerk Maribeth Witzel-Behl to Commission Questions.
1A	Letter from Scott McDonell, Dane County Clerk.
2	WisVote Data for Uncounted Ballots Wards 56, 65, and 68.
3	Absentee Carrier Seal Number Record Sheets.
14	Internal Email Communications of City Clerk’s Office Staff.
15	November 2024 Municipal Board of Canvassers Notes.
19	January 10, 2025 Madison Municipal Board of Canvassers Agenda, Statement & Vote Tally of Uncounted Ballots.
20	Ward 56 – Scans of Poll Books Provided to County Board of Canvassers.
21	Ward 65 – Scans of Poll Books Provided to County Board of Canvassers.
22	November 2024 Canvass Documents.
23	Ward 56 Poll Book (Voter Signature Version provided to MBOC).
25	Ward 65 Poll Book (Voter Signature Version provided to MBOC).
28	Opening the Polls Task Sheets Binder.
29	Closing the Polls Task Sheets Binder.
32	Blank Absentee Bundle Checklist.
36	Blank Absentee Bundle Tracking Sheet.
37	Blank Bundle Tally Sheet.
41	Absentee Sealing Procedures.
43	Blank Absentee Bundle Sheets.

Part Two – Expanded Timeline of Events

Based on the responses provided by the Clerk Witzel-Behl, along with documents produced, staff have prepared an expanded timeline of events from October 2024 through January 2025 relating to the uncounted ballots.

Pre-Election Day Events

- **October 23** – City of Madison prints poll books for Wards 56, 65, and 68 ahead of the November 5 election. **Appendices 20, 21, 23, 25.**
- **Between September 19 – October 29** – Clerk’s Office receives uncounted Ward 56 ballots. Most issued to in-person absentee voters, though some by mail. Exact method of return unknown. Ballots were entered into WisVote upon arrival back at the clerk’s office. The vast majority of the uncounted ballots from Ward 56 arrived back at the clerk’s office on October 28 (51) and October 29 (48). Complete WisVote data showing the return date for each of the uncounted ballots is included in **Appendix 2.**
- **Between October 21 – October 28** – Clerk’s Office receives Ward 65 and 68 ballots. Most issued to in-person absentee voters, though some by mail. Exact method of return unknown. Ballots were entered into WisVote upon arrival back at the clerk’s office. The vast majority of the uncounted ballots from Ward 65 arrived back at the clerk’s office on October 28 (56). Complete WisVote data showing the return date for each of the uncounted ballots is included in **Appendix 2.**
- **Sometime Before October 31** – Uncounted ballots were secured by Clerk’s Office in sealed courier bags inside locked rolling security carts. The uncounted ballots were secured in “green bags.” **Exhibit 1.**
- **October 31** – Uncounted ballots were delivered to polling places inside locked security carts in advance, and were already onsite when the polls opened. **Appendix 1.** Delivery schedule shows that equipment was delivered to West High School (Ward 65) between 9 a.m. and 12 p.m. **Appendix 6.** Delivery schedule shows that equipment was delivered to UW Nicholas Recreation Center (Ward 56) between 11 a.m. and 2 p.m. **Appendix 6.** The delivery schedules’ itemized lists do not mention courier bags, carrier envelopes, or absentee ballots as things included in the security cart. **Appendix 6.** The uncounted ballots were not delivered throughout the day through a poll worker courier. **Appendix 1.**
- **November 2** – Chief Inspectors pick up the Inspector’s Statements for their polling places. **Appendix 1.**
- **November 4** – Clerk’s Office emailed the turnout spreadsheet (current through November 3) to each Chief Inspector, which lists the number of absentees issued for each ward, and the number of absentee ballots returned as of the Sunday before the election. **Appendix 1.** This document is also available to Chief Inspectors during Election Day “through Teams on their iPad.” **Appendix 1.**

Election Day Events – November 5

- **Prior to Polls Opening** – Chief Inspector checklist directs poll workers to remove the ballots and other supplies from both compartments of the tabulator cart, and to remove the ExpressVote ballot cards from the emergency bin tray. This instruction is part of tabulator cart set up. **Appendix 28.**
- **Prior to Polls Opening** – Each polling location takes its absentee log (printed from WisVote) and highlights the names of voters on the poll book who should be asked if they returned their absentee ballot if they show up to vote in person. **Appendix 28.** Voters who returned an absentee ballot are highlighted in pink. **Appendices 20, 21, 23, 25.** Voters who were issued an absentee that was not yet returned to the Clerk’s Office are highlighted in orange. **Appendices 20, 21, 23, 25.** The general

highlighter instruction is provided on the Poll Book Table Opening Task sheet in the Chief inspector binder. **Appendix 28.**

- **11 a.m.** – Ward 65 informs Clerk’s Office it had processed 20 percent of absentee ballots so far. Ward 56 reported it had processed 11 percent of absentees. These numbers tracked with other wards and so were not a cause for concern at the time. **Appendix 1.**
- **4 p.m.** – Ward 56 reported it had processed 40.57 percent of absentee ballots. Ward 65 did not provide this number at its 4 p.m. check in. The figure from ward 56 tracked with other wards so was not a cause for concern at the time. **Appendix 1.**
- **8 p.m. – Close** – Chief Inspectors are supposed to use end-of-night Check List that prompts them to ensure all ballots are counted, including verifying that absentee ballot courier delivery bags and carrier envelopes are empty. **Appendix 29.** Neither Ward 56 nor Ward 65 appears to have done this. **Appendix 1.**

Post-Election Day Events

- **November 8, 9 a.m.** – Dane County Board of Canvassers convenes to begin county canvass and adjourns to finish the canvass on November 12.
- **November 8, 4 p.m.** – Convening of City of Madison Municipal Board of Canvassers
- **November 12, 9 a.m.** – Dane County Board of Canvassers reconvenes to finish county canvass.
- **November 12** – Clerk’s Office employee found sealed courier bag of ballots from Ward 65, and Clerk’s Office suspected ballots were not included in the tally. The courier bag had been returned in the security cart for Ward 65, which indicated the absentees sent to the polling place had not been counted. Clerk’s Office staff had been sorting through election materials at the Clerk’s Office storage facility, and was organizing voting booths, signage, tables, and stanchions in each security cart at the Clerk’s Office storage facility. The courier bag was found when organizing the contents of the security cart. **Appendix 1.**
- **November 12** – Clerk Witzel-Behl stated that she gave two separate instructions to two different employees to notify WEC staff but also stated “that contact never occurred.” Clerk Witzel-Behl instructed Employee D in her office to “notify the WEC that the numbers were off in [Ward 65] because these absentee ballots should have been counted.” She appears to claim that she was unaware that her instructions to contact the WEC had not been followed. In a separate conversation on November 12, Employee C asked if the uncounted ballots should be recorded as rejected. Clerk Witzel-Behl responded that the ballots should not be recorded as rejected but instead “to have the reconciliation team inform the WEC that numbers were off if ballots that should have been counted were not counted.” **Appendix 1.**
- **November 12** – Employee F of the Clerk’s Office went in person to the Dane County Clerk’s Office after the courier bag for Ward 65 was discovered. Employee F told Clerk Witzel-Behl that he would speak to the Dane County Clerk. Employee F says he does not remember what the Dane County Clerk said, but City Deputy Clerk Verbick and another Clerk’s Office employee recall a conversation with Employee F after he spoke with the Dane County Clerk, or a member of his staff. In this conversation, City Deputy Clerk Verbick and the second employee “recall a general sense that the County would not want the Ward 65 ballots for the County canvass.” **Appendix 1.**
- **November 13** – Clerk’s Office staff opened the courier bag for Ward 65 and saw a sealed carrier envelope inside. Clerk’s Office staff re-sealed the courier bag and put it in the Clerk’s Office vault to await a recount the Clerk’s Office thought was possible at the time. **Appendix 1.**
- **November 26** – Clerk’s Office discovered discrepancy in WisVote in Ward 65, indicating that the ballots were not included in the tally. **Appendix 1.**

- **November 27** – Clerk’s Office staff explain internally that Clerk Witzel-Behl directed her staff to open the carrier envelope of uncounted absentee ballots from Ward 65. Staff explain that Clerk Witzel-Behl directed staff to assign voter slip numbers to them, keep them sealed, and record them as having participated absentee. **Appendix 14**. Neither the internal emails nor Clerk Witzel-Behl’s statements say so explicitly, but Commission staff assume this is the reason why the voter signature copy of the poll books have absentee voter numbers assigned. Staff assume these voter numbers were assigned after the MBOC had reviewed the poll books.
- **November 29** – Commission Chair Jacobs conducts the state-level canvass and certifies the results of the November 5 election. The Commission was not aware of the 193 uncounted ballots at the time of the state canvass.
- **December 2** – Through the reconciliation process, the Clerk’s Office noticed that there were “absentee ballots marked as returned in WisVote that were neither counted nor rejected at the polls” in Ward 56. After realizing the discrepancy, the same employee searched through Ward 56 materials and discovered a sealed courier bag in the supply tote that the Chief Inspector had returned to the Clerk’s Office on election night. The ballots were in two sealed carrier envelopes that were inside a sealed courier bag. The tote remained stored at the Clerk’s Office after it was returned on Election Night. Two employees opened the courier bag and then notified Deputy Clerk Verbick. After the uncounted ballots from Ward 56 were discovered on December 2, Clerk Witzel-Behl explained that she did not notify the CBOC because the canvass had already taken place but also because “based on the County Clerk’s response to the uncounted ballots from Ward 65, the City Clerk’s Office did not believe the County would be interested in the ballots discovered in December from Ward 56.” **Appendix 1**.
- **December 4** – Clerk’s Office confirmed that Ward 56 ballots were not included in the tally when they unsealed the courier bag and then opened the sealed carrier envelope located in the courier bag. **Appendix 1**.
- **December 17** – Carrier envelopes inside the sealed courier bag for Ward 56 were opened by Clerk’s Office staff. **Appendix 1**.
- **December 18** – Clerk’s Office staff first notify Commission staff of this incident as a reconciliation system management question. **Appendix 14**. Clerk Witzel-Behl claims that although she gave instructions on November 12 for Ward 56 to two members of her staff to contact the WEC, unbeknownst to her, “the employees working on reconciliation saved this task for the end of reconciliation instead of contacting WEC immediately.” **Appendix 1**. Clerk Witzel-Behl did not explain why her staff waited until December 18 to contact the Commission regarding the uncounted ballots from Ward 56, even though they were discovered on December 2.
- **December 23** – WEC staff direct Clerk’s Office staff to remove participation records from affected voters in WisVote. WEC staff explain that the uncounted absentee ballots will stay marked as Returned, but their participation should be removed. **Appendix 14**. Clerk’s Office later confirms on the same day that all participation records have been removed. **Appendix 14**.
- **January 2** – Clerk’s Office notified the City of Madison Municipal Board of Canvassers (“MBOC”) that 193 ballots had not been included in the tally, and requesting the MBOC schedule a meeting to tally the ballots. Clerk’s Office did not notify MBOC of uncounted ballots prior to this date because “the local canvass was complete, and the County was certifying the election results.” **Appendix 1**.
- **January 10, 4 p.m.** – The City of Madison Municipal Board of Canvassers convened again. The agenda for the meeting, relevant to the uncounted ballots, included 1) report on uncounted absentee ballots in Wards 56 and 65 on November 5, 2024; 2) tally of uncounted absentee ballots from Wards 56 and 65; and 3) discussion about improving processes and tools. The MBOC hand counted the 193

ballots at this time and also corrected the number of provisional ballots issued from 123 to 128. **Appendix 15.**

- **January 18** – Clerk’s Office provides Commission staff with a copy of the City of Madison MBOC statement from the January 10 meeting, which includes a tally of the results. A copy of the complete hand count results is included as **Appendix 15.**

A summary of the hand count tally for federal races is included in the chart below. Complete tallies for all votes cast for all races can be found in **Appendix 15.**

The uncounted ballots did not impact the result in any federal, state, or local race, nor did it impact any statewide or local referenda.

Ward	President/Vice President	U.S. Senator	U.S. Rep., District 2
Ward 56	Harris/Walz: 102 Trump/Vance: 21 Stein/Ware: 1	Tammy Baldwin: 107 Eric Hovde: 18	Mark Pocan: 103 Erik Olsen: 20
Ward 65	Harris/Walz: 58 Trump/Vance: 8 Oliver/ter Maat: 1	Tammy Baldwin: 59 Eric Hovde: 7 Phil Anderson: 1	Mark Pocan: 60 Erik Olsen: 7
Ward 68	Harris/Walz: 1	Tammy Baldwin: 1	Mark Pocan: 1

Part Three – Contributing Factors

While the purpose of this memo is not to offer legal conclusions regarding the specifics of Clerk Witzel-Behl’s procedure, staff have identified several factors that probably increased the likelihood that the 193 uncounted absentee ballots went undiscovered by anyone until November 12 and December 2, respectively, and went uncounted in the official election results. Again, at this juncture, staff are not concluding that any of the factors outlined below mean that Clerk Witzel-Behl took actions that are contrary to law or were an abuse of discretion. The purpose of this section is to provide the Commission with staff’s opinions regarding the factual circumstances of these events, as well as an assessment that these are likely some of the reasons why the uncounted ballots were not discovered in a timely manner or ultimately counted.

Lack of Completed, Ward-Specific Absentee Ballot Carrier Bag/Envelope Seal Log at Polling Place

Under the policy and practice that appeared to be in place at the November 5 election, election inspectors were trained to fill out a blank absentee ballot log chart with each courier bag they opened at the start of the day, and each one they received from couriers throughout the day. This practice creates a record of what was completed — but not of what was missed. If each polling place had a complete, ward-specific list of the total number of courier bags and envelopes, with seal numbers as unique identifiers, election officials could have noticed that their handwritten absentee ballot log was missing a courier bag that the clerk’s office said should be there for that ward and eligible for counting. Even a system that labeled each courier envelope or bag with “1 of 12” or similar could have indicated to election officials that there were a specific number of carrier bags they needed to account for while processing absentee ballots.

Lack of Absentee Data Reconciliation Process as Part of Closing the Polls

None of the procedures in place on November 5 prompted election officials to confirm the number of absentee ballots received with the number of absentee ballots counted. Clerk Witzel-Behl explained in her response that this data was emailed to her Chief Inspectors the weekend before the election and was also available as an accessible file for Chief Inspectors on Teams on Election Day. **Appendix 1.** However, nothing in the end-of-night checklists, the inspector’s statement, or absentee ballot log provided the total number of absentee ballots received for election officials to consider at the end of the night.

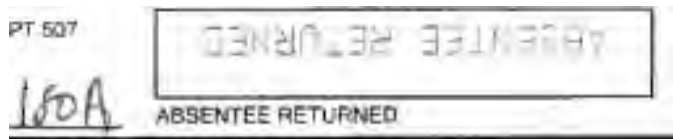
One of the most important steps of closing the polls on Election Day is for election officials to confirm that the total number of voter slips issued matches the number of ballots inserted into the tabulator. This ensures that the number of ballots counted is equal to the number of voters who cast ballots. However, uncounted ballots are obviously never assigned a voter number. This is why the end of night ballot counts matched for Ward 56 and Ward 65, and why the ballot count did not alert election officials that there were additional uncounted absentee ballots.

If Clerk Witzel-Behl had run a report at 8 p.m. on Election Night, she would have had ward-by-ward data of how many absentee ballots were recorded as received, assuming her office checked them in to WisVote as soon as they were received. Election officials then could have taken that number, added any absentee ballots that were delivered in person to the polling place, and compared it to the number of absentee voter numbers in the pollbooks. Any difference in numbers would have then prompted election officials to investigate further until they were sure that all absentee ballots that had been received were in fact processed and counted.

Early Poll Book Printing and Lack of “Absentee Returned” Watermark

Outside of finding the ballots themselves or comparing absentee data from the clerk’s office, another way someone could have discovered that not all absentee ballots were counted on Election Night was by noticing that the pollbook contained many indicators of returned absentee ballots that were not paired with voter numbers.

When a pollbook is printed, the system will automatically affix watermarks in the voter signature box designed to clearly notify an election official that an absentee ballot has been issued or returned. If the voter number, visible in the example below as 180A, was missing from a watermark like this, the election official would know that an absentee ballot was received but was not yet processed by the election officials and counted.



Clerk Witzel-Behl appeared to have printed the pollbooks for Wards 56 and 65 on October 23. She explained that her policy was to provide each polling place with a list of voters who returned absentee ballots in the subsequent 12 days prior to Election Day and instructions to highlight voters who returned their ballots. In the Opening the Polls binder, the instructions for setting up the Poll Book Table provide the following instructions to election officials on how to utilize the highlighter system: “Highlight the names of voters on the poll book who are listed on the Absentee Log. This log is in the black absentee binder. The absentee

watermarks on the poll book do not include all absentee voters. If there are too many absentee voters to highlight, we will need to ask every voter whether they returned an absentee.” **Appendix 28.**

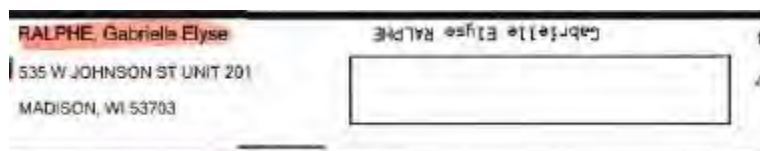
This additional instruction appears to have been provided to election inspectors in training ahead of the November 5 General Election:

“Q: What do we ask voters whose names are highlighted on the poll book? Do we ask if they received an absentee ballot, or if they returned an absentee?”

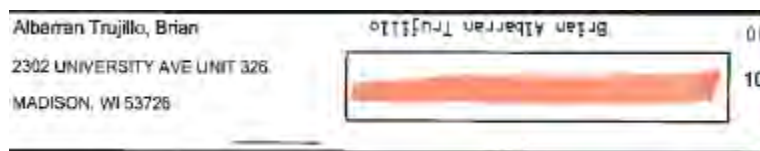
A: If a voter’s name is highlighted on the poll book, we ask if they returned their absentee. We note their answer in the margin of the poll book. If they did return their absentee, they may not vote at the polls.”

Appendix 42.

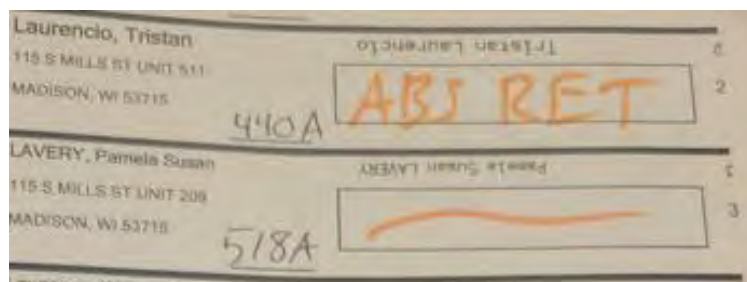
Unlike the watermark, the highlighter system is dependent on every election inspector knowing and remembering what the highlights mean. Below are three examples of how election officials followed the highlighter procedure in Wards 56, 65, and 68.



Ward 56 – Orange Highlighter on Voter Name



Ward 65 – Orange Highlighter in Voter Signature Box



Ward 68 – “Abs Ret” Written in Orange and Orange Line in Voter Signature Box

Commission staff do not know whether the orange highlighter system caused confusion for election inspectors in these wards, nor do staff know or claim that any election inspectors did not know what the orange highlighting in the pollbook meant. However, it is the opinion of Commission staff that the “Absentee Returned” watermark would have clearly denoted to every election inspector who looked at the pollbook that the voter in question had returned an absentee ballot. It is also the opinion of Commission staff that the “Absentee Returned” watermark is both easier to notice and more official looking such that an election inspector reconciling the pollbook at the end of the night may have questioned why so many returned watermarks did not have assigned voter numbers. Finally, it is likely that the “Absentee Returned”

watermark would have also been more noticeable to city and county canvassers, some of whom may not have known what the orange highlights in the pollbooks denoted.

Clerk Witzel-Behl’s decision to print the pollbooks for Wards 56 and 65 on October 23 meant that election inspectors at those wards likely spent time before 7 a.m. on Election Day highlighting at least 524 names in Ward 56 and 1,052 names in Ward 65.

While Commission staff understand that printing poll books for 134 wards takes time, printing them closer to Election Day would have ensured that more “Absentee Returned” watermarks appeared, and that poll workers would have needed to highlight fewer names.

No Canvass Confirmation of Absentee Data

From what Commission staff understand, Clerk Witzel-Behl provided the following documents to the Municipal Board of Canvass (MBOC) and County Board of Canvass (CBOC): 1) pollbooks; 2) tally sheets; 3) inspectors’ statements, absentee logs, observer logs; and 4) results tapes. From the MBOC notes provided in **Appendix 15**, it appears as if the MBOC was reviewing the work that was completed by the election inspectors, and the results that were reported.

There do not appear to be policies in place whereby the MBOC or CBOC were prompted to check to see if the election officials had missed anything or had overlooked batches of absentee ballots. Again, it seems as if the existing policies are extensive with respect to checking what *was* completed, but were not designed to check what was completed against what *should* have been completed.

Organization of Election Day Materials & Post-Election Organizing

The uncounted ballots were discovered on November 12 as one of Clerk Witzel-Behl’s staff members was organizing the locked security cart from that ward, but the 125 uncounted absentee ballots from Ward 56 sat undiscovered in a supply tote until a staff member went looking for them on December 2. Had Clerk Witzel-Behl’s office checked all carts and totes in the first two days after the election for any uncounted absentee ballots, the uncounted ballots could have been tallied during the Municipal Board of Canvassers meeting along with provisional ballots and could have been included in the final vote totals. Clerk Witzel-Behl’s written policies do instruct election inspectors how to properly store and return ballot materials after an election, and returning a courier bag in a supply tote is not consistent with that policy.

Commission staff understands that sorting through and putting away materials from 134 wards takes time. However, if Clerk Witzel-Behl had looked through everything to check for courier bags, carrier envelopes, or sealed absentee certificate envelopes before November 29, all 193 uncounted absentee ballots could have been included in the final vote totals for the City of Madison.

Notification of Ward 65 Ballots to Canvassers

Canvass boards have the statutory power to review the work of election inspectors and make any necessary corrections to the vote totals. The uncounted ballots for Ward 65 were discovered by Clerk Witzel-Behl’s staff on November 12, the day of the Dane County Canvass. Clerk Witzel-Behl in her response explained that members of her staff attempted to alert the Dane County Clerk, or his staff, in person on November 12 that there were additional ballots that needed to be canvassed. Clerk Witzel-Behl stated that her deputy

recalled a conversation with the staff member who spoke with either the Dane County clerk or his staff, in which the staff member “[recalled] a general sense that the County would not want the Ward 65 ballots for the County canvass.”

Commission staff do not know why neither the Dane County Clerk (if aware of the situation on November 12), Clerk Witzel-Behl, or their staff, did not notify the Dane County Board of Canvassers that the City of Madison had discovered absentee ballots that had not been counted. Notifying the County Board of Canvassers could have at least ensured that the Ward 65 ballots were tallied and included in the official results of the election.

Direct Communication to Canvassers and the Commission

In her written responses, Clerk Witzel-Behl explains that she gave instructions for her staff members to contact the Dane County Clerk, as well as the Commission, to notify them of the uncounted ballots. It appears that she did not herself attempt to contact the County Clerk or the Commission. She does not explain when she knew or discovered that her directions had not been fully followed and does not explain why she did not follow up with the County Clerk or Commission if she knew or suspected that her directives had not been carried out.

Part Four – Possible Additional Areas of Inquiry

Clerk Witzel-Behl has provided a lot of information and documentation in response to the Commission’s questions and open records requests. As outlined in the prior section of this memo, Commission staff understand many of the contributing factors that led to the ballots going undiscovered and uncounted.

What happened at these polling places?

There is one large area of inquiry that Commission staff still do not have answers to, even after reviewing all of the written responses and provided documents. Although Clerk Witzel-Behl provided many pages of training materials, polling place guides, instructions, examples, and explanations of policy, she did not provide any explanation or overview of what exactly happened at these polling places. Commission staff still do not know:

- How the absentee ballot carrier bags containing the uncounted ballots went unnoticed all day by election inspectors.
- Where the absentee courier bags in question were located in the polling place on Election Day.
- Whether there were other absentee carrier bags of ballots delivered with those specific security carts that *were* counted.
- How a carrier bag ended up in a supply tote without any of the election inspectors noticing it still contained absentee ballots.
- Whether election inspectors knew to look for green carrier bags, which is what were used for the uncounted ballots in question, in addition to the red carrier bags.

Clerk Witzel-Behl does not specify in her response if she spoke to the Chief Election Inspectors responsible for Ward 56 and Ward 65, and if she did, she did not include any additional detail of those conversations in her responses. Commission staff believe this is an important, outstanding area of inquiry to understand specifically how potential gaps in procedure occurred. In other words, neither the Commission nor Clerk

Witzel-Behl can provide updated training or guidance to election officials without understanding exactly how the uncounted ballots were overlooked by the election officials working at those polling places.

Commission staff recommend that the Commission consider issuing additional questions to Clerk Witzel-Behl, such as it did during the January 2 meeting, in order to fully understand how these ballots went unnoticed and uncounted all day at the polling places.

Why the uncounted ballots from Ward 65 were not reported to the County Canvass?

Clerk Witzel-Behl asserts that an employee from her office notified either the Dane County Clerk or someone in his office about the uncounted ballots from Ward 65 on November 12. On February 12, 2025, Dane County Clerk Scott McDonell affirmatively provided the letter in **Appendix 1A** in which he states that he had no knowledge of the uncounted ballots until it was reported in the media in mid-December.

Commission staff do not know why the Dane County Canvass was not notified of the uncounted ballots.

Open Records Requests Production:

Clerk Witzel-Behl has provided many pages of records in response to the Commission's open records requests for this investigation. Those documents are all included in the materials in Appendices 1-43.

There were two files that Clerk Witzel-Behl attempted to send that were too large to transmit electronically. The two documents were the log sheets of the daily number of absentee ballots picked up from either a drop box or an in-person absentee voting site. Since these records are not pertinent to how the uncounted ballots were transported to the polling places and likely would not yield any new information pertinent to the investigation, Commission staff determined they were likely not responsive to the Commission's requests.

Additionally, the Clerk's Office produced 36 pages of internal communication records relating to this incident, the vast majority of which were created and sent on or after December 17. The records custodian explained that while the Clerk's Office does use Microsoft Teams, the City only has a retention period of 24 hours for messages. The records custodian did not confirm or deny whether responsive Teams message records existed at one point. Additionally, the earliest emails provided were from November 26. The Clerk's Office did not produce any emails from November 12 to November 26.

Part Five – Best Practices for Training and Guidance

In addition to the decision letter that will be specific to the City of Madison, the Commission should also consider whether to issue a statewide clerk communication so that all Wisconsin clerks have a checklist of best practices to ensure that a similar situation does not arise during a future election. This would be a useful guidance document for clerks to evaluate their current procedures for any potential issues or inefficiencies that could cause absentee ballots to be overlooked. Commission staff could also expand upon the clerk communication to offer specific training so that the lessons learned from this incident can be shared with other jurisdictions.

The clerk communication would consist of a summary of best practices relating to absentee ballot handling and processing for the following topics:

- **Pre-Election Procedure** – These best practices would be focused on steps clerks should take to ensure that their election inspectors at the polling places are equipped to verify that all absentee ballots are received and accounted for from the clerk’s office.
- **Polling Place Procedure** – These best practices would be focused on specific steps election inspector should take to check that all absentee ballots have been located and counted, with an emphasis on end-of-night procedures to check the number of absentee ballots counted against the number of absentee ballots received by the clerk.
- **Post-Election Procedure** – These best practices would be focused on prioritizing the organization of election materials before the convening of the municipal canvass to ensure no unprocessed absentee ballots were missed.
- **Reconciliation Procedure** – These best practices would be focused on early entry of voter participation data after the election so that clerks could verify that the number of absentee ballots returned matches the total number of absentee ballots counted or properly rejected for all wards in their jurisdictions.
- **Canvass** – These best practices would be focused on the types of data and documents clerks should prepare for their municipal boards of canvass so that the canvassers can double check to ensure nothing was missed. This section would also include guidance for county boards of canvass so they can serve as a further check to ensure that the election data makes sense.
- **Response Planning** – These best practices would be focused on how clerks should respond if they discover uncounted ballots after the close of polls. It will provide information on how to contact their boards of canvassers, as well as how to properly document the ballots in WisVote. It will also provide best practices for what clerks should do if unprocessed ballots are discovered after the Commission has certified the election.

Additionally, the Commission should consider whether to direct staff to prepare a press release at the conclusion of the investigation so the media and the public can be briefed on the outcome.

Part Six – Summary and Possible Motions

After this first stage of the investigation, Commission staff have a much clearer understanding of how the events unfolded surrounding the 193 uncounted absentee ballots. However, some questions do remain.

In conclusion, the purpose of this memo was to summarize the additional facts provided by the Clerk's Office in their written responses and document productions, and to identify the likely factors that contributed to the situation. Having considered the additional information learned, the Commission should now decide how it wishes to proceed with this matter, as outlined in the possible motions below. The Commission could decide to seek further facts or information from Clerk Witzel-Behl, or it could decide that it has enough information before it to issue a decision letter. The Commission could also decide whether to instruct staff to prepare a statewide clerk communication so that all Wisconsin clerks can understand the lessons learned from this matter in order to ensure that it does not occur at a future election.

Possible Motion 1: The Wisconsin Elections Commission (“the Commission”) directs staff to continue the investigation authorized on January 2, 2025, into whether City of Madison Clerk Maribeth Witzel-Behl has failed to comply with the law or abused her discretion regarding the 193 uncounted absentee ballots from Wards 56, 65, and 68 from the November 5, 2024, General Election. Staff are directed to continue the investigation pursuant to the March 7, 2025, memo, the bipartisan discovery requests prepared by Chair Jacobs and Commissioner Millis, and any parameters or directives that achieved consensus during the

Commission discussion. Staff are directed to immediately transmit the discovery requests to Clerk Witzel-Behl, as soon as they are finalized, and to make those requests immediately available to the public. Staff are directed to inform Clerk Witzel-Behl that the Commission requests her compliance no later than **March 21, 2025**.

Possible Motion 2: The Wisconsin Elections Commission (“the Commission”) directs staff to prepare a draft decision letter pursuant to Wis. Stat. § 5.06(6) with

Option 1: A recommendation of whether /

Option 2: That Clerk Witzel-Behl took actions /

Option 3: That Clerk Witzel-Behl did not take actions / that were contrary to law or abused her discretion with respect to this incident. Staff are directed to prepare the draft decision for the Commission’s review, discussion, and approval at an upcoming meeting.

Option 4: [Add any decision letter specifics that receive consensus during meeting, if any].

Possible Motion 3: Staff are also directed to prepare a statewide clerk communication of best practices for processing and handling absentee ballots for the Commission’s review and discussion at an upcoming meeting. Finally, staff are directed to issue a press release summarizing the current state of the investigation.



Wisconsin Elections Commission

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MEMORANDUM

DATE: For the March 7, 2025, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: WEC Staff

SUBJECT: **In re the investigation of: City of Madison
Investigation Summary and Findings**

APPENDICES

The records in Appendices 1 – 43 constitute 1,630 pages of materials. While all of these records are responsive to the Commission’s document requests, many of them do not provide additional detail or information with respect to the uncounted absentee ballots.

Document Number	Description
Additional Documentation	
1	Response of Clerk Maribeth Witzel-Behl to Commission Questions. Most of the detail from the investigation is contained in this document. Clerk Witzel-Behl also provided a page of reflections and policy change ideas for lessons learned and changes that can be made going forward.
1A	Letter from Scott McDonnell, Dane County Clerk. Commission staff received this letter unprompted from Clerk McDonnell in February, and in it, he asserts he had no knowledge of the uncounted ballots until mid-December when it was reported in the media.
2	WisVote Data for Uncounted Ballots Wards 56, 65, and 68. Commission staff retrieved WisVote data for each of the uncounted ballots. For each ballot, the data indicate the absentee application type, the ballot delivery method, the ballot type, when the absentee ballot record was created, the date the ballot was sent, the date the ballot was returned, and a few other ballot identifiers. The data does not reflect the method of return because that is not a datapoint that clerks record in WisVote for absentee ballots.
Request 1: Records, logs, or documents used by the City of Madison Clerk’s Office to track or log carrier envelopes (green or red), courier bags, “secure red cages,” or any other object used to store or transport sealed absentee certificate envelopes. This request excludes the actual carrier envelopes themselves and	

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

is specific to any record used to track or log the movement of absentee ballots from the voter to the ultimate destination of the polling place.	
3	Absentee Carrier Seal Number Record Sheets. This is the log that the Clerk’s Office used to record absentee carrier seal numbers as they were generated. It is handwritten, which means searching for a particular seal number must be done manually through over 100 pages. Commission staff were able to find some of the seal numbers provided by the Clerk’s Office on this log, but not all of them. The log is also not organized by ward.
4	Drop Box Key Sign Out. This is the log that the Clerk’s Office used to record who accessed and used keys to the city’s drop boxes. It is also handwritten.
5	Election Day Absentee Chain of Custody. These are the chain of custody forms that the Clerk’s Office used to track the movement of returned absentee ballots. There are two chain of custody forms from Ward 65, and two from Ward 56 in this record. The carrier seals on these forms do not match the seal numbers of the uncounted ballots, so it’s likely that these chain of custody forms are for other batches of absentee ballots that were delivered by courier on Election Day. The uncounted ballots were delivered to the polling places ahead of Election Day with the tabulators and other equipment.
6	Equipment Delivery by Route. This record contains the route and delivery information for the polling place equipment drop offs that were made before Election Day. The log contains a description of the items delivered, but the description does not mention ballots or absentee ballots. The Clerk’s Office indicated that the uncounted ballots were delivered with the rest of the equipment and supplies. The deliveries for Wards 56 and 65 were on October 31 to the polling places.
7	November 2024 – Chains of Custody, Dropbox and IPAV. These records contain the chain of custody forms from completed absentee ballots returning to the Clerk’s Office from drop boxes and IPAV sites in November 2024. It is not possible to determine whether any of the uncounted ballots were in the ballot batches recorded in these records.
8	Election Day Absentee Ballot Delivery Route Log. These records contain the absentee courier routes and delivery information for batches of absentee ballots that were delivered to polling places on election day. The uncounted ballots were not delivered by absentee courier, they were delivered with the polling place supplies ahead of Election Day.
9	Absentee Ballot Drop Box Locations. This record lists the addresses of the drop boxes used during the November 2024 election, along with descriptions of where each box was located.
10	Absentee Mail Chains of Custody – Office to Hamer. These records consist of chain of custody forms for absentee ballots that were delivered to and from the Clerk’s Office and the Fannie Lou Hamer Annex. Some logs were used for ballots sent back to the Clerk’s Office to be returned to the voter. Some logs were used to track ballots sent to the Hamer Annex that had been received by the Clerk’s Office by mail. Seal numbers were recorded by hand, meaning searching for specific seal numbers requires manual review of all records. Commission staff did not identify any of the pertinent seal numbers from the uncounted ballots within this record.

11	Procedures – Ballot Box Couriers Check in / Check Out. This is a page of written policy and procedure for how Clerk’s Office staff properly retrieve completed absentee ballots from drop boxes.
12	Ward 56 Absentee Chains of Custody (Election Day). These chain of custody logs are for absentee ballot carrier deliveries during Election Day to Ward 56. None of the uncounted absentee ballots were delivered to polling places on Election Day via courier.
13	Ward 65 Absentee Chains of Custody (Election Day). These chain of custody logs are for absentee ballot carrier deliveries during Election Day to Ward 65. None of the uncounted absentee ballots were delivered to polling places on Election Day via courier.
Request 2: Internal communications including email, text messages, or instant messaging (such as Teams or Skype) between City of Madison Clerk’s Office staff between November 12, 2024, and December 26, 2024. This request is specific to any record containing information regarding the 193 uncounted absentee ballots from Wards 56, 65, and 68.	
14	Internal Email Communications of City Clerk’s Office Staff. The Clerk’s Office produced 36 pages of internal communication records relating to this incident, the vast majority of which were created and sent on or after December 17. The records custodian explained that while the Clerk’s Office does use Microsoft Teams, the City only has a retention period of 24 hours for messages. The records custodian did not confirm or deny whether responsive Teams message records existed at one point. Additionally, the earliest emails provided were from November 26. The Clerks Office did not produce any emails from November 12 to November 26.
Request 3: Internal communications, including email, text messages, or instant messaging (such as Teams or Skype) between City of Madison Clerk’s Office and any member of the City of Madison Municipal Board of Canvassers or Dane County Board of Canvassers between November 12, 2024, and December 26, 2024. This request is specific to any record containing information regarding the 193 uncounted absentee ballots from Wards 56, 65, and 68.	
No Responsive Records	
Request 4: Internal communications, including email, text messages, or instant messaging (such as Teams or Skype) between the City of Madison Clerk’s Office and the Dane County Clerk between November 12, 2024, and December 26, 2024. This request is specific to any record containing information regarding the 193 uncounted absentee ballots from Wards 56, 65, and 68, as well as any information regarding the city, county, or state canvass or certification deadlines.	
No Responsive Records	
Request 5: All documentation, data, files, paperwork, or other substantive results materials provided by your office to the City of Madison Municipal Board of Canvassers and the Dane County Board of Canvassers.	
15	November 2024 Municipal Board of Canvassers Notes. Commission staff believe these notes were prepared by Clerk’s Office staff ahead of the first meeting of the Municipal Board of Canvassers on November 8. The notes

	detail issues in various wards, which are not in order. Neither Ward 56 nor Ward 65 appear on the list of notes.
16	Ward 56 – Inspectors’ Statement, Absentee Ballot Inspectors’ Statement, Observer Log. Election Day materials from the polling place for Ward 56, including a log of discovered issues. The uncounted ballots are not mentioned, nor does anything on the Inspectors’ Statement or Absentee Ballot Log provide the number of absentee ballots received for Ward 56. The seals from the carrier bags containing the uncounted ballots were not recorded on the Absentee Ballot Chain of Custody.
17	Ward 65 - Inspectors’ Statement, Absentee Ballot Inspectors’ Statement, Observer Log. Election Day materials from the polling place for Ward 65, including a log of discovered issues. The uncounted ballots are not mentioned. The Hourly Vote Tracking sheet says that 914 absentee ballots were received, though it is not clear as of which date. The Absentee Log recorded 984 absentee ballots counted. The seals from the carrier bags containing the uncounted ballots were not recorded on the Absentee Ballot Chain of Custody.
18	Ward 68 – Inspectors’ Statement, Absentee Ballot Inspectors’ Statement, Observer Log. Election Day materials from the polling place for Ward 68, including a log of discovered issues. Ward 68 did not miss counting any ballots, but one of its ballots was accidentally sorted into the batch of uncounted ballots from Ward 65.
19	January 10, 2025 Madison Municipal Board of Canvassers Agenda, Statement & Vote Tally of Uncounted Ballots. The Madison Board of Canvassers convened on January 10 to tally the 193 uncounted ballots. The Board of Canvassers tallied the ballots, and also provided a correction that the number of provisional ballots issued on Election Day was 128, not 123.
20	Ward 56 – Scans of Poll Books Provided to County Board of Canvassers. This appendix contains the second copy of the poll book, the one not signed by the voters. This was the copy that was provided to the Dane County Board of Canvassers
21	Ward 65 – Scans of Poll Books Provided to County Board of Canvassers. This appendix contains the second copy of the poll book, the one not signed by the voters. This was the copy that was provided to the Dane County Board of Canvassers.
22	November 2024 Canvass Documents. These records are from the first meeting of the Madison Municipal Board of Canvassers on November 8, 2024.
23	Ward 56 Poll Book (Voter Signature Version provided to MBOC). This appendix contains the first copy of the poll book, the one signed by the voters. This was the copy that was provided to the Madison Board of Canvassers. Based on email records in Appendix 14, Commission staff believe that the Clerk’s Office added the voter numbers in green pen after the uncounted ballots were discovered when Clerk Witzel-Behl originally tasked her staff with assigning voter participation.
24	Ward 56 Results Tape. This is the results tape from the tabulator from Ward 56 that was provided to the Municipal Board of Canvassers.
25	Ward 65 Poll Book (Voter Signature Version provided to MBOC). This appendix contains the first copy of the poll book, the one signed by the voters.

	This was the copy that was provided to the Madison Board of Canvassers. Based on email records in Appendix 14, Commission staff believe that the Clerk’s Office added the voter numbers in green pen after the uncounted ballots were discovered when Clerk Witzel-Behl originally tasked her staff with assigning voter participation.
26	Ward 65 Results Tape. This is the results tape from the tabulator from Ward 65 that was provided to the Municipal Board of Canvassers.
27	Write In Tally Sheets for Wards 56, 65, and 68. These records confirm the number of write-in votes received for each ward.
Request 6: Training materials, including email, PowerPoint slides, or webinar recordings, given to the election officials who were ultimately scheduled to work at Wards 56, 65, and 68. This request is specific to any record containing instruction on the processing, handling, and tabulating of absentee ballots. This request specifically excludes any training material or guidance document prepared by or issued by the Commission.	
28	Opening the Polls Task Sheets Binder. This record is a resource for poll workers on election day, and provides all of the necessary procedure for opening the polling place. The binder instructs poll workers to remove ballots and other supplies from both compartments of the tabulators as part of morning set up. The binder also instructs poll workers on how to highlight the names of voters who have returned absentee ballots. The binder does not have a dedicated section for setting up the absentee ballot processing area.
29	Closing the Polls Task Sheets Binder. This record is a resource for poll workers on election day, and provides all of the necessary procedure for closing the polling place. There is a section of the closing checklist to prompt the Chief Inspector and poll workers to make sure all ballots are counted, including verifying that ballot carrier bags are empty. This binder contains detailed instructions, including pictures, of what supplies go where.
30	2024 Quick Guide to Absentees. This training material provides poll workers with specific procedures to follow when opening and processing absentee ballots, starting with opening the sealed courier bags.
31	2024 Quick Guide to Remaking Absentees. This training material provides poll workers with specific procedures to follow when remaking absentee ballots at the polling place.
32	Blank Absentee Bundle Checklist. This record is a blank template of the absentee bundle checklists that poll workers use at the end of the night on election day to organize used absentee certificate envelopes. It is not clear whether poll workers in Ward 56 or 65 used this document, and if they did, the completed versions were not produced.
33	Absentee Processing Flashcards. Commission staff believe these flashcards are provided with polling place materials. The first flashcard instructs that absentee ballots are secured inside the ballot box inside the security cart. The flashcards detail the procedure for processing absentee ballots.
34	Absentee Processing Observer Guide. This record appears to be a flowchart to aid election observers in understanding the procedure for how poll workers process absentee ballots. It also contains examples of the three different absentee certificate envelope styles that are used in Wisconsin.

35	Absentee Processing Training Presentation Slides. This record provides another overview of the absentee ballot processing on election day.
36	Blank Absentee Bundle Tracking Sheet. This record is a blank template of the absentee bundle tracking sheet that poll workers use on election day as they process bundles of absentee ballots. It is not clear whether poll workers in Ward 56 or 65 used this document, and if they did, the completed versions were not produced.
37	Blank Bundle Tally Sheet. This record is a blank template of a tracking sheet poll workers could use on election day. It is not clear whether poll workers in Ward 56 or 65 used this document, and if they did, the completed versions were not produced.
38	Good & Bad Ballot Label Instructions. This record provides the procedures for how poll workers should correctly label good and bad ballots when remaking original ballots.
39	Blank Good & Bad Ballot Labels 1 – 15. The record also contains a sheet of unused good and bad ballot labels.
40	Poll Worker Reference Guide November 2024. This record is a reference document used to provide action steps to common situations that could arise on election day at the polling place.
41	Absentee Sealing Procedures. This record appears to be an internal Clerk’s Office record that provides the procedure for how to organize and package absentee ballots for transport to Hamer storage location.
42	Training Q&A of Election Inspectors for November 2024. This record contains questions and answers that were asked by election inspectors during trainings ahead of the November 5 General Election.
43	Blank Absentee Bundle Sheets. This record is a blank template of slips that poll workers can use to ensure they have taken all appropriate steps in processing bundles of absentee ballots at the polling place. It is not clear whether poll workers in Ward 56 or 65 used this document, and if they did, the completed versions were not produced.

The materials for the appendices 1 to 43 will be posted in full on the Commission's website

As part of these printed materials, staff have provided a subset of the most pertinent appendices, which are summarized on page 2 of the memo.

The subset of appendices are assembled in a separate packet from the main Open Session materials packet.

Staff can provide any of the 43 appendices upon request.



Wisconsin Elections Commission

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DATE: For the March 7, 2025, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator, Wisconsin Elections Commission

SUBJECT: 2024 Post-Election Voting Equipment Audit Final Report

The 2024 Post-Election Voting Equipment Audit was the largest audit of its kind ever administered in Wisconsin. Following the 2024 General Election, local election officials audited over 327,000 ballots by hand to confirm the voting equipment used throughout the state accurately tabulated votes and remained secure. Post-election audits are a critical means by which election officials publicly show the effectiveness of the procedures, policies, and best practices in place, as well as dispel any misinformation or disinformation about the security of electronic voting systems.

This report will provide detailed information about all stages of the post-election audit process. This includes preparations made by Wisconsin Elections Commission (WEC or Commission) staff, communications to local election officials, administration of the audit at the local level, and a broader discussion of the results of the audit, including breakdowns of the equipment audited, human or equipment errors encountered, a summary of the reimbursement paid to municipalities, and implications for future audits.

After an in-depth review of all materials submitted by local election officials, WEC staff found no evidence that any of the voting systems used and audited in Wisconsin changed votes from one candidate to another, incorrectly tabulated votes, or altered the outcome of any audited contest.

There was no evidence of programming errors, unauthorized alterations or “hacking” of voting equipment software or hardware, or any equipment malfunctions that changed the outcome of any contests on the ballot. That said, this report will also highlight certain limitations of electronic voting systems and provide several suggestions as to how to improve the administrative procedures required to ensure the continued effectiveness of those systems.

Post-Election Voting Equipment Audit Introduction and Framework

Wis. Stat. § 7.08(6) is the state embodiment of § 301(a)(5) of the Help America Vote Act of 2002 (HAVA) (52 USC §21081) and requires the WEC to audit each voting system that is used in this state following each General Election:

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

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

To achieve this, the Elections Commission approves the sample size, procedures, and timeline for conducting the post-election voting equipment audit. With limited exceptions, each selected municipality is required to conduct the audit, with some local election officials receiving assistance from their county clerk's office. Wisconsin has conducted a post-election voting equipment audit following each General Election since 2006. Audits are required by state law to ensure that tabulation equipment is performing at the standards set forth in the certification for each electronic voting system.

Equipment is audited to the testing standards set forth in HAVA, which requires all voting tabulation equipment to accurately tabulate ballots and not exceed a predetermined error rate. Sec. 301(a)(5) of HAVA states that the error rate for federal certification is based on the United States Election Assistance Commission's (US EAC or EAC) Voluntary Voting System Guidelines (VVSG 1.0). The current federal maximum acceptable error rate for testing purposes under VVSG 1.0 is 1 in 500,000 ballot positions, with one ballot position representing one properly marked vote in a controlled testing environment.

Please note that the federal standard differs from the error definitions adopted by the Commission in 2022, as shown in Appendix A. Specifically, the Commission directed WEC staff to identify and flag errors that could be attributed to human behavior and not just those entirely attributable to the equipment. None of the 2024 post-election audit findings included an actual or potential error that was solely equipment-based, as opposed to solely human error or a combination of the two.

This is an important distinction, as Sec. 301(a)(5) of HAVA states, "The error rate of the voting system in counting ballots (**determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter**) shall comply with the error rate standards established..." by VVSG 1.0 (**Emphasis added**). While HAVA explicitly exempts acts of voters from the overall error rate calculation, the WEC equipment error rate also precludes other forms of human error, e.g., errors made by the clerk, election inspectors, or auditors, from being included in the calculation. This isn't to say that human error can be entirely disregarded from this conversation. Instead, WEC staff have identified and further investigated the human errors reported by local officials, which are further detailed and analyzed in this report.

Per HAVA and past WEC audits, equipment errors are those that are attributable only to the voting system itself. "Voting systems" are defined under Sec. 301(b) of HAVA as the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to define ballots, cast and count votes, report or display results, maintain and produce an audit trail, and otherwise include the practices and documentation associated with electronic voting. No human element is

contemplated by the terms “error rate” or “voting system,” and VVSG 1.0 includes further definition of related terms:

Data Accuracy: (1) Data accuracy is defined in terms of ballot position error rate. **This rate applies to the voting functions and supporting equipment that capture, record, store, consolidate and report the specific selections, and absence of selections, made by the voter for each ballot position.** (2) The system's ability to process voting data absent internal errors generated by the system. **It is distinguished from data integrity, which encompasses errors introduced by an outside source.**

Data Integrity: Invulnerability of the system to accidental intervention or deliberate, fraudulent manipulation that would result in errors in the processing of data. **It is distinguished from data accuracy that encompasses internal, system-generated errors. (Emphasis added).**

The WEC audit process is designed to ensure electronic voting systems meet certification standards and identify any issues that may impact accurate vote tabulation. The acceptable error rate established in HAVA and VVSG 1.0 is intended for equipment certification testing scenarios, which are conducted in lab settings under optimized conditions using test deck ballots that are marked in accordance with ballot instructions. Laboratory testing procedures do not typically include the same variety of conditions that can be found in a polling place. For example, it’s difficult to approximate the conditions of ballots that have been sent through the mail, folded multiple times, stained with coffee, etc., and certification staff may have more familiarity with a specific voting system than election inspectors who, while trained on its usage, may only interact with the system two to four times in a given year.

Auditing voting systems to this certification standard as part of a performance audit can complicate the review of the results, as it requires consideration of how the equipment performs during live elections when voter behavior and ballot marking are not scripted. When testing for certification purposes, the results set is predetermined, and all ballots are marked in accordance with testing scripts. While it may be possible to easily identify a discrepancy during certification conditions, that is not always the case when real voter selections on real ballots are being audited.

A performance audit will often require auditors to make their own determinations as to how they believe their voting system may have counted a ballot. A fully completed oval next to a ballot candidate’s name will be the most common mark encountered on any ballot. However, there are many ways a voter may complete a ballot. Consequently, one of the most frequent issues seen throughout any performance audit is the consideration of voter intent on a ballot instead of an impartial review of how the voter’s marks would be interpreted by the voting system. There were many such instances in this audit.

Auditors must reconcile the results of their audit and the votes recorded by their equipment. In doing so, they may have to consult Inspectors’ Statements or incident logs from Election Day to identify and eliminate any potential non-tabulation-related source of error that may lead to a discrepancy in the final audit count. This may include paper jams, other printer malfunctions, unique ways that a voter marked their ballot, e.g., ambiguous marks, erasures, etc., or election official error.

Staff believe that calculating two separate error rates, one for equipment error and one for human error, is still the best way to assess the results of the post-election audit. Identifying equipment errors and calculating an error rate is crucial in the continued use of electronic voting systems. If, at any point, an audit reveals an issue with a voting system or discrepancies that cannot be explained, staff will investigate the issue further and present findings to the Commission. From there, the Commission has various options, including (but not limited to) revisiting the terms of the original certification on a system, ordering additional functional testing, or decertifying the system for sale and use in Wisconsin. In short, there are large-scale consequences should a voting system not meet acceptable standards.

The inclusion of a human error rate allows staff to measure different metrics. Certification standards are critically important and voting systems must meet those standards, but a human error rate also provides a view into the real-world side of election administration that may not be immediately obvious in a certification setting. This produces a more thorough understanding of how system certification standards and election administration come together in the polling place. By identifying the common issues reported by local officials, WEC staff may better direct training opportunities or provide additional resources to these officials to prevent similar errors in the future.

Preparation, Criteria, Selection, and Clerk Communications

At its October 4, 2024, meeting, the WEC approved staff recommendations for the parameters and procedures for the 2024 post-election audit. The full list of recommendations is attached to this report as Appendix A.

In the months preceding the audit, staff worked to update all the materials local officials would need to conduct the audit. This included updates to the tally sheets, reporting forms, and public notice templates, all of which were posted to the WEC website and provided to all clerks selected for the audit. Staff also recorded a training webinar that was posted to the same page as the materials. This webinar covered the basics of the audit, provided best practices for tallying and reporting, and gave baseline information on how to conduct the audit without factoring in voter intent.

In addition to improving the audit materials, staff also used this time to update the random selection tool originally created by WEC developers for the 2020 post-election audit (used in both 2020 and 2022) with current equipment data for every municipality in Wisconsin. After validating the equipment information for each municipality, staff imported the list of active reporting units as set by each municipality and conducted several test runs of the selection tool to confirm the resulting data met the approved selection criteria.

The tool used by staff makes random selections based on a seed number. After a seed number is entered, the tool will repeatedly go through the list of all reporting units and their associated voting systems until all selection criteria have been satisfied. Using a seed number to start this process means that the equipment/reporting unit results from that number can be repeatably pulled again and again, while a different seed number will produce an entirely different set of results. It is important to acknowledge that the overall degree of randomness in this process is slightly limited due to the = preset criteria determined by the Commission.

Staff conducted the reporting unit selection at a public meeting on the morning of November 6, 2024. Twenty 10-sided dice were rolled to establish a twenty-digit seed number, from which the selection tool provided a list of 373 reporting units. In total, 336 municipalities were selected to participate in the audit, with 20 municipalities being selected to audit more than one reporting unit. Twelve of the selected reporting units do not have any registered voters residing in them. As such, those reporting units were excused from the audit as no ballots were cast in these reporting units. The full list of reporting units and the voting equipment used in each can be found as Appendix B of this report. Staff also randomly selected the contests subject to the audit during this meeting. The offices selected include:

1. President and Vice President (top-of-ballot contest included by default)
2. Representative in Congress
3. Representative to the Assembly
4. District Attorney

After confirming the list of reporting units met the preset selection criteria, staff contacted all clerks selected to participate in the audit via email. For maximum visibility, the email was also sent to all 72 county clerks. This email included an explanation of the audit process, a link to the section of the WEC website¹ containing the staff webinar and all materials necessary for the audit, and a more detailed explanation of the reporting requirements, e.g., acknowledgement of selection, confirmation of time/place audit is to be conducted, and all necessary documentation needed for an audit submission to be considered complete.

Audit Timeline and Completion

For the 2024 post-election voting equipment audit, the Commission directed that all audits should be completed prior to the state deadline to certify election results on December 1, 2024. The Commission specifically established November 25, 2024, as the deadline to complete and report the results to WEC staff. However, the Commission also approved an automatic extension to the original deadline if any contest on the ballot should fall within the margin where a recount could be requested.

For statewide offices, a recount cannot be requested until the WEC receives all 72 certified canvass statements from the various county boards of canvass. Once the final statement has been received, an aggrieved candidate in any contest within the recount margin then has three business days to request a recount. As the final county canvass statement was not received until November 18, 2024, this meant that no audit could be conducted until November 22, 2024. As the original deadline was no longer tenable, the WEC Chair authorized the Administrator to extend the deadline by which audits were to be completed to December 2, 2024. Staff communicated the extended deadline to all municipal and county clerks via email.

Most municipalities who were selected to participate completed their audits and returned all materials to WEC staff by the December 2, 2024, deadline. However, for a variety of reasons, some municipalities did not meet this deadline. Multiple municipalities reported issues with communications to and from WEC staff, which led to their submissions being late. Other jurisdictions experienced clerk turnover

¹ <https://elections.wi.gov/2024-voting-equipment-audit>

immediately after the election or health issues that made it more difficult to conduct the audit. Staff reached out to all municipalities that had not met the deadline on December 3, 2024. With a few exceptions, the outstanding reports were submitted soon after the deadline.

2024 Voting Equipment Summary

The primary focus of the post-election voting equipment audit is to assess the performance of all certified voting equipment that is capable of tabulation. This includes optical scan tabulators, which are the most used type of equipment in the state, and direct recording electronic equipment (DRE). An optical scan tabulator requires a voter to mark a paper ballot by hand or by using a ballot marking device (BMD). When a voter is satisfied with their choices, they insert the ballot into the tabulator. Conversely, a direct recording electronic device will have a touchscreen on which a voter marks their choices. When they are finished, the ballot is cast and tabulated directly on the same device.

All voting systems certified for use in Wisconsin also include a ballot marking device as part of their hardware offerings. This type of equipment allows a voter to mark their choices, typically on a touchscreen device, print the ballot for review, and then insert the voted ballot into a tabulator. While auditors are instructed to count all BMD-marked ballots as part of the standard audit process, BMDs or the ballot marking functions that are integrated components of certain tabulators are not the focus of the audit because they do not tabulate votes.²

Optical Scan Tabulators

As previously noted, the primary focus of the post-election audit is to assess the performance of voting equipment capable of tabulation. Optical scan tabulators are the most common type of equipment used by municipalities in Wisconsin, with approximately 92.7% of all votes in the state being cast on this type of equipment. Table 1 lists each type of optical scan tabulator currently certified for use in Wisconsin, the number of audits that were conducted for each type, and the overall percentage of audits and total audited ballots cast for each.

Table 1: Summary of Optical Scan Audits by Equipment Type

<u>Type</u>	<u>Audits Conducted</u>	<u>Percentage of Total Audits</u>	<u>Total Ballots Audited</u>	<u>Percentage of All Ballots Audited</u>
ES&S DS200	178	47.21%	193,229	59.05%
ES&S DS450	11	2.92%	9,335	2.85%
ES&S DS850 ³	4	1.06%	996	0.3%

² While none of the standalone ballot marking devices included in the scope of this audit are capable of tabulating votes, the ExpressVote Tabulator is a tabulation-capable BMD that is certified for use in Wisconsin. No jurisdictions in the state currently use this device.

³ Per the selection criteria approved by the Commission, a minimum of five reporting units must be selected for each type of equipment certified for use in Wisconsin. However, the City of Milwaukee is the only municipality that currently uses the

<u>Type</u>	<u>Audits Conducted</u>	<u>Percentage of Total Audits</u>	<u>Total Ballots Audited</u>	<u>Percentage of All Ballots Audited</u>
Clear Ballot Clear Cast	16	37.40%	16,011	4.89%
Dominion ImageCast Evolution	141	4.24%	103,968	31.77%

For the 2024 post-election audit, the Commission approved a staff recommendation that any municipality that uses a central count site to canvass absentee ballots selected to participate in the audit would only be responsible for auditing the absentee ballots for the respective reporting unit. Certain types of voting equipment, specifically high-speed scanners such as the DS450 and DS850, are not used in polling places. The only means by which to assess the performance of this equipment is to require the central count municipalities that use them to audit their central count ballots in lieu of ballots cast at the associated polling place for the reporting unit.

Direct Recording Electronic Equipment

DREs are the other type of voting equipment capable of tabulating votes. As described above, these devices typically feature a touchscreen or monitor on which a voter is presented their ballot electronically. DREs (as well as BMDs) satisfy the HAVA requirement that every polling place must have at least one accessible device available for voters with disabilities to cast their votes privately and independently. In most cases, municipalities that only have DREs in their polling places will also offer hand-count paper ballots that are cast in a standalone ballot box and kept separate from the DRE ballot roll. Jurisdictions like this that were selected to participate in the audit were advised not to audit hand-count paper ballots.

After a voter makes their selections and reviews them on the screen, the device will print the voter’s choices onto a roll of paper. At this point, the voter has a final chance to review their ballot before casting it. They may choose to spoil the ballot and vote a new one or they may cast the ballot, which ends the voting session and advances the paper roll. Unlike optical scan tabulators, which process ballots marked by hand or by a BMD, DREs record all votes on these rolls of paper, otherwise known as a voter-verified paper audit trail (“VVPAT”). Auditing DREs requires auditors to review the entirety of the paper roll to review each ballot cast. The paper roll is also finite, so it must be replaced by election officials throughout Election Day. These factors led to several issues in the 2024 post-election audit, which will be further detailed later in this report.

There are currently two DREs certified for sale and use in Wisconsin: the Sequoia AVC Edge and the Dominion ImageCast X. However, all municipalities that previously used the Sequoia AVC Edge have transitioned to other voting equipment since the 2022 post-election audit and no jurisdictions currently

DS850 tabulator and a separate criterion does not allow for more than four reporting units to be selected from the City of Milwaukee.

use this equipment. All DRE audits conducted as part of the 2024 post-election audit were in jurisdictions using the Dominion ImageCast X, as shown in Table 2.

Table 2: Summary of DRE Audits.

Type	Audits Conducted	Percentage of Total Audits	Total Ballots Audited	Percentage of All Ballots Audited
Dominion ImageCast X	27	7.16%	3,691	1.13%

Audit Results and Error Rate Calculation

The primary takeaway staff wishes to highlight in this report is that the voting equipment utilized in the 2024 General Election performed in accordance with certification standards. The equipment tabulated votes accurately and staff found no reported errors that would be solely attributable to the electronic voting system.

A total of 327,230 ballots were counted by hand during the 2024 post-election voting equipment audit. This is approximately 9.6 % of all ballots cast statewide in the 2024 General Election. For context, 145,000 ballots were audited as part of the 2020 post-election audit and 222,075 were audited in 2022. It is not an overstatement to say that this was the largest and most comprehensive post-election audit ever conducted in the state of Wisconsin. Local election officials have many responsibilities and, after having just administered a General Election, they were then required to immediately pivot to conduct their audits. The municipal clerks, county clerks, election inspectors, and volunteers who completed these audits should be commended for their work and for their continued dedication to secure and accurate elections.

Each municipality selected to participate was required to provide a summary of each of the four auditable contests in addition to a copy of their voting equipment’s final results tape and any materials they used to conduct the audit. These summaries include a comparison between the total votes recorded by the voting equipment and the total votes counted during the audit. WEC staff reviewed every submission and followed up for additional information on discrepancies, missing materials, etc., when necessary. Audits were not considered final, and no reimbursements were paid out, until all reported discrepancies were adequately explained.

Equipment Errors and Issues

As directed by federal law, state statute, and the Commission, staff further analyzed all data received to identify any legitimate voting equipment errors that may have occurred. Using the Commission definition of a voting equipment error as shown below, staff identified five errors in three municipalities that could potentially be attributed to the tabulation equipment, but after review and discussion with the respective municipal clerks it was determined the errors were partially or completely attributed to human factors. Errors are generally produced by one of the factors listed below:

- a. Extraneous perforations, smudges, folds

- b. Bleed-through of a pen or marking device
- c. Dirty/smudged scan or read head
- d. Votes attributed to wrong candidate or referendum choice by tabulator
- e. Votes not counted due to a certain color of ink being used to mark ballot
- f. Foreign bodies such as ink flakes or dust on the ballot
- g. Programming issues not present at the public test
- h. Anything not explicitly mentioned above that would cause an otherwise empty oval to read as a valid vote or a validly voted oval to not record as a valid vote.

The three municipalities reported errors, and provided explanations for each, as shown in Table 3.

Table 3: Errors Attributed to Equipment Issues by Local Officials

Municipality	Equipment Type	Total Errors	Explanation
Town of Mukwonago	ES&S DS200	1	A smudge on the ballot led to the tabulator reading an overvote in one contest. This ballot was recorded as a valid vote for a ballot candidate by auditors.
City of Antigo	Dominion ImageCast Evolution	1	Auditors identified a ballot with smears/smudges from pen. Vote was counted for ballot candidate in audit, but equipment would have read as overvote.
City of Franklin	ES&S DS200	3	Auditors reported two instances of heavy creases through ovals being read by the tabulator as overvotes, as well as a ballot with a tear through an oval that was also counted as an overvote.

The EAC and federal law establish criteria for calculating an acceptable error for tabulation equipment during the federal certification process. This error rate is applied to evaluate technical errors identified in a laboratory environment on new equipment. The acceptable error rate is 1 in 500,000 ballot positions or 0.00002%. As the Commission has previously discussed, the federal error rate contemplates purely technical errors or issues in which the equipment acts contrary to the way it is programmed and certified to operate. The federal standard does not account for human errors or discrepancies caused or compounded by human behavior.

Given those constraints of the federal error rate as stipulated in HAVA and VVSG 1.0, the above errors would not be included in the calculation. Each error identified in the audit was attributed to the electronic voting system by the election officials who completed the audit. However, the human element is also a contributory factor in each case. It should be noted that the Commission’s September 2022 motion explicitly states, “Any errors attributable to human actions, such as election administration shortcomings or equipment auditors during ballot review, **will not be suggested** for inclusion of the final equipment error rate calculation as they are not attributable to the equipment itself.”

Similar errors were reported following the 2022 post-election audit. The Commission was asked to determine whether the errors constituted actual equipment errors and, as such, should be included in the overall error rate calculation. The Commission ultimately found that the errors could be attributable to human actions and determined the equipment error rate in the 2022 post-election audit to be 0.0%. In complying with the Commission's above motion and the process by which the error rate was calculated in 2022, staff do not recommend including these errors as part of the overall equipment error rate. None of the identified errors represent a purely technical issue with the tabulation equipment. Auditing real-world Election Day ballots is an entirely different experience than would be found in a highly controlled environment of a federal voting equipment testing laboratory using test deck ballots. Additionally, these errors were likely avoidable had proper administrative procedures been followed.

Staff have calculated two possible error rates, one that includes the five reported errors and one that does not. The formula used for each is the same: $R = e / p$ where Rate (R) equals errors (e) divided by ballot positions (p). The total number of ballot positions on all audited ballots was 5,604,670. While staff do not recommend inclusion of these five errors in the overall error rate calculation, it's important to note that inclusion of these five errors would still be within the federally allowable error rate of 1 in 500,000 ballot positions (0.000002%).

Error rate with five reported errors: 0.000009%

Error rate without five reported errors: 0%

As expected, the total number of votes cast on voting equipment and the total number of ballots audited do not match in all reporting units. This has been true of all past post-election audits in Wisconsin as well. There are a number of possible causes that would lead to a discrepancy between the final ballot total as reported by the voting equipment and the final totals tallied during the audit.

Several municipalities using optical scan tabulators reported paper jams on Election Day. While paper jams can be readily cleared and voting can resume with little disruption, it is sometimes unclear as to whether a jammed ballot was tabulated correctly or if the jam occurred nearer to the insertion point, leading to the ballot not being counted. Depending on where the jam occurred, this will often manifest as the final equipment results showing one more or one fewer ballot than the auditors can account for in their review. Standard practice for election inspectors is to record all ballot jams on the Inspectors' Statement as they occur, so jam-based discrepancies are typically resolved very easily.

Municipalities using the ImageCast X DRE device also reported several issues with the VVPAT paper roll throughout Election Day. Depending on turnout, it is not uncommon to have to change the paper roll several times throughout the day to ensure voters can continue to cast their ballot. In limited instances, the paper roll was not loaded correctly or otherwise jammed as a vote was being cast. These cases are also detailed on the Inspectors' Statement and the explanations resolve the discrepancies as reported by auditors.

In all cases, the incidents that led to minor discrepancies between the final audit tallies and the equipment result tapes were documented, either by election inspectors on Election Day or by auditors throughout the course of conducting the audit.

Human Error Rate Calculation

In addition to the base equipment error rate, the Commission has also directed staff to calculate an error rate for all issues attributable to human error. Highlighting these errors is not intended to shame local election officials for their actions. Rather, it is a means of identifying common issues to provide the context necessary to improve training materials and general administrative practices. There are a variety of ways human error may lead to discrepancies between voting equipment totals and the totals reported by auditors. In an attempt to categorize them, staff will present these issues as parts of two larger wholes: errors in the audit process, and errors in election administration on Election Day.

The most common type of human errors seen in this, and past post-election audits, happen during the audit process itself. These range from auditors tallying incorrectly to the incorrect contest being audited. While not exhaustive, staff has prepared a list of the most prevalent issues as reported by officials conducting the audit:

Unclear or incorrect tally marks

Staff provides a template tally sheet that auditors are recommended to use to count votes. In some cases, tally marks are made incorrectly or votes for specific ballot candidates are inadvertently tallied for another candidate. These issues will often snowball and lead to the auditors' independent counts not matching one another or the equipment results tapes.

Some municipalities did not originally tally undervotes or write-ins during their initial audits. These municipalities were asked to conduct the audit again to correctly tally all votes in all contests. However, these original omissions were still recorded as procedural human errors.

Interpretation of voter intent

This is likely the most common issue seen in post-election audits. Auditors are instructed to count votes as the equipment would have during an election. This is a departure from typical end-of-night vote counting performed by election inspectors, which does require taking voter intent into account.

Many audits saw discrepancies based on the auditors counting votes as valid in situations where it would be impossible for the voting equipment to do so. For example, voters will sometimes circle an oval on an optical scan ballot instead of filling it in completely. As these marks are not within the target area of the oval, they would not have been counted by the voting equipment.

Ambiguous and marginal marks

Different types of voting equipment have different minimum thresholds at which the unit will recognize a mark within an oval as a valid vote. There were several instances in which auditors were unsure of whether an oval was darkened sufficiently to count as a valid vote. Conversely, other municipalities found very light or accidental marks within one oval and a fully filled oval under the same contest. While not immediately evident to the human eye during the audit, these small marks are often enough to trigger the minimum threshold on a tabulator. This will typically lead to a valid vote being tallied by an auditor on a ballot that was read as an undervote by the voting equipment.

Incorrect contests/not auditing all contests

The original email and audit materials sent to all municipalities selected to participate in the audit included the list of contests that were to be audited. In a very small number of cases, local officials either audited a completely different contest or didn't audit all four contests. These jurisdictions were required to reconvene their audits to resolve these issues.

VVPAT paper roll issues

Many municipalities using the ImageCast X DRE initially reported large discrepancies between the auditors' totals and the equipment results. The primary cause here was the nature of the ballot roll itself. As the roll contains not only the cast ballots, but also any ballots that were spoiled or otherwise not read by the equipment, auditors often counted every ballot on the roll instead of those that were actually cast and recorded votes.

Ballot jams

Unless a ballot is purposefully misfed into a tabulator, most paper jams are not completely attributable to human error. However, issues can arise when a jam is not properly cleared or if it is unclear to the election worker if the ballot causing the jam was or was not tabulated prior to the jam. This can lead to a ballot being reinserted into the tabulator and being counted twice or to a ballot not being counted at all.

Improper retention/storage of ballots

Municipalities will often have multiple reporting units active in the same polling place or central count location. This can lead to ballots from other reporting units inadvertently being sealed in the ballot bags for a reporting unit selected for an audit.

Improper procedures

When processing damaged or heavily creased ballots, it is standard practice for poll workers to remake a ballot when its condition may affect how a tabulator will interpret that ballot. This can be seen in ballots in which a tear or fold causes an unintentional mark in an oval, which will typically lead to an overvote on a ballot where a voter marked a valid vote. If election inspectors do not review these ballots, do not remake them, or override an overvote notification, it may result in a voter's choices not being counted. This will later affect the ability of auditors to correctly tally votes.

Summary of human errors and implications for future audits

In total, 593 human errors were recorded in the administration of the 2024 post-election voting equipment audit. While human factors may not be relevant to the federal definition of an error, they still inform the WEC of opportunities for improvement through additional training, procedural changes, or other actions. Staff used the same formula for both equipment and human error rates ($R = e / p$).

Human Error Rate: 0.011%

Following past audits, staff have taken the lessons learned and applied them to improving audit materials and expanding on the content of agency trainings covering voting equipment. Staff will again use the experience from this audit to drive future improvements to the process but, given the number of human errors, additional paths forward are also being considered. These include discussions with voting equipment vendors to better understand what training they offer jurisdictions that purchase their equipment, surveying local election officials to identify the areas on which they would like additional training, updating existing WEC guidance, and the development of a standalone manual specific to post-election audits.

Many municipalities selected for the audit expressed an uneasiness with the audit process and others stated that trying to get up to speed to conduct the audit correctly felt like an overwhelming imposition. Staff believe that a dedicated audit manual that describes the entire audit process, provides a glossary of terms, and contains a number of potential troubleshooting tips would be extremely beneficial to those who will be selected to participate in future audits. WEC staff plan to review and update current materials, and to create an audit-specific manual to better facilitate future audits.

Finally, in an effort to gain even more context, WEC staff conducted a review of the ImageCast X ballot tapes from the Town of Muscoda in Grant County. The primary purpose was to better familiarize staff with VVPAT ballot rolls and to use that gained experience to inform guidance and materials for future audits. As many of the reported human errors were related to difficulty tallying votes on this type of ballot, having better instructions and context for future audits will be beneficial for both municipalities participating in the audit and WEC staff.

Post-Audit Municipal Reimbursement

As part of its October 4, 2024, meeting, the WEC approved a continuation of the reimbursement process that was used in the 2020 and 2022 post-election audits. Each selected reporting unit is eligible for a flat \$50 setup fee and an additional \$.035 per ballot audited. If a municipality has multiple reporting units selected, they may submit a reimbursement request for each. If a municipality has a zero-population reporting unit selected for the audit, they may not submit a reimbursement request.

Currently, staff have received 350 reimbursement requests totaling \$121,241.65. No deadline has been set to request reimbursement, so any municipality that participated in the audit but has not yet submitted a request may still do so. By comparison, the WEC reimbursed municipalities \$55,360.15 for the 2020 post-election audit and \$91,753.90 for the 2022 post-election audit.

Conclusion

The 2024 post-election voting equipment audit was the largest and most comprehensive audit of its kind ever administered in the state of Wisconsin. Local election officials in over 300 municipalities representing every county in the state audited 327,230 ballots to definitively prove the tabulation equipment used in Wisconsin is accurate and safe.

Given the Commission's directive that any reported equipment errors that could otherwise be attributable to human errors not be included in the statutorily required calculation of an error rate, staff contends that the overall equipment error rate for the 2024 post-election audit is 0.0%.

As with any post-election audit, a larger conversation must be had as to how to reduce the number of human errors committed throughout the process. Identifying and examining these errors is a vital way to assess practices and procedures, and the lessons learned from this audit will inform future staff guidance on future audits and election administration processes. These errors are not intentional and in highlighting them, staff in no way wishes to minimize the efforts and dedication of the local election officials who participated in these audits under a tight timeline and after already having administered an enormous General Election.

Recommended Motions

1. The Commission accepts this as the final report of the 2024 Post-Election Voting Equipment Audit.
2. The Commission determines the effective equipment error rate of the 2024 Post-Election Voting Equipment Audit as 0.0% and directs staff to develop additional training and audit resources to mitigate the likelihood of human error in future audits.

Appendix A: Approved Recommendations/Audit Framework

1. Maintain the audit sample as a fixed percentage of all reporting units statewide.
 - a. The final sample size will be 10% of all active reporting units used on Election Day
 - b. The Cities of Milwaukee and Madison may have up to four (4) reporting units selected.
 - c. The next 20 largest municipalities by registered voter population may have up to three (3) reporting unit selected.
 - d. All other municipalities may have up to one (1) reporting unit selected.
2. Ensure that at least one (1) reporting unit is selected for audit in each of Wisconsin's 72 counties.
3. Ensure that at least five (5) reporting units are selected for each type of equipment that tabulates or records votes certified for use in Wisconsin.
4. Randomly select a total of four (4) contests to be audited from the list of eligible contests. The President and Vice President contest will be included by default.
5. Define a voting equipment error as any of the following should any such discrepancy result in a difference between the equipment total and the hand count tally:
 - a. Extraneous perforations, smudges, folds
 - b. Bleed-through of a pen or marking device
 - c. Dirty/smudged scan or read head
 - d. Votes attributed to wrong candidate or referendum choice by tabulator
 - e. Votes not counted due to a certain color of ink being used to mark ballot
 - f. Foreign bodies such as ink flakes or dust on the ballot
 - g. Programming issues not present at the public test
 - h. Anything not explicitly mentioned above that would cause an otherwise empty oval to read as a valid vote or a validly voted oval to not record as a valid vote.
6. Calculate an overall equipment error rate for all equipment audited as well as a specific error rate for each voting system, pursuant to Wis. Stat. § 7.08(6).
7. Calculate a separate error rate for human error or election administration issues that led to any discrepancy reported throughout conducting the audit.
8. Continue to require audit completion prior to the certification of General Election results. All materials must be received by the deadline, which is to be set by the Commission.
9. Reimburse municipalities at a \$50 base setup rate per reporting unit plus an additional \$0.35 per ballot audited.
10. Offer counties the option to participate in voluntary post-election audits to be conducted concurrently with the county-level canvass and to have the reimbursement structure of this voluntary audit mirror the same reimbursement structure detailed above. Counties may only request reimbursement for up to two (2) reporting units that are voluntarily audited.
11. Postpone voting equipment audit until any applicable recount deadline has passed in statewide contests where a recount is possible.
12. Any municipality utilizing central count for absentee ballots are to audit ballots processed at central count for any selected reporting unit(s) to ensure high-speed scanners that are only used at central count sites are included in the audit selection.

Appendix B: Reporting Units Selected for Audit

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Adams	T. Adams	Wards 1-3	ES&S DS200	800
Adams	T. Jackson	Wards 1-2	ES&S DS200	775
Adams	T. New Haven	Ward 1	ES&S DS200	420
Adams	T. Strongs Prairie	Wards 1-2	ES&S DS200	816
Ashland	T. Sanborn	Wards 1-2	ES&S DS200	535
Barron	T. Arland	Ward 1	ES&S DS200	366
Barron	T. Chetek	Wards 1-3	ES&S DS200	1263
Barron	T. Doyle	Wards 1-2	ES&S DS200	354
Barron	T. Sumner	Ward 1	ES&S DS200	474
Barron	T. Vance Creek	Ward 1	ES&S DS200	423
Barron	V. Dallas	Ward 1	ES&S DS200	189
Bayfield	T. Iron River	Wards 1-2	ES&S DS200	867
Bayfield	T. Orienta	Ward 1	ES&S DS200	107
Bayfield	T. Tripp	Ward 1	ES&S DS200	156
Brown	C. De Pere	Wards 10-16	ES&S DS200	1404
Brown	C. Green Bay	Ward 46	ES&S DS200/ES&S DS450	521
Brown	C. Green Bay	Ward 14	ES&S DS200/ES&S DS450	561
Brown	C. Green Bay	Ward 15	ES&S DS200/ES&S DS450	697
Brown	V. Allouez	Wards 5-6	ES&S DS200	1572
Brown	V. Ashwaubenon	Wards 11-12	ES&S DS200	1224
Brown	V. Bellevue	Ward 11	ES&S DS200	0
Brown	V. Hobart	Wards 8-11	ES&S DS200	1308
Brown	V. Suamico	Wards 1-3	ES&S DS200	1498
Buffalo	T. Dover	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	261
Buffalo	T. Nelson	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	351
Burnett	T. Anderson	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	290
Burnett	T. Roosevelt	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	145
Burnett	V. Grantsburg	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	722

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Burnett	V. Webster	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	338
Calumet	C. Brillion	Wards 1-6	ES&S DS200	1878
Calumet	C. New Holstein	Wards 1-5	ES&S DS200	1894
Calumet	T. Brothertown	Wards 1-2	ES&S DS200	869
Calumet	T. Woodville	Ward 1	ES&S DS200	570
Calumet	V. Sherwood	Wards 1-5	ES&S DS200	2319
Chippewa	C. Chippewa Falls	Wards 1-2,9-10	Clear Ballot ClearCast	1929
Chippewa	T. Auburn	Ward 1	Clear Ballot ClearCast	455
Chippewa	T. Cooks Valley	Ward 1	Clear Ballot ClearCast	471
Chippewa	T. Goetz	Ward 1	Clear Ballot ClearCast	472
Chippewa	V. Cadott	Wards 1-2	Clear Ballot ClearCast	761
Chippewa	V. New Auburn	Ward 1	Clear Ballot ClearCast	263
Clark	C. Neillsville	Ward 2	ES&S DS200	375
Clark	T. Eaton	Wards 1-2	ES&S DS200	281
Clark	T. Hendren	Ward 1	ES&S DS200	257
Clark	T. Hixon	Wards 1-2	ES&S DS200	260
Clark	T. Warner	Wards 1-2	ES&S DS200	236
Clark	V. Dorchester	Ward 2	ES&S DS200	342
Columbia	T. Newport	Ward 1	ES&S DS200	414
Columbia	T. Pacific	Wards 1-4	ES&S DS200	1901
Columbia	T. West Point	Wards 1-3	ES&S DS200	1533
Columbia	V. Doylestown	Ward 1	ES&S DS200	162
Columbia	V. Pardeeville	Wards 1-4	ES&S DS200	1182
Columbia	V. Wyocena	Ward 1	ES&S DS200	372
Crawford	C. Prairie Du Chien	Ward 6	Dominion Voting - ImageCast Evolution (ICE)	453
Crawford	T. Clayton	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	597
Crawford	T. Utica	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	382
Crawford	T. Wauzeka	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	258

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Crawford	V. Bell Center	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	30
Crawford	V. Steuben	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	41
Crawford	V. Wauzeka	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	348
Dane	C. Madison	Ward 95	ES&S DS200	803
Dane	C. Madison	Ward 24	ES&S DS200	1196
Dane	C. Madison	Ward 87	ES&S DS200	1709
Dane	C. Madison	Ward 107	ES&S DS200	2005
Dane	C. Sun Prairie	Ward 5	ES&S DS200	626
Dane	C. Sun Prairie	Ward 9	ES&S DS200	1207
Dane	C. Verona	Wards 1-3,13	ES&S DS200	2323
Dane	T. Albion	Wards 1,4	ES&S DS200	759
Dane	T. Burke	Wards 1-4,7	ES&S DS200	1783
Dane	T. Dunkirk	Wards 1-6	ES&S DS200	1349
Dane	T. Middleton	Wards 1,3-4	ES&S DS200	1840
Dane	T. Springdale	Wards 1-3	ES&S DS200	1526
Dane	V. Dane	Ward 1	ES&S DS200	667
Dane	V. Deforest	Wards 1-5,11,18-19	ES&S DS200	3147
Dane	V. Mount Horeb	Ward 12	ES&S DS200	0
Dodge	C. Beaver Dam	Ward 25	ES&S DS200	55
Dodge	C. Juneau	Wards 1-3	ES&S DS200	1145
Dodge	T. Lomira	Ward 3	ES&S DS200	2
Dodge	T. Westford	Ward 4	ES&S DS200	8
Dodge	V. Lomira	Wards 1-3	ES&S DS200	1484
Door	T. Gardner	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	885
Douglas	C. Superior	Wards 1-5	ES&S DS200	1182
Douglas	T. Cloverland	Ward 1	ES&S DS200	139
Dunn	C. Menomonie	Wards 5,7	Dominion Voting - ImageCast Evolution (ICE)	1163
Dunn	T. Lucas	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	475
Dunn	T. Otter Creek	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	323

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Dunn	T. Stanton	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	530
Dunn	V. Boyceville	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	540
Dunn	V. Wheeler	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	139
Eau Claire	C. Eau Claire	Ward 67	ES&S DS200	0
Eau Claire	C. Eau Claire	Ward 43	ES&S DS200	475
Eau Claire	C. Eau Claire	Ward 4	ES&S DS200	618
Eau Claire	T. Seymour	Wards 1-5	ES&S DS200	2260
Eau Claire	T. Washington	Wards 1,6-7,9-10,12,14-15,17-18	ES&S DS200	2203
Florence	T. Commonwealth	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	275
Florence	T. Fern	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	142
Florence	T. Long Lake	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	135
Fond Du Lac	C. Fond Du Lac	Ward 13	Dominion Voting - ImageCast Evolution (ICE)	604
Fond Du Lac	C. Fond Du Lac	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	705
Fond Du Lac	C. Fond Du Lac	Ward 6	Dominion Voting - ImageCast Evolution (ICE)	739
Fond Du Lac	C. Ripon	Wards 4-6	Dominion Voting - ImageCast Evolution (ICE)	952
Fond Du Lac	T. Rosendale	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	442
Fond Du Lac	T. Taycheedah	Wards 1-6	Dominion Voting - ImageCast Evolution (ICE)	3377
Fond Du Lac	V. Brandon	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	506
Fond Du Lac	V. ST. Cloud	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	317

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Forest	T. Blackwell	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	107
Forest	T. Hiles	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	93
Forest	T. Lincoln	Wards 1-5	Dominion Voting - ImageCast X (ICX) VVPAT	379
Grant	C. Fennimore	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	1312
Grant	T. Harrison	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	327
Grant	T. Muscoda	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	287
Grant	T. Patch Grove	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	181
Grant	V. Dickeyville	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	621
Grant	V. Tennyson	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	215
Green	T. Albany	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	803
Green	T. Brooklyn	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	822
Green	T. Washington	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	527
Green Lake	C. Green Lake	Wards 1-6	Dominion Voting - ImageCast Evolution (ICE)	690
Green Lake	C. Princeton	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	689
Green Lake	T. Green Lake	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	823
Green Lake	T. Manchester	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	419
Iowa	T. Arena	Wards 1-3	ES&S DS200	975
Iowa	T. Pulaski	Ward 1	ES&S DS200	202
Iowa	T. Waldwick	Wards 1-3	ES&S DS200	307

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Iowa	V. Livingston	Ward 2	Dominion Voting - ImageCast Evolution (ICE)	3
Iowa	V. Rewey	Ward 1	ES&S DS200	121
Iron	C. Hurley	Ward 3	Dominion Voting - ImageCast Evolution (ICE)	152
Iron	T. Sherman	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	111
Jackson	C. Black River Falls	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	490
Jackson	T. Albion	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	687
Jackson	T. Komensky	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	168
Jefferson	C. Lake Mills	Wards 1-8	ES&S DS200	4128
Jefferson	C. Watertown	Wards 16-17	ES&S DS200	1424
Jefferson	T. Milford	Wards 1-2	ES&S DS200	757
Juneau	T. Kildare	Wards 1-3	Dominion Voting - ImageCast X (ICX) VVPAT	218
Juneau	T. Kingston	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	2
Juneau	T. Lisbon	Ward 2	Dominion Voting - ImageCast Evolution (ICE)	4
Juneau	T. Wonewoc	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	397
Kenosha	C. Kenosha	Ward 54	ES&S DS200	0
Kenosha	C. Kenosha	Ward 80	ES&S DS200	0
Kenosha	C. Kenosha	Ward 29	ES&S DS200	73
Kenosha	T. Somers	Wards 1-4	ES&S DS200	328
Kenosha	V. Bristol	Wards 4-7	ES&S DS200	1881
Kewaunee	C. Kewaunee	Wards 1-6	Dominion Voting - ImageCast Evolution (ICE)	1582
Kewaunee	T. Ahnapee	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	552
Kewaunee	T. Pierce	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	483

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Kewaunee	T. Red River	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	939
La Crosse	C. La Crosse	Ward 16	ES&S DS200	990
La Crosse	C. La Crosse	Ward 24	ES&S DS200	1100
La Crosse	C. La Crosse	Ward 23	ES&S DS200	1255
La Crosse	T. Campbell	Wards 1-5	ES&S DS200	2679
Lafayette	T. Elk Grove	Wards 1-3	Dominion Voting - ImageCast X (ICX) VVPAT	193
Lafayette	T. Lamont	Wards 1-2	Dominion Voting - ImageCast X (ICX) VVPAT	165
Lafayette	T. Shullsburg	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	106
Lafayette	V. Blanchardville	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	370
Langlade	C. Antigo	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	423
Langlade	T. Langlade	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	330
Langlade	T. Peck	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	220
Langlade	T. Polar	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	671
Langlade	T. Rolling	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	916
Lincoln	C. Merrill	Wards 7,9	ES&S DS200	608
Lincoln	C. Tomahawk	Wards 1-2	ES&S DS200	597
Lincoln	T. Corning	Wards 1-2	ES&S DS200	550
Lincoln	T. Harrison	Wards 1-3	ES&S DS200	645
Lincoln	T. Scott	Wards 1-2	ES&S DS200	891
Manitowoc	C. Kiel	Wards 1-6,8	ES&S DS200	2236
Manitowoc	C. Manitowoc	Wards 19-20	ES&S DS200	1276
Manitowoc	T. Cooperstown	Wards 1-2	ES&S DS200	828
Manitowoc	T. Mishicot	Wards 1-2	ES&S DS200	813
Manitowoc	V. Cleveland	Wards 1-2	ES&S DS200	870
Manitowoc	V. Francis Creek	Ward 1	ES&S DS200	418
Manitowoc	V. Mishicot	Wards 1-4	ES&S DS200	864

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Manitowoc	V. Reedsville	Wards 1-2	ES&S DS200	624
Marathon	C. Wausau	Ward 5	ES&S DS200	951
Marathon	T. Brighton	Wards 1-2	ES&S DS200	284
Marathon	T. Johnson	Ward 1	ES&S DS200	393
Marathon	T. Texas	Wards 1-2	ES&S DS200	1,110
Marathon	T. Wausau	Wards 1-3	ES&S DS200	1474
Marathon	T. Weston	Ward 1	ES&S DS200	419
Marathon	V. Birnamwood	Ward 2	Dominion Voting - ImageCast X (ICX) VVPAT	117
Marathon	V. Kronenwetter	Wards 6-11	ES&S DS200	2966
Marathon	V. Stratford	Wards 1-2	ES&S DS200	938
Marinette	C. Marinette	Wards 1-8	Dominion Voting - ImageCast Evolution (ICE)	4954
Marinette	T. Stephenson	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	1377
Marquette	T. Mecan	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	510
Marquette	T. Oxford	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	592
Marquette	V. Oxford	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	315
Marquette	V. Westfield	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	602
Menominee	T. Menominee	Wards 1,3-5	ES&S DS200	1347
Milwaukee	C. Franklin	Ward 9	ES&S DS200	355
Milwaukee	C. Franklin	Ward 5	ES&S DS200	804
Milwaukee	C. Franklin	Ward 11	ES&S DS200	883
Milwaukee	C. Glendale	Wards 2,8	ES&S DS200	1682
Milwaukee	C. Greenfield	Ward 26	ES&S DS200	147
Milwaukee	C. Greenfield	Ward 25	ES&S DS200	866
Milwaukee	C. Greenfield	Ward 2	ES&S DS200	926
Milwaukee	C. Milwaukee	Ward 354	ES&S DS200/ES&S DS450/ES&S DS850	0
Milwaukee	C. Milwaukee	Ward 356	ES&S DS200/ES&S DS450/ES&S DS850	87
Milwaukee	C. Milwaukee	Ward 302	ES&S DS200/ES&S DS450/ES&S DS850	351
Milwaukee	C. Milwaukee	Ward 289	ES&S DS200/ES&S DS450/ES&S DS850	558

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Milwaukee	C. Oak Creek	Ward 14	ES&S DS200	780
Milwaukee	C. Oak Creek	Ward 4	ES&S DS200	909
Milwaukee	C. Wauwatosa	Ward 7A	ES&S DS200/ES&S DS450	575
Milwaukee	C. Wauwatosa	Ward 15	ES&S DS200/ES&S DS450	865
Milwaukee	C. Wauwatosa	Ward 11	ES&S DS200/ES&S DS450	956
Milwaukee	C. West Allis	Ward 4	ES&S DS200/ES&S DS450	1491
Milwaukee	C. West Allis	Ward 14	ES&S DS200/ES&S DS450	1824
Milwaukee	V. Hales Corners	Wards 1-3	ES&S DS200	1661
Milwaukee	V. Whitefish Bay	Wards 1-2	ES&S DS200	1610
Monroe	T. Angelo	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	797
Monroe	T. La Grange	Wards 3-4	Dominion Voting - ImageCast Evolution (ICE)/ Dominion Voting - ImageCast X (ICX) VVPAT	88
Monroe	T. Leon	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	695
Monroe	T. Little Falls	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	884
Monroe	T. Sheldon	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	285
Monroe	V. Kendall	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	237
Monroe	V. Norwalk	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	216
Monroe	V. Oakdale	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	153
Monroe	V. Rockland	Ward 2	ES&S DS200	0
Monroe	V. Wilton	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	252
Oconto	T. Riverview	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	647
Oconto	T. Underhill	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	277

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Oneida	T. Lake Tomahawk	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	784
Oneida	T. Lynne	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	61
Oneida	T. Pelican	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	1780
Outagamie	C. Appleton	Ward 47	ES&S DS200	0
Outagamie	C. Appleton	Ward 35	ES&S DS200	1232
Outagamie	C. Appleton	Ward 43	ES&S DS200	1295
Outagamie	C. Seymour	Wards 1-7	ES&S DS200	1995
Outagamie	T. Bovina	Wards 1-2	ES&S DS200	803
Outagamie	T. Ellington	Wards 1-5	ES&S DS200	2165
Outagamie	T. Freedom	Wards 1-8	ES&S DS200	4002
Outagamie	T. Grand Chute	Wards 15,17,20	ES&S DS200	1191
Outagamie	T. Osborn	Wards 1-2	ES&S DS200	846
Outagamie	T. Seymour	Wards 1-2	ES&S DS200	791
Outagamie	V. Greenville	Wards 1-10	ES&S DS200	4794
Ozaukee	C. Cedarburg	Ward 4	Dominion Voting - ImageCast Evolution (ICE)	1112
Ozaukee	C. Mequon	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	2236
Ozaukee	C. Port Washington	Wards 4,8	Dominion Voting - ImageCast Evolution (ICE)	1330
Ozaukee	T. Cedarburg	Wards 5-6,10	Dominion Voting - ImageCast Evolution (ICE)	1400
Ozaukee	V. Grafton	Wards 9-10	Dominion Voting - ImageCast Evolution (ICE)	1267
Ozaukee	V. Saukville	Wards 1,6-7	Dominion Voting - ImageCast Evolution (ICE)	1379
Pepin	T. Stockholm	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	125
Pepin	T. Waterville	Wards 1-2	Dominion Voting - ImageCast X (ICX) VVPAT	432
Pierce	C. Prescott	Wards 1-5	ES&S DS200	2613
Pierce	C. River Falls	Wards 6-9	ES&S DS200	1,329
Pierce	T. Ellsworth	Wards 1-2	ES&S DS200	781

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Pierce	T. Gilman	Ward 1	ES&S DS200	684
Pierce	T. River Falls	Wards 1-5	ES&S DS200	1,609
Pierce	T. Trimbelle	Wards 1-2	ES&S DS200	1106
Pierce	V. Bay City	Ward 1	ES&S DS200	234
Pierce	V. Plum City	Ward 1	ES&S DS200	328
Polk	T. Clam Falls	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	339
Polk	T. Eureka	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	1139
Polk	T. Laketown	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	692
Polk	T. Mckinley	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	256
Portage	C. Stevens Point	Wards 16-18	ES&S DS200	1562
Portage	T. Belmont	Ward 1	ES&S DS200	416
Portage	T. Plover	Wards 1-3	ES&S DS200	966
Price	T. Spirit	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	236
Price	V. Kennan	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	87
Racine	C. Racine	Ward 47	Dominion Voting - ImageCast Evolution (ICE)	211
Racine	C. Racine	Ward 28	Dominion Voting - ImageCast Evolution (ICE)	628
Racine	C. Racine	Ward 4	Dominion Voting - ImageCast Evolution (ICE)	700
Racine	V. Mount Pleasant	Wards 5-6,25	Dominion Voting - ImageCast Evolution (ICE)	1593
Racine	V. Waterford	Wards 1-10	Dominion Voting - ImageCast Evolution (ICE)	3855
Richland	T. Bloom	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	271
Richland	T. Orion	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	320

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Richland	T. Willow	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	303
Richland	V. Viola	Ward 2	Dominion Voting - ImageCast Evolution (ICE)	234
Rock	C. Beloit	Ward 14	ES&S DS200	225
Rock	C. Janesville	Ward 4	ES&S DS200/ES&S DS450	330
Rock	C. Janesville	Ward 10	ES&S DS200/ES&S DS450	692
Rock	C. Janesville	Ward 26	ES&S DS200/ES&S DS450	823
Rock	T. Beloit	Ward 5	ES&S DS200	6
Rock	T. La Prairie	Ward 2	ES&S DS200	150
Rock	T. Milton	Wards 1-5	ES&S DS200	2104
Rock	T. Newark	Wards 1-2	ES&S DS200	1048
Rusk	T. Grant	Wards 1-6	Dominion Voting - ImageCast Evolution (ICE)	457
Rusk	T. Marshall	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	257
Rusk	T. Rusk	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	396
Rusk	T. Stubbs	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	360
Sauk	C. Baraboo	Wards 1-19	ES&S DS200	6856
Sauk	T. Baraboo	Wards 1-5	ES&S DS200	1,163
Sauk	T. Bear Creek	Ward 1	ES&S DS200	388
Sauk	T. Excelsior	Wards 2-3	ES&S DS200	1090
Sauk	T. Fairfield	Wards 1-2	ES&S DS200	748
Sauk	T. Ironton	Ward 2	ES&S DS200	58
Sauk	T. Prairie Du Sac	Wards 1-2	ES&S DS200	707
Sauk	T. Sumpter	Wards 1,3	ES&S DS200	324
Sauk	V. Cazenovia	Ward 2	Dominion Voting - ImageCast Evolution (ICE)	0
Sawyer	T. Couderay	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	44
Sawyer	T. Weirgor	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	107

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Sawyer	V. Exeland	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	74
Shawano	T. Bartelme	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	349
Shawano	T. Green Valley	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	629
Shawano	T. Herman	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	320
Shawano	T. Lessor	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	827
Shawano	V. Wittenberg	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	461
Sheboygan	C. Sheboygan	Ward 21	Clear Ballot ClearCast	596
Sheboygan	C. Sheboygan	Ward 11	Clear Ballot ClearCast	890
Sheboygan	C. Sheboygan	Ward 8	Clear Ballot ClearCast	962
Sheboygan	T. Holland	Ward 4	Clear Ballot ClearCast	0
Sheboygan	T. Lima	Wards 1-4	Clear Ballot ClearCast	1949
Sheboygan	T. Lyndon	Wards 1-3	Clear Ballot ClearCast	1057
Sheboygan	T. Mosel	Ward 1	Clear Ballot ClearCast	512
Sheboygan	T. Plymouth	Wards 1-4	Clear Ballot ClearCast	2138
Sheboygan	V. Cedar Grove	Wards 1-3	Clear Ballot ClearCast	1394
Sheboygan	V. Howards Grove	Wards 1-4	Clear Ballot ClearCast	2,162
St. Croix	C. Hudson	Wards 7-8	ES&S DS200	943
St. Croix	T. Baldwin	Wards 1-2	ES&S DS200	677
St. Croix	T. Cady	Ward 1	ES&S DS200	554
St. Croix	T. Emerald	Ward 1	ES&S DS200	528
St. Croix	T. Glenwood	Ward 1	ES&S DS200	469
St. Croix	T. Hammond	Wards 1-3	ES&S DS200	1669
St. Croix	V. Somerset	Wards 1-4	ES&S DS200	1830
Taylor	T. Greenwood	Ward 1	ES&S DS200	400
Taylor	T. Roosevelt	Ward 1	ES&S DS200	198
Taylor	T. Taft	Ward 1	ES&S DS200	166

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Trempealeau	T. Arcadia	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	1026
Trempealeau	T. Caledonia	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	582
Trempealeau	T. Dodge	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	263
Trempealeau	T. Hale	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	646
Trempealeau	T. Sumner	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	568
Vernon	T. Hamburg	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	611
Vernon	T. Union	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	245
Vernon	V. Genoa	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	134
Vilas	C. Eagle River	Wards 1-5	Dominion Voting - ImageCast Evolution (ICE)	936
Vilas	T. Manitowish Waters	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	568
Walworth	C. Whitewater	Wards 8-10	Dominion Voting - ImageCast Evolution (ICE)	193
Walworth	T. Geneva	Wards 1-7,9-10	Dominion Voting - ImageCast Evolution (ICE)	3076
Walworth	T. Linn	Ward 5	Dominion Voting - ImageCast Evolution (ICE)	319
Walworth	T. Spring Prairie	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	1562
Walworth	T. Sugar Creek	Wards 1-7	Dominion Voting - ImageCast Evolution (ICE)	2593
Walworth	V. Genoa City	Wards 1-5	Dominion Voting - ImageCast Evolution (ICE)	1602
Walworth	V. Sharon	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	776

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Washburn	C. Spooner	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)/ Dominion Voting - ImageCast X (ICX) VVPAT	1239
Washburn	T. Bashaw	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)/ Dominion Voting - ImageCast X (ICX) VVPAT	172
Washburn	T. Bass Lake	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	397
Washburn	T. Madge	Ward 1	Dominion Voting - ImageCast Evolution (ICE)/ Dominion Voting - ImageCast X (ICX) VVPAT	186
Washburn	T. Stone Lake	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	158
Washington	C. West Bend	Wards 9-10	Dominion Voting - ImageCast Evolution (ICE)	1398
Washington	T. Barton	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	2,000
Washington	T. Farmington	Wards 1-5	Dominion Voting - ImageCast Evolution (ICE)	2576
Washington	T. Hartford	Ward 5	Dominion Voting - ImageCast Evolution (ICE)	575
Washington	V. Germantown	Wards 12-14	Dominion Voting - ImageCast Evolution (ICE)	2015
Waukesha	V. Mukwonago	Wards 1-10	ES&S DS200	5296
Waukesha	C. Brookfield	Ward 21	ES&S DS200	1429
Waukesha	C. Brookfield	Ward 9	ES&S DS200	1470
Waukesha	C. Waukesha	Wards 2, 24, 51	ES&S DS200	2537
Waukesha	T. Mukwonago	Wards 1,4-10,12	ES&S DS200	2722
Waukesha	V. Lisbon	Wards 1,6-7	ES&S DS200	3152
Waukesha	V. Menomonee Falls	Ward 20	ES&S DS200	875
Waukesha	V. Menomonee Falls	Ward 8	ES&S DS200	1037
Waukesha	V. Merton	Wards 1-4	ES&S DS200	2467
Waukesha	V. North Prairie	Wards 1-3	ES&S DS200	1547
Waukesha	V. Wales	Wards 1-4	ES&S DS200	2016
Waukesha	V. Waukesha	Wards 6-11	ES&S DS200	3572

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited
Waupaca	C. New London	Wards 10-12	Dominion Voting - ImageCast Evolution (ICE)	222
Waupaca	T. Wyoming	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	210
Waushara	C. Wautoma	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	938
Waushara	T. Deerfield	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	511
Winnebago	C. Oshkosh	Ward 26	Dominion Voting - ImageCast Evolution (ICE)	0
Winnebago	C. Oshkosh	Ward 27	Dominion Voting - ImageCast Evolution (ICE)	0
Winnebago	C. Oshkosh	Ward 18	Dominion Voting - ImageCast Evolution (ICE)	740
Winnebago	T. Black Wolf	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	1769
Winnebago	T. Omro	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	1758
Winnebago	T. Rushford	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	1104
Wood	C. Marshfield	Ward 6	ES&S DS200	931
Wood	T. Arpin	Wards 1-2	ES&S DS200	569
Wood	T. Port Edwards	Wards 1-4	ES&S DS200	824
Wood	T. Rudolph	Wards 1-2	ES&S DS200	656
Wood	T. Sigel	Wards 1-2	ES&S DS200	689
Wood	V. Auburndale	Ward 1	ES&S DS200	383
Wood	V. Milladore	Ward 1	ES&S DS200	162



Wisconsin Elections Commission

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DATE: For the March 7, 2025, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared By:
WisVote Team

SUBJECT: WisVote CRM Software Migration

Introduction

This memorandum is intended to inform the Commission of necessary software changes in WisVote.

Since January 2016, Wisconsin election officials have used WisVote, the custom voter registration system developed by Wisconsin Elections Commission (WEC) for clerk management of elections data. WisVote tracks each voter's registration and election participation history, manages absentee ballot requests and ballot statuses, provides printable absentee ballot labels and poll books, hosts the election reconciliation process, and performs dozens of other functions essential to the administration of elections. The user facing WisVote interface is founded on Microsoft's Dynamics Customer Relationship Management (Dynamics CRM) application.

Microsoft plans to discontinue the on-premises version of Dynamics CRM in 2027. Because transitioning to new software is a major effort, staff members are already preparing for the switch. This transition will preserve existing customizations, enhance system capabilities, and maintain robust security standards. The phased development and comprehensive training plan will ensure a smooth transition for staff and clerks.

CRM Migration

Microsoft is discontinuing support of Dynamics CRM On-Premises, effective January 2027. To prepare for this event, the WEC staff began an evaluation of alternative software solutions in December 2024. Following comprehensive consultation with Microsoft, as well as partners from other state agencies doing their own migrations, staff concluded the most viable approach is to rebuild the existing WisVote framework on software called the Microsoft Power Apps platform. Currently, WisVote is predominantly built on extensive customizations rather than utilizing the standard offerings available within the

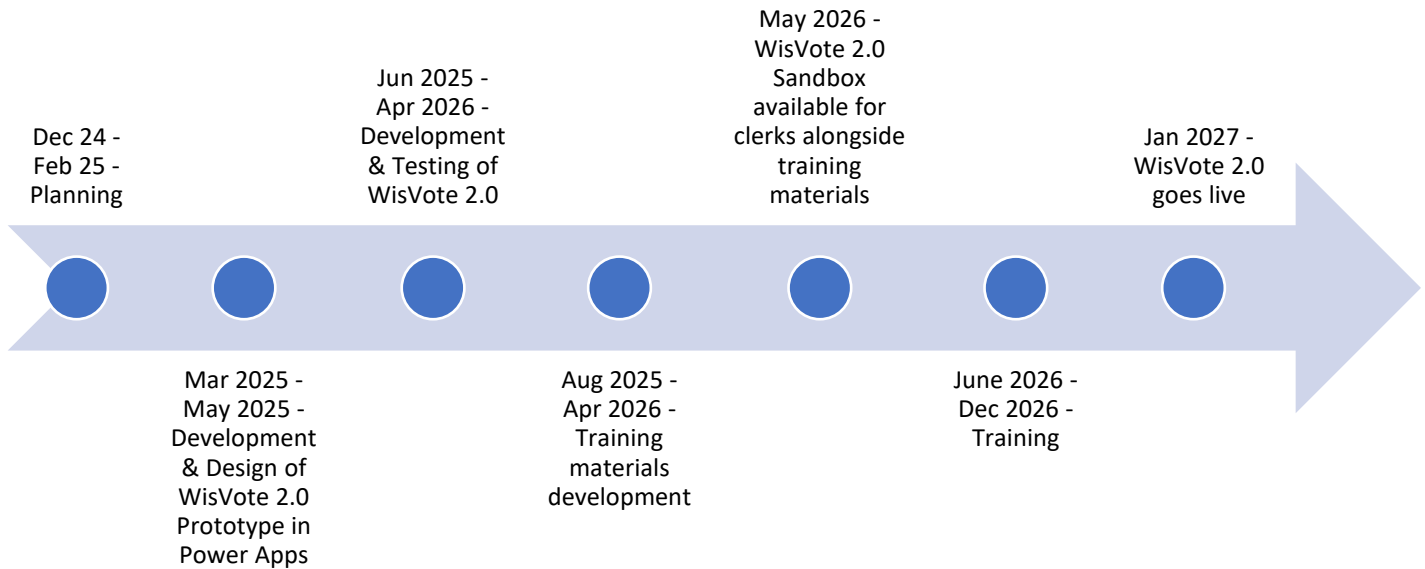
Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Dynamics platform. Transitioning to Power Apps will allow these customizations to remain intact and benefit from the same infrastructure on which Dynamics CRM is built.

A conservative development timeline for the transition is as follows:



Licensing

The current Dynamics CRM licenses expire in September 2027, but Microsoft has offered to work with staff to transition these on-premises licenses to dual compatibility licenses that allow the agency to work with both old and new software. Staff intend to roll these licenses out in a phased approach to alleviate impact on clerks. Agency Developers will use current Power Apps licenses to begin development of the WisVote 2.0 prototype. The cost associated with licensing for Power Apps is not expected to change significantly from WEC’s current licensing agreement for Dynamics CRM.

Development

In January 2025, the staff undertook preliminary steps for migration, including discussions with Microsoft to secure appropriate licensing and collaborations with the DET to gain access to their Power Apps platform. IT staff likewise started developing a prototype of the proposed WisVote 2.0. The goal of the project is to retain as much of the same functionality and experiences that users have now in WisVote. Due to inherent differences between environments, there will be changes to navigation and reporting functionalities within the application. Consequently, staff and clerks involved in election administration and voter management will experience changes in their operational workflows. Development is scheduled to continue throughout 2025, during which time the IT team will migrate existing code from Dynamics to Power Apps (in a developer environment) in and implement necessary adjustments to ensure optimal performance within the new platform.

Security

Ensuring the security of WisVote remains a top priority during this migration process. Security staff – in concert with partners from Microsoft and DET-- are creating a comprehensive plan to improve user authentication and the overall security infrastructure. The transition to new software offers the opportunity to modernize WisVote access and improve security. The goal of this work is to meet or exceed the current level of protection.

Training Plan

In preparation for these changes, the development and deployment of WisVote 2.0 will extend into 2026, with a targeted release no later than January 2027. This extended timeline will allow sufficient time to develop and field comprehensive training materials for clerks. Additionally, the introduction of a “WisVote sandbox” (a/k/a Training Environment) this year will provide clerks with access to a practice platform where they can familiarize themselves with essential tasks. This “sandbox” will enable clerks to continue their operations using the familiar on-premises environment for the 2026 General Election while gradually acclimating to the new cloud-based system in preparation for the 2027 transition.

Updates

Staff will continue to provide the Commission updates as development progresses.



Wisconsin Elections Commission

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DATE: For the March 7, 2025, Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by Elections Commission Staff

SUBJECT: Badger Book ePollbook Program Update

Introduction

The Badger Book is an electronic poll book system developed and approved by the Wisconsin Elections Commission (WEC), as permitted by state law. Wis. Stat. § 6.79(1m). Badger Books are not considered electronic voting equipment because they do not record or tabulate votes.

At its November 2, 2023, meeting, the WEC directed staff to conduct further research on possible changes to the Badger Book electronic pollbook program. Specifically, staff were directed to research: (1) the potential role of internet connectivity and how such a connection could be kept secure; (2) hardware and software offerings from third-party vendors; and (3) the establishment of minimum training standards for municipalities interested in joining the Badger Book program. The Commission's specific directives on each point, the outcome of staff research, and recommended motions, where appropriate, are explored in detail below.

1. Connectivity

Original Directive: The Commission directs staff to develop and assess several options to permit limited, secure, and regulated connection of Badger Books to external networks for the purpose of receiving software updates or other data necessary to improve their functionality and security.

Staff Recommendation: Staff recommend maintaining the status quo, meaning no authorized connectivity, but continuing to research options for limited connectivity, to include connectivity testing with Badger Books in not more than three (3) selected municipalities after the April 2025 Spring Election. Under no circumstances would connectivity be tested on the day of any election. Results of testing – details of the testing process are provided later in this memo – to be shared with the Commission when complete.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Discussion:

As directed by the Commission, staff have investigated the benefits and risks of enabling internet connectivity in Badger Books. A significant benefit would include improved update cadence and easier updates of lower-level components, both of which would significantly reduce staff time in assisting local jurisdictions with technical tasks. Currently, assisting end users with basic maintenance tasks requires a significant amount of staff time, especially on Election Day when staff resources are most critical. Additionally, internet connectivity could improve overall security of devices by allowing for frequent operating system patches and endpoint detection definition updates, as well as increased visibility and monitoring.

There are three possible courses of action with respect to internet connectivity.

Course of Action #1: No Internet Connectivity

This is the status quo approach. Clerks will continue to download all updates from WisVote and manually install them on their Badger Books via a USB device. This also applies to the pre-election file and post-election participation information/reports, which are transferred to and from the clerk's computer also via a USB device. Badger Books will continue to communicate in the polling place via a local wireless or ethernet network, but the router itself will never be connected to the internet. This constitutes a least change approach in that it will not require end users to change how they interact with their Badger Books or complete any associated WisVote task.

Course of Action #2: Limited connectivity

While there are multiple ways to accomplish this, the simplest example would be to allow Badger Books to connect to the internet for updates before or after elections, but with no option to do so while polls are open. This would allow clerks to complete updates to the Badger Book application more efficiently and effectively, as well as any Windows security patches or operating system updates.

This middle-of-the-road approach combines the pros and cons of both the current model in which Badger Books never connect to the internet and a hypothetical model in which they are always connected. By allowing connectivity before and after an election, staff would be more able to assist with update issues, incorrect system settings, and general troubleshooting. This also precludes any scenario in which a Badger Book is actively connected to the internet on Election Day. Given the correct tools, staff would be able to monitor the connectivity status of Badger Books to determine whether they were connected to the internet during an election. However, most of the security infrastructure and precautions required for the full connectivity scenario would still be necessary.

Course of Action #3: Full connectivity

Many commercial e-pollbook options offer features that require full connectivity for the end user to take advantage of all available options. Full connectivity applied by commercial products allows features such as near real-time monitoring of voter turnout, and communication tools for things such

as urgent polling place supply requests. As this pertains to Badger Books, full connectivity would be useful but is not completely necessary for staff to make the kind of efficiency and security fixes that limited connectivity would allow. Full connectivity also introduces the most concerns with both cybersecurity and public perception.

Connectivity of any kind is not without risk. Connecting to the internet is inherently risky, and all publicly addressable devices face constant probes by automated attacks in addition to the risk of more targeted and capable human-directed attacks. The Badger Book operating system is designed to operate in this environment, and many tools exist to enhance online security, but nothing matches the security of not connecting at all. In addition, the diverse nature of the Badger Book environment (many different municipalities, networks, and users) limits the WEC's ability to control variables that affect security. As a result, there are significant obstacles to securely connecting Badger Books to the internet, even for limited periods.

There may also be monetary costs associated with sufficiently securing internet-connected Badger Books. Much of the security the agency relies on for its own systems is provided by DET for the state enterprise and would need to be recreated internally. This includes, but is not limited to, identity and access management applications, update management applications, a virtual private network or similar technology, and monitoring software. WisVote, the state's voter registration and election administration system, is mandated by statute and funded in the agency budget. WisVote extends to every county and municipality in the state and is therefore unlikely to experience significant growth in the future. In contrast, there is no similar funding stream for Badger Books and the program continues to grow rapidly.

These challenges are not insurmountable, and the potential benefits are significant. But if the program adopts connectivity, it must do so with the understanding of the risks. At a fundamental level, risk management requires users to analyze: (1) the likelihood that something bad will occur; and (2) the severity of the impact if something bad does occur. In cybersecurity, there are many things that can be done to mitigate the likelihood of something bad occurring, but it is more difficult to mitigate the impact or damage if something bad occurs – particularly in the elections environment, where public trust is essential to the process.

In their current use, Badger Books are not connected to the internet at any time. There are only a few instances where data must be exchanged outside the environment of the polling places, and none of these instances occur on Election Day. When data must be exchanged, it is done by means of "sneakernet," that is, someone physically walks electronic media from an internet connected device to the Badger Book and back. This is colloquially referred to as an "offline" or "air-gapped" system. While not invulnerable, this arrangement dramatically reduces the opportunity for an attacker to gain access to the system.

In return for this reduction in attack opportunity, air-gapped systems make substantial sacrifices, the most significant of which is in the updating cadence. Modern endpoint protection systems receive updated threat information as often as every few minutes, while security updates to patch newly discovered vulnerabilities in software and operating systems are released at least monthly. All of these updates are designed with the understanding that modern systems are connected to the internet and applying them without that access is a slow, manual, error-prone, and labor-intensive process. As a

result, air-gapped systems are typically updated less frequently, or not at all. Additionally, with geographically separated air-gapped systems such as Badger Books, it is impossible to centrally manage many normal IT functions, such as monitoring for suspicious activity or configuration changes and applying new policies. These must instead be handled by each locality, or not at all.

Connecting systems to the internet would allow several substantial advantages. In the realm of security, it would allow more frequent updates, easier monitoring and management, and much greater flexibility to the overall security structure. Additionally, it would make providing technical support much easier, freeing up scarce resources for other elections issues that may also impact the secure conduct of elections. Indeed, a perfectly designed, implemented, and managed online system could be not just as secure as an offline system, but even more secure. And better visibility would make it easier to demonstrate that the system is secure. However, in the real world there are a number of implementation challenges that may dramatically increase the challenge and reduce the effectiveness of such a design.

The highly decentralized nature of Wisconsin elections creates some unique challenges. For example, each municipality has its own internet service provider, its own hardware and software, and its own IT support (often contracted). Many rural municipalities do not have reliable internet. In contrast, large municipalities have a sophisticated IT infrastructure with their own rules and policies that may complicate the process of connecting Badger Books to their own internet, even temporarily.

As a result of this complex operating environment, staff conclude that changes to the Badger Book connectivity policy are not currently warranted but should continue to be studied for the future. Staff therefore propose the Commission authorize small-scale testing of Badger Book connectivity with the following purposes and limitations:

Purposes:

- a) Test internet connectivity generally
- b) Evaluate security of tested systems and connections
- c) Evaluate operating system update processes
- d) Evaluate endpoint protection and monitoring functions
- e) Evaluate remote Badger Book software update and version control potential
- f) Evaluate data download and upload potential

Limitations:

- a) No connectivity testing will occur until after certification of the April 2025 Spring Election
- b) No connectivity testing will occur on the day of any election
- c) Not more than three municipalities will participate in testing
- d) At no time will the equipment being tested be connected to the internet for more than 24 consecutive hours
- e) Any equipment involved in testing will receive a new software installation and evaluation prior to being placed in service as a pollbook during any future election

The broad stroke of connectivity requirements can be determined from looking at other similar programs and at industry publications on security. The National Institute of Standards and Technology's Special Publication 800-53 is particularly instructive, and outlines several core objectives:

- 1) Device management, ensuring that only authorized systems connect to the secure system
- 2) User management, ensuring that only authorized users operate those devices
- 3) Policy management, ensuring that technical controls are in place to secure those devices and users
- 4) Network control, limiting communication between systems to only that which is required for their function
- 5) Monitoring and auditing, ensuring that policies and configurations do not drift from their intended settings, and that unauthorized activity is detected
- 6) Detection and response, ensuring that unauthorized activity is quickly halted and damage is corrected

Conclusion on Connectivity

Staff recommend maintaining the status quo (no authorized connectivity) but continuing to research options for limited connectivity, to include limited testing with Badger Books in not more than three (3) selected municipalities after the April 2025 Spring Election. Under no circumstances would connectivity be tested on the day of any election. Results of testing to be shared with the Commission when complete.

2. Vendor Hardware, Software, and Support

Original Directive: The Commission directs staff to evaluate alternative hardware models, to include commercial e-poll book systems, for possible future use in Wisconsin. The analysis should include assessments of technical compatibility, security, costs, training, and technical support.

Staff Recommendation: Staff make no recommendations regarding vendor pollbooks in light of four significant findings identified by staff during their assessment of this directive.

- First, there is no “off-the-shelf” solution available. E-pollbook vendors have informed Commission staff that the development of software compatible with Wisconsin elections would likely require up to two years of work.
- Second, all vendors declined to provide pricing information, except in the context of a bidding process. The Commission could opt to pursue such a process to obtain pricing information for future analysis.
- Third, all available vendor systems are designed for full-time connection to the internet. This is a feature that offers many benefits but also introduces many concerns addressed in the previous section of this memo. Full internet connectivity is also prohibited under the Commission’s directives establishing criteria for the creation of Badger Books.
- Fourth, no testing and certification standards exist for vendor-created E-pollbooks. States that allow the use of vendor E-pollbooks typically develop their own testing and certification protocols. Wisconsin law places this authority with the Commission.¹ Therefore, if WEC were to consider allowing vendor E-pollbooks, it would first need to develop an application process

¹ The system employed to maintain the list electronically is subject to the approval of the commission. Wis. Stat. § 6.79(1m).

and a testing and certification process. While this program would be similar in process to the voting equipment testing and certification program, the specifics and technical standards would be entirely unique from the current program. National certification standards are in the process of being promulgated, but no products have yet been evaluated under the new standards.

Should the Commission desire further study, staff can work to obtain pricing information and to evaluate progress of the nascent national certification standards.

Discussion:

As reported in the Election Administration and Voting Survey (EAVS), which is a biennial national survey of election administration practices conducted by the United States Election Assistance Commission (EAC), 40 states reported at least one jurisdiction using electronic pollbooks during the 2022 General Election. This ranges from states with only a few active jurisdictions, to states like Wisconsin with a sizable portion of its voters using E-pollbooks, to the 19 states in which all local jurisdictions use this technology. Each state has its own rules and definitions as to what constitutes an electronic pollbook. Some set minimum standards and leave the decision to the local jurisdiction as to what to implement, some require state-level certification before a device may be purchased and used, and some, like Wisconsin, have opted to create in-house electronic pollbook programs. In-house programs offer their own challenges, which are described elsewhere in this report.

Staff researched third-party vendors that offer electronic pollbooks in various jurisdictions throughout the United States and identified three to further investigate. The three vendors, KNOWiNK, Tenex, and Election Systems & Software (ES&S), presented and provided demonstrations at a Wisconsin County Clerks Association Election Committee January 2024 meeting. To ensure consistent analysis, staff developed a set of standardized questions that were sent to all three vendors.

The vendors responded with detailed explanations to each question in the format of a formal request for information. However, as the responses all contained information considered confidential and proprietary by each vendor, staff are currently unable to share any of the responses in full in a public document. Representatives from each of the three vendors confirm that they are in the process of authorizing which parts of the responses may be shared publicly, at which time staff will provide all three in their entirety to the Commission if requested.

Of note, all vendor products:

1. Require new software to account for Wisconsin election laws and to interface with Wisconsin elections systems (WisVote)
2. Require internet connectivity
3. Have successful elections experience in other states
4. Offer training and technical support to their customers

For the purposes of this report, staff have prepared a summary of each response using publicly available information. Please note that staff have not evaluated these hardware or software options, and any stated benefits or features are those described by the vendors themselves.

Tenex Software Solutions Precinct Central

The Precinct Central electronic poll book, a secure and efficient platform designed for use with an Apple iPad. Mounted on a "flip and share" stand, it provides an accessible and user-friendly experience. The built-in camera enables barcode scanning for voter identification, while its lightweight design ensures easy transport in a secure carrying case. With an intuitive and interactive interface, Precinct Central requires minimal training for seamless operation.

To support successful deployment and usage, Tenex provides customized training sessions both in-person and online, along with comprehensive product support, project management, and professional onboarding. The company also offers 24-hour remote assistance, ensuring critical support before, during, and after elections. For enhanced security, the device is designed without external ports, and account access requires unique usernames and passwords for each user. Operating within an isolated environment, all data is fully encrypted to maintain security and integrity.

KNOWiNK Poll Pad

The KNOWiNK Poll Pad utilizes Apple iPad tablets to host its electronic poll book software, offering a user-friendly and efficient voter check-in process. Each iPad is mounted on a stand with 360-degree rotation to enhance accessibility and ease of use. A standalone Bluetooth-connected printer is included with each device, and all hardware components are securely housed in a protective carrying case for safe transport and storage. Designed to streamline voter check-in, the Poll Pad aims to reduce wait times and improve the accuracy of voter records. The ePulse platform serves as its secure, web-based election management console, incorporating multiple layers of security, including robust policies, industry certifications, and third-party audits available upon request. KNOWiNK provides dedicated phone and email support, with extended service hours on election day to ensure seamless operations.

ES&S ExpressPoll

The ES&S ExpressPoll operates on Microsoft Surface Go hardware, securely housed within a flip stand enclosure. It is equipped with integrated peripherals, including USB ports and a camera for scanning. The ExpressPoll Connect, a web-based application, facilitates near real-time data synchronization and monitoring across polling locations within a jurisdiction. Running on the Windows 10 operating system, the ExpressPoll ensures robust security through encrypted data transmission over a secure, private connection. Each device requires user authentication via a unique username and password, while the carrying case supports security seals for enhanced physical protection. ES&S offers comprehensive telephone and email support, with extended availability on election day and standard weekday hours during non-election periods. Many jurisdictions in Wisconsin already use ES&S equipment to administer elections, and ES&S also states that the ExpressPoll offers a high degree of integration with the electronic voting systems already in use.

Table 1. Vendor Features and Device Information Summarized

	Tenex Precinct Central	ES&S ExpressPoll	KNOWiNK Poll Pad
Hardware	Apple iPad in a flip and share stand	Microsoft Surface Go in a flip stand enclosure	Apple iPad on a 360-degree rotating stand
Peripheral Devices	Built-in camera for barcode scanning, Bluetooth printer	USB ports, built-in camera for scanning	Bluetooth-connected standalone printer
Security Features	No external ports, unique usernames and passwords, encrypted data in an isolated environment	Security-sealed carrying case, username and password authentication, encrypted data over a secure, private connection	Multiple security layers, industry certifications, third-party audits
Software Integration & Connectivity	Web-based console for real-time monitoring	Works with ES&S voting systems and tabulators, real-time updates via ExpressPoll Connect	“ePulse” web-based management platform with real-time data synchronization
Data Management	Real-time data updates and monitoring through a web-based interface	Automatic data updates in near real-time across jurisdictions	Secure web-based console for data tracking and election management
Support & Training	In-person and online training, 24/7 remote assistance	Telephone and email support, extended election day hours	Phone and email support with extended election day hours
Portability	Lightweight and housed in a secure carrying case	Flip stand enclosure for transport and security-sealed carrying case	Secure carrying case for transport and protection

One of the Commission’s directives was to assess the technical compatibility of third-party electronic pollbooks with the WisVote system. However, accurately evaluating a vendor’s ability to interface with

voter information in WisVote is not possible without providing a sample data file in the same format currently used by Badger Books.

If the Commission decides to further explore third-party electronic pollbooks, additional steps will be necessary to ensure seamless integration with WisVote. While a system that does not directly interface with WisVote may still offer advantages, such as streamlining voter check-in and improving polling place efficiency, the process for importing data into the electronic pollbook and subsequently into WisVote remains unclear without further research and testing.

As outlined earlier in this memo, staff outreach to these three vendors was conducted to present the Commission with basic information without endorsing any specific vendor or emphasizing the features of a particular solution.

3. Minimum Training Requirements

Original Directive: The Commission directs staff to develop recommended minimum training standards that must be attained for new Badger Book jurisdictions before first use in an election.

Staff Recommendation: Commission staff propose the adoption of three minimum training requirements that must be met before a municipality may use Badger Books for the first time in an election.

Requirement #1. Qualification. A municipality interested in adopting Badger Books must first document initial readiness requirements through a readiness questionnaire. The readiness questionnaire will assess users' understanding of basic computer concepts and help staff assess the needs of each training cohort. While a municipality may purchase the hardware at any time, the Commission strongly recommends municipalities complete the readiness questionnaire before committing to a purchase. Purchases must be made from an approved vendor.

Requirement #2. Training. The municipal clerk, designated program lead (if applicable), and chief inspectors must attend WEC in-person training, and all attendees must score a minimum of 70% correct on a multiple-choice Badger Book Proficiency Test. All attendees must also complete a practical examination on Badger Book set-up and configuration.

Requirement #3. Memorandum of Understanding (MOU). The municipality must complete the Badger Book MOU and observe its terms.

A municipality that meets all three requirements above will be in good standing, eligible to receive access to Badger Book functions in WisVote and technical support from the agency. A municipality that fails to meet all three minimum training requirements is not in good standing and cannot receive access to Badger Book functions in WisVote or technical support from the agency, except as needed to help the municipality achieve good standing. If adopted by the Commission, these terms and conditions will be incorporated in the MOU.

Discussion:

In August 2023, WEC staff was tasked by the Commission with creating training standards, to enforce a minimum standard of quality that has the best interests of municipalities and users in mind. For some context, 71 municipalities were added to the program in 2022 and 69 before the 2023 Spring Election. In the fall of 2023, 101 more were onboarded with the intent to use in 2024 elections and 35 more joined in late 2024 for use in 2025. Some counties have also begun to incentivize Badger Book usage by cost-sharing the hardware. Given the explosive growth of the program and a new level of interest in learning how to use e-pollbooks, the Badger Book team redesigned the Introductory_training for new users and created a refresher training and tabletop exercise (TTX) for veteran users.

In 2023, the Badger Book training team spent six weeks providing in-person training for over 500 clerks and chief inspectors. These trainees consisted not only of new users from those 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, as well as veteran Badger Book users wishing to learn more about advanced troubleshooting. Staff also conducted Train-the-Trainer certification to qualify veteran Badger Book users to offer training to other new municipalities in the hopes that those trainers can assist with the effort of onboarding in the future. Another round of similar training by the seven-member team is planned for 2025.

Commission staff anticipate this growth trend to continue in future years, and the success of new users is the primary concern. To that end, staff have come up with a process for onboarding new municipalities to the program:



New users may purchase Badger Book hardware at any time from the vendor, but municipalities are strongly encouraged to learn about Badger Books, and assess their suitability, before committing to a purchase. Badger Books require municipal staff and inspectors to have some comfort level with technology, and a willingness to learn new computer skills beyond the scope of the average user. Thus, staff believe a questionnaire can help jurisdictions assess their readiness.

The readiness questionnaire will be accessible to municipal clerks and deputies in ElectEd. It is intended to be a recommended prerequisite to purchasing a device and a required prerequisite to in-person training. This allows training team staff to assess the needs of each training cohort and determine how best to spend the training time to gain maximum benefit to the participants. Foundational training topics include:

- Introduction to computers
- Understanding computer buttons and ports
- Understanding computer applications

- Understanding computer file structures
- Basic computer troubleshooting
- Local network basics
- How to use a USB in downloading and uploading files

Upon completion of the ElectEd readiness questionnaire, new users register for a three-hour in-person training with WEC staff or a Badger Book certified trainer. At that training, they are required to complete 10 activities on the Badger Books and participate in learning check activities throughout. At the end, participants turn in their completed activity worksheets to the instructors.

Once the clerk has attended the in-person training, WEC staff will email them the Memorandum of Understanding for the municipal government to sign and return to the WEC. Clerks may not access their election files until the completed MOU is returned to the WEC.

4. Recommended Motions

- A. The Commission directs staff to continue to research options for limited connectivity, to include limited testing with Badger Books in not more than three (3) selected municipalities after the April 2025 Spring Election. Under no circumstances would connectivity be tested on the date of any election. Staff are to conduct testing in accordance with the purposes and limitations described in this memorandum. The results of testing shall be shared with the Commission when testing is complete.
- B. The Commission directs staff to implement the three minimum training requirements described in the Staff Recommendation in section 3 of this memorandum.



Wisconsin Elections Commission

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DATE: For the March 7, 2025, Commission Meeting
TO: Members, Wisconsin Elections Commission
FROM: WEC Staff
SUBJECT: Election Reconciliation Accountability

1. Overview of the Election Reconciliation Process

The Wisconsin Elections Commission is charged by state law to maintain the official voter registration list. Wis. Stat. § 6.36(1). Responsibility for recording accurate election data in WisVote and the Election Voting and Registration Statistics Report (formerly EL-190F), however, generally resides with municipal clerks, per Wis. Stat. §§ 6.275, 6.276, and 6.33(5). After each election, municipal clerks are required to complete specific reconciliation procedures to ensure that election information in the statewide voter registration system is updated, as specified in Wis. Stat. §§ 6.33(5)(a)3. and 6.275. Clerks must record election data in the statewide election administration system (WisVote) within 30 days after an election in which a state or national office is filled or statewide referendum held, or within 45 days following a General Election. Wis. Stat. § 6.33(5)(a)3. If performed in a timely manner, reconciliation helps municipalities to identify errors or omissions in their election and voter data.

The reconciliation process occurs separately from work done in the Canvass Reporting System, but information in the two data sets can be compared to identify anomalies. Thus, while the canvass process is entirely distinct from the election reconciliation process, they are complimentary to one another.

Staff recommendations to improve the reconciliation process are discussed in section 3 of this memorandum.

2. Key Steps in the Reconciliation Process

Election reconciliation is a multi-step process that requires clerks to refer to materials from Election Day, as well as to absentee data entered both before and after the election. Prerequisite steps include:

- Provisional ballots issued on Election Day must be entered into the WisVote Provisional tile following a two-step process -- recording data from the Provisional Ballot Reporting Form (EL-123r) and updating provisional ballot statuses no later than the Friday following an election.
- Updating absentee ballot status, including those returned or rejected on Election Day

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- Process any late registrations using the Post Supplemental Dialog
- Verify voter participation is fully recorded
- Election Day Registrations (EDRs) entered for the Commission to mail postcards required by § 5.56 (3) and § 6.275(1)(f)

Reconciling election data entered in WisVote -- including the resolution of any mismatched absentee, provisional, or EDR data using reconciliation review tools -- must be completed within 30 days of a primary or special election, or 45 days following a general election. Wis. Stat. § 6.33(5)(a)3. WisVote then automatically flags potential discrepancies in the entered data. For example, if a ward reports that 200 voters participated on Election Day, but only 199 ballots were issued, WisVote identifies the mismatched figures and will not allow a clerk to complete the reconciliation process until the anomaly is either corrected or explained. When election and WisVote data does not match, clerks have many tools available to investigate further, including Election Day documentation, absentee records, consulting with Chief Inspectors as needed, and various system reports. Municipal clerks can always contact WEC staff for technical assistance.

In situations where clerks need to provide additional context to what occurred on Election Day at their polling place, they can provide comments in the voter statistics and Election Day registration sections of the reconciliation form. Comments are intended to be a brief explanation of the source of mismatched data in the associated section (e.g., “2 voters number skipped” or “2 voters from ward X given ballot style for ward Y”). The comments field has limited space and is not intended to replace the more detailed information that should be recorded in an inspector’s statement. In addition, the comments field is for documentation purposes, and not a communications tool for questions to WEC staff.

Data entered in WisVote prior to beginning the reconciliation process – primarily absentee data – cannot be retroactively updated by a municipality. Because these fields are secured within the system, clerks must contact WEC staff if previously entered data is erroneous. For example, if a municipality previously recorded an absentee ballot as returned, and subsequently determined the ballot was not counted or rejected at the polling place, the discrepancy must be reported to the WEC for documentation, or the reconciliation process cannot be completed. This process is consistent with the municipal clerks’ statutory obligations to input voting and election data for their jurisdictions and is also consistent with the WEC’s statutory duty to electronically maintain the official voter registration list. Wis. Stat. § 6.36(1)(a).

Previously, any WEC staff member with appropriate WisVote access could handle municipal requests for reconciliation assistance (a/k/a “a state override”). Going forward, only senior members of WEC staff may review and assist municipalities with correcting their data within WisVote. When a request for state assistance comes in, senior staff will communicate with the clerk to identify why the assistance is being requested and what actions have already been taken to remedy the situation. After staff have determined that there are no other ways to remedy the issue, they will consult with management prior to making any entries. The municipal clerk then submits an explanation for staff to record in WisVote. It’s important to note that data is not changed by staff during this process, and an explanation must be provided by the municipal clerk for staff to record in WisVote.

Figure 1. Proposed State Assistance Process for Reconciliation

Activity	When It Occurs	Who is Responsible
1. Identify Erroneous Data	During the reconciliation process	Municipal Clerks
2. Contact WEC Staff for Assistance	Immediately after an error is discovered	Municipal Clerks
3. Review of Assistance Request	Upon receipt of a request	Senior Specialist
4. Notify Management of Request	After initial review of the request	Senior Specialist
5. Provide Comment for Request	After management approval and any changes are finalized	Municipal Clerk

The earlier data is recorded for reconciliation, the sooner municipalities can identify any possible discrepancies. This allows staff more time to work with clerks who need technical assistance closing out their election reconciliation.

3. Improving the Effectiveness of Reconciliation

Timely reconciliation is critical for maintaining the integrity and accuracy of elections and voter-related data in WisVote. The prompt entry of election data reinforces the transparency of the electoral process. After an election, voters want to know that their participation was recorded and that local election officials accurately documented the voting process. Delays in data entry can raise concerns about the reliability of the system, potentially eroding trust in the electoral process.

Additionally, and as previously noted, even though reconciliation occurs outside of the official Canvass process, reconciliation provides clerks with the opportunity to identify and correct errors before the final certification stage. By reviewing the data in WisVote, clerks can detect inaccuracies that might have occurred earlier, ensuring that all election documentation contains accurate information.

Recognizing the potential impact of delays in this post-election work, Commission staff take proactive steps to assist local election officials, including providing technical assistance to clerks with extended post-election telephone and email coverage. Clerks can also access training via ElectEd and review procedural information in the WisVote Manual. Regular webinars are offered to remind clerks of their requirements, and a Post Election Checklist is distributed to guide them through the required tasks. Clerks receive an initial reminder email one week before the deadline if data entry in WisVote is incomplete. These municipalities receive a follow-up email for six months after the statutory deadline. The list of these municipalities can also be found on the WEC Website with the 2024 General Election Voting and Registration Statistics Reports.

Figure 2. Table of Staff Activities Supporting Reconciliation

Action	Timeline	Description
Distribution of Post Election Checklist	At least 30 days prior to election	A checklist is provided to guide clerks through post-election work, including reconciliation.

Training & Webinars (via ElectEd)	Ongoing (Pre- & Post-Election)	Regular training sessions and webinars (as well as procedural information in the WisVote Manual) offer guidance to ensure accurate data entry.
Technical Assistance Support	Post-Election	Commission staff provide extended phone and email support to help clerks resolve any technical or procedural issues during the reconciliation phase.
Reminder Email	One Week Before Statutory Deadline	An initial reminder email is sent to clerks if data entry in WisVote is incomplete.
List of Delinquent Municipalities	Posted monthly following Statutory Deadline	Election statistics list is posted monthly that includes a list of delinquent municipalities
PROPOSED: Report to Commission	Statutory Deadline	Commission will receive a copy of delinquent municipalities.
PROPOSED: Formal Letter to Governing Body	30 days after Statutory Deadline (if not remedied)	Notice of Delinquency will be sent to municipality’s governing body

While the overwhelming majority of jurisdictions complete reconciliation in a timely manner, a few municipalities fail to meet statutory deadlines after every election. Statutes provide no remedy or other guidance in the event municipalities fail to comply with the law. Current agency practice is to remind delinquent municipalities of their duty to complete reconciliation with repeated emails and phone calls; however, no formal process exists.

To formalize agency policy with respect to timely election reconciliation, staff propose the following additional steps.

- A. **Periodic Reporting of Pending Municipalities:** Staff will send notice of the statutory deadline to clerks with incomplete reconciliation at the statutory deadline. A list of delinquent municipalities is currently available on the WEC website and is updated monthly. In addition to this posting, the Commission will receive a copy of the list.

- B. **Formal Letter to Governing Body:** If the delinquency is not remedied within 30 days for General Elections, written notice of the delinquency will be provided to the municipality’s governing body that underscores the statutory obligations and serves as an official reminder to enforce necessary deadlines. If the General Election had a Primary Election that the municipality is also delinquent, the letter would cover both. This notice would clearly outline the responsibilities and the importance of adhering to the established deadlines. If necessary, additional written reminders will be provided at 60 and 90 days after the statutory deadline. A draft template of this letter is attached in Appendix A.

Together these options aim to strengthen oversight and accountability, ensuring that all reconciliation processes are completed on time.

4. Recommended Motion.

The Commission directs staff to implement the proposals described above in order to formalize agency policy with respect to timely election reconciliation.



Wisconsin Elections Commission

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Month XX, 20XX

Governing Body
Street Address
Municipality, State Zip

Governing Body:

RE: Election Reconciliation Pending for 20XX XX Election

According to our records, the clerk for your municipality is not in compliance with State of Wisconsin Election Participation Reporting requirements. Wisconsin municipal clerks are required to record and report all of their Election Participation within 45 days following a General Election and within 30 days for any other Election. **WisVote data for your municipality indicates the clerk in your municipality has not recorded and reported all Election Participation by the deadline of XX/XX/XX for the 20XX XX Election.**

Reporting requirements of all election participations by the deadline for municipal clerks are mandated by Wis. Stat. 6.275(1)(f), and 6.33(5)(a)(3). Wisconsin Election Commission also required to post reports on WEC website within 7 days of deadline as per Wis. Stat 6.275(2) monthly for 6 months.

To achieve compliance with state law, your clerk must complete entering all the election participation for the 20XX XX Election. We recommend starting data entry immediately following the election and reviewing any discrepancies.

Transparent and consistent reporting is critical to our elections. For guidance, reconciliation modules and training materials are available on our website, and this information has been communicated via newsletters, conferences, emails, and webinars.

If you believe our records are in error or have any questions, please contact WEC HelpDesk via elections@wi.gov or contact 608-266-8005. Thank you for your attention.

Sincerely,

Wisconsin Elections Commission

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Administrator
Meagan Wolfe

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DATE: For the March 7, 2025, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator

Prepared by:
Angela O'Brien Sharpe, Staff Attorney

SUBJECT: WEC Compliance with Identities of Election Officials Law
Wis. Stat. § 19.36(14)

ATTACHMENTS: **Attachment A** – Letter from AAG Clay Kawski to the WEC

Attachment B – Attorney General Opinion Request from Jan. 14, 2025

Introduction

On January 14, 2025, the Wisconsin Elections Commission (“the Commission”) submitted a formal request to Wisconsin Attorney General Josh Kaul for his opinion in writing pertaining to the interpretation and implementation of newly created Wis. Stat. § 19.36(14), Identities of Election Officials or Election Registration Officials (“the Election Official Identity Statute”). Wis. Stats. §§ 165.015; 19.39. The Commission proposed four questions to the Attorney General regarding the interpretation of this law, which goes into effect on July 1, 2025. A copy of the AG opinion request is included for reference as **Attachment B**.

On February 14, 2025, the Commission received a letter from Assistant Attorney General Clayton P. Kawski, which offered his opinion with respect to the first of the Commission’s questions on this topic. Even though the letter is not signed by the Attorney General, it was reviewed by him prior to release. The Department of Justice indicated that this is their usual procedure for answering questions about interpretations of Wisconsin’s public records law pursuant to Wis. Stat. § 19.39.

AAG Kawski indicated that the DOJ’s answers to the three remaining questions are still forthcoming. A copy of this letter is included as **Attachment A**.

Discussion

Question 1: The Commission seeks your opinion on whether Wis. Stat. § 6.36(1)(b)1. constitutes access that is “specifically authorized or required by statute” under the Election Official Identity Statute.

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In short, it is AAG Kowski’s opinion that the statewide voter registration list is exempt from the public records withholding requirements of the Election Official Identity Statute. The Election Official Identity Statute prohibits governing bodies from providing access to records containing the personally identifiable information of election officials “unless access is specifically authorized or required by statute.” The Commission is required by statute to compile and maintain the official voter registration list, and is required to make that list open to public inspection, subject to a few restrictions. Wis. Stat. § 6.36(1)(a) and (b)1. This means that the personally identifiable information of election officials—except that which is already restricted under law—will still be available through the statewide voter registration list without violating the Election Official Identity Statute. In other words, election officials cannot expect the Commission to withhold their residential address or other publicly available information on the statewide voter registration list unless they are a confidential elector pursuant to Wis. Stat. § 6.47 or a judicial officer pursuant to Wis. Stat. § 757.07.

Recommended Motion: The Wisconsin Elections Commission (“the Commission”) agrees with the opinions of Assistant Attorney General Clayton P. Kowski with respect to Question 1 of the January 14, 2025, request to Attorney General Josh Kaul. The Commission directs staff not to make any changes to the statewide voter registration list to comply with the Election Official Identity Statute, Wis. Stat. § 19.36(14) because changes are not required by law. The Commission directs staff to prepare a press release for the public ahead of the law’s effective date on July 1, 2025, so that election inspectors understand that their voter record information will not be withheld under the new law.



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

**Josh Kaul
Attorney General**

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February 14, 2025

VIA E-MAIL (James.Witecha@wisconsin.gov)

Wisconsin Elections Commission
c/o James Witecha
Chief Legal Counsel
201 West Washington Avenue
Madison, WI 53703

Re: Opinion request regarding Wis. Stat. § 19.36(14)

Dear Wisconsin Elections Commission:

On January 14, 2025, the Wisconsin Elections Commission requested an opinion regarding the interpretation of Wis. Stat. § 19.36(14), which provides that “[u]nless access is specifically authorized or required by statute, an authority shall not provide access under s. 19.35(1) to records containing the personally identifiable information of an election official, as defined in s. 5.02(4e), or an election registration official, as defined in s. 5.02(4g), except that an authority may provide access to the name of an election official or election registration official and the city and state where the official resides.” The Commission posed four questions, and this letter addresses only the first.

The Commission asked whether Wis. Stat. § 6.36(1)(b)1. constitutes access that is “specifically authorized or required by statute” under Wis Stat. § 19.36(14). I conclude that the answer is yes.

Wisconsin Stat. § 6.36 provides for an official registration list of electors. The list is required to contain certain pieces of information. Wis. Stat. § 6.36(1)(a)1.–16. This includes, among other things, “[t]he name and address of each registered elector in the state,” Wis. Stat. § 6.36(1)(a)1., and “[t]he elector’s date of birth,” Wis. Stat. § 6.36(1)(a)2. Wisconsin Stat. § 6.36(1)(b)1. provides that “[t]he list shall be open to public inspection under s. 19.35(1) and shall be electronically accessible by any person, except that:” certain information cannot be disclosed, including an elector’s

Wisconsin Elections Commission
February 14, 2025
Page 2

date of birth, operator's license number, or social security number. Wis. Stat. § 6.36(1)(b)1.a. The plain language of Wis. Stat. § 6.36(1)(b)1., a state statute, requires that "[t]he list shall be open to public inspection under s. 19.35(1)," with exceptions for certain types of information. Access to the information in the official registration list that is not exempt from disclosure is "specifically . . . required by statute" as contemplated by Wis. Stat. § 19.36(14). Accordingly, Wis. Stat. § 6.36(1)(b)1. provides for access that is "specifically authorized or required by statute" under Wis. Stat. § 19.36(14).

We expect to be in touch with the Commission's chief legal counsel, James Witecha, regarding the Commission's other questions.

Sincerely,



Clayton P. Kawski
Assistant Attorney General

CPK:ajl



Wisconsin Elections Commission

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DATE: January 14, 2025

TO: Attorney General Josh Kaul

FROM: The Wisconsin Elections Commission

SUBJECT: Request for the Attorney General’s Opinion regarding the interpretation and implementation of newly created Wis. Stat. § 19.36(14), Identities of Election Officials or Election Registration Officials

Dear Attorney General Kaul:

Pursuant to Wis. Stat. § 165.015, the Wisconsin Elections Commission (“the Commission”) respectfully requests your opinion in writing upon a question law pertaining to the interpretation and implementation of newly created Wis. Stat. § 19.36(14), Identities of Election Officials or Election Registration Officials (“the Election Official Identity Statute”). Since the statutory change was made to Chapter 19, the Commission also makes this request pursuant to Wis. Stat. § 19.39, which permits any person to request advice from the attorney general as to the applicability of any subchapter within Chapter 19. This statutory change will become effective as of July 1, 2025, and was passed pursuant to 2023 Wisconsin Act 126.¹

The Election Official Identity statute consists of a single sentence: “Unless access is specifically authorized or required by statute, an authority shall not provide access under s. 19.35 (1) to records containing the personally identifiable information of an election official, as defined in s. 5.02 (4e), or an election registration official, as defined in s. 5.02 (4g), except that an authority may provide access to the name of an election official or election registration official and the city and state where the official resides.”

How this sentence is interpreted will affect the work of the Commission and other administrative agencies, as well as every municipality and county in the state, by determining the standard by which election official personally identifiable information must be redacted or withheld from public records requests. An opinion from the Attorney General would help clarify the appropriate way for government officials to comply with Wis. Stat. § 19.36(14).

Although the content of the law (election officials) appears on its face to be within the Commission’s statutory purview, the broader questions actually stem from and impact Wisconsin public records law. Commission legal staff have already fielded questions from other municipal attorneys who represent Wisconsin cities, towns, and villages who are also concerned over the applicability and feasibility of complying with the Election Official Identity Statute. Many state agencies or local governments may be under the impression that the Commission maintains a list or database of every election official in the state, but that is not the case. Accordingly, the Commission believes the Attorney General’s interpretations are not only appropriate because of the statewide

¹ Available at: <https://docs.legis.wisconsin.gov/2023/related/acts/126> .

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significance of the law, but also because the Attorney General has published and maintained the Wisconsin Public Records Law Compliance Guide for many years.

Commission staff estimate that it would take 10 to 12 weeks, at minimum, to develop and implement changes to the statewide voter registration system to comply with the Election Official Identity Statute by July 1. Any number of factors could increase that estimate, so the Commission respectfully requests your opinion on Question #1 immediately, but no later than January 31, 2025. Questions #2, #3, and #4 are also of importance to the Commission, and so the Commission also requests that they be answered promptly but in no case later than **February 14, 2025.**

Statutory Background

The Election Official Identity statute was added to a larger piece of legislation addressing local candidate filings with the Wisconsin Ethics Commission. It was added as an Assembly Amendment 1 to 2023 Senate Bill 822 as part of a series of additions designed to offer greater protection to election officials, including whistleblower protections, as well as creating the new crime of battery to an election official.

The Election Official Identity statute creates a new provision within Chapter 19, Subchapter II, which covers Public Records and Property. Specifically, it creates a new limitation upon access and withholding of public records. The purpose of the law is to protect the personally identifiable information of election officials (any individual who is charged with duties relating to the conduct of an election) and election registration officials (any official assigned under state law to register electors). Under the Election Official Identity statute, a public records custodian is only permitted to provide access to an election official's name, city, and state, and cannot provide any other personally identifiable information.

Questions Presented

Question 1: The Commission seeks your opinion on whether Wis. Stat. § 6.36(1)(b)1. constitutes access that is “specifically authorized or required by statute” under the Election Official Identity statute.

The entirety of the Election Official Identity statute is predicated upon its prefatory clause, “unless access is specifically authorized or required by statute.” The Commission seeks the Attorney General's interpretation of this phrase, specifically as it relates to state law requiring the Commission to permit public access to the statewide voter registration list.

The prefatory phrase “unless access is specifically authorized or required by statute” appears in two other places in Chapter 19. Wis. Stat. §§ 19.36(10) (employee personnel records); and 19.36(11) (records of an individual holding a local public office or state public office). The Commission was unable to find any court case in Wisconsin interpreting this phrase within the context of Chapter 19, and the Department of Justice's Wisconsin Public Records Law Compliance Guide is likewise silent on the matter.

State law requires the Commission to compile and maintain the statewide voter registration list, which must include, among other things, the electors': 1) name and address; 2) date of birth; and 3) driver's license number (if any) or last four digits of a social security number. Wis. Stat. § 6.36(1)(a)(1), (2), and (5). State law also requires that this list “be open to public inspection” and “be electronically accessible.” Wis. Stat. § 6.36(1)(b)1. State law exempts the public from accessing electors' dates of birth, driver's license numbers, social security numbers, protected confidential elector addresses, or requested accommodations. Wis. Stat. § 6.36(1)(b)1.a. However, § 6.36(1)(b)1.a. does not prevent the Commission from making the residential addresses of electors publicly available on the statewide voter registration list.

The Commission believes that the most common sense read of this prefatory clause means that the Election Official Identity statute would not apply to the statewide voter registration list because the Commission is “specifically authorized or required by statute” to make the list publicly available.

Question 2: The Commission seeks your opinion on whether the record needs to identify the individual as an election official for the records custodian to be required to withhold their personally identifiable information.

The most significant ambiguity in the Election Official Identity statute is its intended scope of applicable records, and whether the record must identify an individual as an election official for the Election Official Identity statute to apply. The Commission believes that the record itself must identify an individual as an election official. Any interpretation to the contrary would create an unworkable and unreasonable compliance standard for not only the Commission, but also every other state agency and local unit of government in Wisconsin.

The Election Official Identity statute indicates that the information that must be withheld is the “personally identifiable information of an election official...” (Emphasis added). The only way for the records custodian to determine if the Election Official Identity statute applies is if the record itself tells them that it does. There is no repository or statewide list of every election official in the state. The Commission estimates that there could be upwards of 30,000 individuals who serve as local election officials (mostly poll workers) during a major general election.

Even if there were some kind of central repository that listed every individual who has ever served as an election official, checking it against each and every name that appears on a requested public record would likely grind every public records office in the state to a halt.

As an example, consider the following hypothetical scenario. A state agency identifies a responsive record that contains the name and residential address of Bucky Badger, who resides in Appleton, Wisconsin. The record is responsive to the request and is otherwise releasable under Wisconsin public records law. However, in the wake of the Election Official Identity statute, the agency now must determine if Bucky Badger is an election official so that it can then determine if the residential address must be redacted. If the record itself does not identify Bucky Badger as an election official, the agency has a tough job ahead of it since there is no statewide database of election officials.

First, the agency could try to determine if Bucky Badger is a municipal clerk or county clerk. That is a relatively simple matter as the agency could verify with the Commission whether someone is a current clerk. However, since clerks are not the only types of election officials, the work must continue. Second, to determine if Bucky Badger is or has ever been a poll worker, the agency must contact the municipal clerk associated with Bucky’s address. Then the agency must wait for the municipal clerk to search their own records to confirm if Bucky is in fact a poll worker. But what if Bucky just moved to Appleton? What if he was a poll worker in Sun Prairie before that? How is the agency supposed to know that? At this point, the agency has likely expended a considerable amount of time trying to figure out if Bucky Badger is, or has ever been, an election official, so now the agency is at risk of not fulfilling the request “as soon as practicable and without delay.” Wis. Stat. § 19.35(4).

Next, consider a related hypothetical scenario that takes an already daunting task and increases the difficulty exponentially. Agencies and local governments receive and generate emails every day from Wisconsin residents that do not necessarily identify where the individual resides or whether that individual is an election official somewhere in the state. If Bucky Badger sent an email to a state agency or local government supporting or opposing a policy, that email address would likely be personally identifiable information, but likely would not provide enough information for the public records officer to know even which clerk to contact to check if the individual is an election official. Even if there were a statewide repository of election official names, it might not be possible to determine whether the Bucky Badger who sent the email is the same as the Bucky Badger who was a poll worker in Sun Prairie earlier this year. A records officer may have no other method but to individually contact each person who would have personally identifiable information revealed in a public record set for release to determine whether the information must be redacted. A large records request might contain hundreds of names and emails, which would create a nearly impossible situation to review for redactions of election official information.

The Commission does not believe that this was the outcome envisioned or intended by the Legislature. Considering that other provisions that were included alongside the Election Official Identity statute were designed to protect election officials (whistleblower protections and a new crime for battery of an election official), it is more likely that the Legislature intended to protect records that identify election officials as such, and that include their personally identifiable information. In other words, it seems as if the Legislature intended to protect a document, such as a list of poll workers, labeled as such, from falling into the hands of someone motivated to use that list to harass, threaten, or intimidate election officials.

If you agree that a record must identify an individual as an election official for the Election Official Identity statute to apply, the Commission seeks your opinion on the necessary follow up question of *how* the record must identify the election official.

Question 3: If your opinion to Question 1 is that the record must identify the individual as an election official, is it also your opinion that the record must identify the individual as a current election official?

The Election Official Identity statute specifically cross-references the statutory definitions for “election official” and “election registration official.” Wis. Stats. §§ 5.02(4e) and 5.05(4g). The Commission has consistently interpreted these definitions to refer to current election officials, not former, because only current election officials are authorized to administer elections. Accordingly, the Commission seeks your opinion on whether someone who once was, but is no longer, charged with duties to register or carry out elections is not an election official, and is therefore not protected by the Election Official Identity statute.

Similar to Question 1, if you agree that a record must identify an individual as a current election official for the Election Official Identity statute to apply, the Commission seeks your opinion on the necessary follow up question of *how* the record must indicate that the individual is a current election official.

Question 4: The Commission seeks your opinion on what information constitutes “personally identifiable information” for election officials, and whether that includes government email addresses or phone numbers.

The Election Official Identity statute requires records custodians to withhold records containing the “personally identifiable information” (“PII”) of an election official without further defining what constitutes PII in this context. Generally, under public records law, PII “means information that can be associated with a particular individual through one or more modifiers or other information or circumstances.” Wis. Stat. § 19.62(5). The Election Official Identity statute specifically includes the names of election officials, as well as the city or state where they reside, but it is silent with respect to what other information should be withheld or redacted.

Under the broadest reading of the Election Official Identity statute, a records custodian would be compelled to withhold or redact almost every record containing information about an election official. This could include: government email addresses, government phone numbers, personal email addresses or phone numbers, family information, education background, or any other piece of information that can be associated with the individual. Even if the Election Official Identity statute were limited to current election officials only, needing to manually redact every email address, phone number, or other piece of identifying information would exponentially increase the time needed to review and redact records.

Accordingly, the Commission seeks your opinion on whether “personally identifiable information” within the Election Official Identity statute has the same meaning as in § 19.62(5), or whether it has some different meaning specific to election officials.

Conclusion

In order for the Commission to have enough time to implement new processes and possible changes to election systems ahead of when the law goes into effect on July 1, 2025, the Commission respectfully requests your opinion on **Question #1 immediately, but no later than January 31, 2025**. Questions #2, #3, and #4 are also of importance to the Commission, and so the Commission also requests that they be answered promptly but in no case later than **February 14, 2025**.

If you have any questions, please contact Commission staff at 608-266-8005 or elections@wi.gov.

Sincerely,

THE WISCONSIN ELECTIONS COMMISSION



Wisconsin Elections Commission

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MEMORANDUM

DATE: For the March 7, 2025, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Jim Witecha, Chief Legal Counsel / Agency Records Officer

SUBJECT: Agency Records Policy, Retention, and Planning

Summary

This memorandum presents a summary of planning, goals, and policy considerations for the Commission to consider for the upcoming year, as related to records retention and disposition. Topics for consideration include planning related to current but expiring Records Disposition Authorizations (RDAs). RDAs are a mechanism for the scheduling of consistent retention and disposition of similar types of records related to state agency programs. In essence, it is a description of record types, submitted by the agency to the State Public Records Board (Board), that are approved for certain retention periods and disposition types. Disposition could include transfer to the Department of Administration's State Records Center, other transfers, secure destruction, or similar activities. More information on this topic can be found here:

[https://publicrecordsboard.wi.gov/Pages/Agency/AboutRDA.aspx#:~:text=A%20Records%20Disposition%20Authorization%20\(RDA,in%20an%20appropriate%2C%20uniform%20manner.](https://publicrecordsboard.wi.gov/Pages/Agency/AboutRDA.aspx#:~:text=A%20Records%20Disposition%20Authorization%20(RDA,in%20an%20appropriate%2C%20uniform%20manner.)

The State of Wisconsin also has comprehensive general administration records schedules that cover many of the Commission's operational functions. These can be viewed at the following web location: <https://publicrecordsboard.wi.gov/Pages/GRS/Statewide.aspx>. The Commission is not responsible for administering these RDAs, as they are maintained by the Department of Administration (DOA).

Additionally, the Commission's RDAs are included with this memorandum as Attachment A. These represent the bulk of the Commission's records-related needs since the inception of the agency, and in many cases, they far predate the current iteration of this agency. Staff will address any current RDAs reaching the point of expiration or "sunsetting" in this memorandum and request the Commission's authorization to petition the Board for renewal.

Agency staff were also surveyed to identify any records needs not met by the current RDAs. This memorandum will detail those specific needs and request the Commission's approval to petition the Board for approval of new RDAs. Finally, staff are requesting the Commission's approval of an electronic recordkeeping policy. The law allows digital-only copies of records in many circumstances, but staff wanted the Commission to have an opportunity to consider and approve a more formalized,

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overarching policy on the topic. A copy of the draft policy is included with this memorandum as Attachment B. The implementation of this policy would be in line with the Board's policies, training materials, guidance, and best practices, all of which are outlined here:
<https://publicrecordsboard.wi.gov/Pages/Resources/Guidance.aspx>.

In addition, the DOA has laid out very specific expectations and compliance requirements in Wis. Admin. Code, Adm Chapter 12, which will also be adhered to in the implementation of this agency policy. The Board has provided an excellent primer and guidance document on this provision of code, which can also be found at the link provided above.

Staff are also presenting the Commission with a revised internal public records policy that the Commission last reviewed at the October 4, 2024, meeting. The policy has been revised based on feedback given during the discussion. A new section of the policy has been added that details the retention schedules for correspondence records. The revised version of this policy is included as Attachment C.

Finally, staff are presenting a revised public records notice that makes some much-needed updates and also incorporates the potential existence of the electronic records policy. The revised notice, with changes tracked, is included as Attachment D.

Sunsetting RDAs

The Commission is still in a strong position regarding the future expiration of its current RDAs and its renewal planning efforts. The last day of the 10-year period following approval of an RDA is known as the "sunset date." No existing RDAs will sunset until 2027. However, WEC staff will need to begin working with Board staff in 2026 to ensure the successful and timely renewal of those RDAs. Staff will detail which RDAs fall into this category below, for the Commission's general awareness, and in preparation for next year's activities:

- Election Data Reports (Record Series ID: 00025000)
- Original County Canvass Election Returns (Record Series ID: 00009000)
- Reports and Surveys Received from Local Elections Officials (Record Series ID: 00026000)
- Voting Equipment Testing Materials (Record Series ID: 00027000)

- To renew an RDA with the Board, Commission staff would essentially need to go through the original approval process again:
 - Draft a new RDA using an approved form, such as PRB-001 or PRB-003
 - Submit the draft to the Board's Executive Secretary at DOARDASubmissions@wisconsin.gov
 - Address any feedback from the Board staff
 - Resubmit the updated RDA to the Board's staff
- If Needed: Request an extension of the sunset date using the RDA Extension Request form on the Board's website. Commission staff do not anticipate needing this option, as we are proactively beginning this process well in advance. The Board is very transparent about application and submission deadlines, so this process would likely only take a quarter or two in 2026, depending on the submission of materials. However, Commission staff could request an extension of the sunset date and be granted up to 18 months, if needed.

Commission staff hereby request the Commission's authorization to prepare for and carry out these processes in the coming year.

Potential New/Amended RDA Requests

Staff have identified several potential records-related needs that may warrant petitioning the Board for new RDAs. These include:

- Voter Felon, Federal Felon, and Felon Audit Related Records: Data, digital notifications, and physical notifications are sent to the agency from federal and state partner agencies. From these, staff perform voter felon audit related activities and present the findings to the Commission. The federal felon physical and digital notifications, Wisconsin Department of Corrections electronic transfer data, and other audit-related records are all being proposed to receive a unique RDA from the Board. This RDA would likely encompass any similar data or records, the audit materials generated from them, and the reports or associated records stemming from that. The Wisconsin Elections Commission has statutory directives to carry out this function (*See Wis. Stat. § 6.56(3m)*). The closest existing RDA is likely #00028000, Complaints and Investigations, but that provision cross references very specific statutory functions and processes, and it is an ill fit for these records.
- Voter Registration Cancellation Forms, Notices of Registration in States Other than Wisconsin, and Subsequent Records and Communications: Commission staff regularly receive requests to cancel voter registration in this state or third-party notices that a voter may have registered in another state. Staff may also create records associated with the verification and inactivation processes for that voter's registration in Wisconsin. The closest existing RDA is likely #00031000, Election-Specific Records, but that provision does not encompass these specific types of records. What is more, the two-year retention period does not align with Wis. Stats. §§ 7.23(1)(c) and 6.50(7), which mandate waiting at least four years before records disposition occurs.
- National Voter Registration Act Forms (To include NVRA applications, NVRA return letters, and other insufficiently filed or improper voter registration materials, or similar records): In *Richard Braun v. WEC*, (Case No. 2022CV1336), the Waukesha County Circuit Court determined that the National Mail Voter Registration Form was incompatible with state statutory requirements, and the Commission then issued guidance that the form would only be accepted in the state under very limited circumstances. In response to that decision and guidance, staff have also been returning any NVRA forms received, along with a return letter advising the potential registrant on other methods available to them. As noted in the immediately preceding bullet point, the closest existing RDA is likely #00031000, Election-Specific Records, but that provision does not encompass these specific types of records. This RDA would be beneficial for determining appropriate disposition regarding incorrect or improper voter registration documents or similar materials.
- Accessibility Reports and Surveys: As a part of its accessibility efforts, the agency collects, completes, and receives a plethora of records in this category (*e.g.* accessibility self-assessments, polling place accessibility reports from reviewers, plan of action documents for bringing facilities into compliance, etc.). RDA #00026000, Reports and Surveys Received from Local Election

Officials, does contemplate the initial accessibility surveys. However, staff seek the Commission's guidance regarding whether this RDA is broad enough to cover similar documents, or if the Commission wishes staff to seek RDA expansion and amendment to specifically include other current records.

Commission staff are not asking the Commission for total authorization to seek, draft, edit, and implement these RDAs unilaterally, but rather, staff are today seeking authorization to begin preparing the data and materials necessary for the submission to the Board. Staff propose bringing the draft petition materials back to the Commission before submission, with the purpose of getting authorization to proceed. Staff would then bring any critical feedback or documents back to the Commission for reconsideration, if necessary, much like the administrative rulemaking processes.

Electronic Recordkeeping Policy

Wisconsin law has sufficiently addressed public sector electronic recordkeeping to the extent Commission staff feel confident recommending that Commissioners adopt an electronic recordkeeping policy for the agency. This policy, included as Attachment B, provides overarching guidelines for the retention of digital records in lieu of physical records. Of significant note is that this policy does not provide carte blanche authority to switch to a wholly digital recordkeeping process. Rather, it allows digital recordkeeping as an option, or in addition to physical copies, only when the law does not specifically require a physical copy be retained. As detailed above, the policy would also be implemented in compliance with Board policies and procedures, as well as the applicable administrative code provisions.

The adoption of this policy would be particularly beneficial, because the agency often generates or receives only digital copies of documents. Staff can adequately and compliantly retain only electronic copies in many instances, and the printing and storage of physical records is regularly a legally-unnecessary use of financial, time, and space resources. While the policy serves as the official, high-level outline for electronic recordkeeping at the WEC, the following analysis will provide the Commission with a more thorough overview of the current state of digital recordkeeping law. Staff believe this will assist in facilitating the decision-making process.

A search of Wisconsin case law found no cases that directly considered whether records can be kept solely in a digital format. This search did yield a handful of results that discuss requirements for the format of electronic data; namely, that electronic data should not be stored in formats that eliminate metadata. On the other hand, a few cases show that public records requests for complex data, such as databases or computer models, do not necessarily require access to the underlying databases or models and that the outputs are sufficient, which might have consequences for the retention of that kind of electronic data.

A state agency's duty to retain records is discussed primarily in Wis. Stat. § 16.61, and the duties of officials with respect to public records are described in Wis. Stat. § 19.21. A state agency may maintain records in electronic form only, subject to rules created by the DOA. Wis. Stat. § 16.61(5)(a). Those DOA rules are found in Wis. Admin. Code, Adm Chapter 12. The DOA has published a guide describing how to comply with Adm Chapter 12. There is additional guidance on specific topics related to retention, such as management of public record email.

Wis. Stat § 16.61(5)(b) states that “state agencies shall maintain procedures to ensure the authenticity, accuracy, reliability, and accessibility of [electronic public records].” Each of these terms is defined in Adm § 12.04 and both “accurate” and “reliable” discuss the idea that a record must “correctly reflect” the original record each time an electronic record is produced or displayed.

This is the point on which there is some case law which deals with whether certain versions of electronic data are permissible in complying with public records requests. Copies of records must not lose information or fidelity, including metadata. *Lueders v. Krug*, 2019 WI App 36, ¶¶ 11, 14, 20 (holding that providing requested emails via paper printout did not satisfy public records request because printouts do not contain email metadata); see *State ex rel. Milwaukee Police Ass’n v. Jones*, 2000 WI App 146, ¶ 10, 237 Wis. 2d 840, 615 N.W.2d 190. In *Jones*, the court held that provision of an analog copy of a digital audio tape in response to an initial public records request complied with Wis. Stat. § 19.35(1)(c) by providing a recording that was “substantially as audible” as the original, *id.* at ¶ 10, but ultimately held against the agency because the agency refused petitioner’s “subsequently enhanced” request for the digital recording with higher quality so that they could hear background voices when agency had no grounds for refusing and petitioner could have made the desired high-quality copy. *Id.* at ¶¶ 13-14.

But copies of complex records, like databases, do not need to be produced in response to record requests. The Wisconsin Supreme Court held that when a company requested database records but did not initially specify that it wanted them in a database format, municipalities that responded with PDFs of the information were held to have complied, at least with the initial request. *WIREdata, Inc. v. Vill. of Sussex*, 2008 WI 69, ¶¶ 4, 8, 310 Wis. 2d 397, 406, 751 N.W.2d 736, 740. Subsequent courts have taken a broad reading of *WIREdata*, holding that “the right to access records does not extend to the right to access databases.” *Media Placement Servs., Inc. v. Wisconsin Dep’t of Transportation*, 2018 WI App 34, ¶ 6, 382 Wis. 2d 191, 198, 913 N.W.2d 224, 228. In *Media Placement Services.*, the court held that a company seeking access to crash data in the DOT database needed to either pay the fee for the weekly release or ask about specific crashes and public records law did not require DOT to provide them with any access to the crash database itself. *Id.* at ¶¶ 2123.

Finally, there is a crucial difference between questions of record retention, as this is, and public records law for the purposes of satisfying public records requests. The two are linked, of course, because a record cannot be produced in compliance with a request without first being retained. But “[a]lthough the public records law addresses the duty to disclose records, it is not a means of enforcing the duty to retain records, except for the period after a request for particular records is made.” Wisconsin Public Records Law Compliance Guide (2024), Wisconsin DOJ, at 67.

https://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/PRL%20Guide_2024.pdf

This is based on case law noting that “[t]he public records law addresses the duty to disclose records; it does not address the duty to retain records,” *State ex rel. Gehl v. Connors*, 2007 WI App 238, ¶ 15, 306 Wis. 2d 247, 742 N.W.2d 530, and that “[t]he only reference to records retention in the public records law is Wis. Stat. § 19.35(5), which prohibits destruction of a record after the receipt of a request for inspection.” *Id.* at ¶ 15, n. 4.

Thus, Commission staff in implementing this proposed policy, would comply with these legal requirements, as well as the statutory and code-based provisions detailed above, while also focusing on a

commitment to retaining the records in a matter that would satisfy public requests and not eliminate any ancillary data or records components that are in the public interest and non-confidential. This overarching policy would not allow for solely retaining digitized records for things required to be kept in physical form, such as original elections materials.

Commission Action

Recommended Motion: The Commission hereby authorizes staff to take the necessary steps to begin preparations for renewing agency Records Disposition Authorizations sunsetting in 2027, to prepare and submit new Records Disposition Authorizations requests to the State Public Records Board in accordance with this memo and the Commission’s discussion at its March 7, 2025, meeting, and to publish and implement the Electronic Records Management Policy and associated practices as directed by the Commission at its March 7, 2025, meeting and operationalized by the WEC Administrator and Commission Records Officer. Staff will return and present Records Disposition Authorization paperwork, drafts, or proposed edits to the Commission as may be necessary or prudent. The Commission also approves the internal records policy in Attachment C, as well as the changes to the agency public records notice in Attachment D.

ATTACHMENT A

510-ELECTIONS COMMISSION

Dept # 510/ Department Name ELECTIONS COMMISSION

RDA # RDA Title Retention Disposition PII

00009000. **ORIGINAL COUNTY CANVASSES ELECTION RETURNS FOR PRESIDENTIAL,** **CR+10** **SHSW** **N**

This records series contains:

1. Governors' Orders for Special Elections.

2. Original county canvasses election returns for presidential, statewide, legislative and judicial candidates, and referenda. Canvasses contain vote totals of presidential, statewide, legislative and judicial, races and referenda. They are received from each of Wisconsin's 72 counties. Each county canvass contains the vote totals of each of that county's municipalities. Canvassing of ballots is conducted at the local level, with each municipality entering election totals for each candidate and referendum. Canvasses are filed chronologically by date of primary.

3. State canvasses which include the votes cast by county for each statewide, legislative and judicial candidates, and statewide referenda.

4. Certificates containing the name and offices of individuals elected in Wisconsin.

These records are not covered by Wis. Stat. § 7.23, destruction of election materials, or any of the General Records Schedules. Any records that were transferred to the Wisconsin Elections Commission by the former Government Accountability Board and the former State Elections Board are included.

RETENTION: EVENT (Creation) + 10 years and transfer to State Archives (WHS)

00023000. **RECALL PETITIONS** **EVT+3** **SHSW** **Y**

This records series contains paper and electronic records of recall petitions, correspondence, and related records for recalls of state, congressional, legislative and judicial offices pursuant to Wis. Stat. § 9.10(3) received and created by the Wisconsin Elections Commission and its predecessor agencies, the Government Accountability Board and the State Elections Board. This record series excludes Board and Commission meeting records which include any challenge records and are retained pursuant to GRS ADM 00025.

The official record may be retained on paper or electronically for the full retention period. To comply with Wis. Stat. §§ 16.61(7) and 137.20 for authenticity, accuracy and accessibility, if the official record is transferred from paper to electronic format and maintained electronically, the original input documents will be imaged or reformatted and subject to review, to ensure the images of these applications are electronically stored and the quality of these images is acceptable. Upon verification of the quality and retention of the electronic images, the input records will be destroyed confidentially.

RETENTION: EVENT (Determination regarding sufficiency) + 3 years and transfer to State Archives (WHS)

00025000. **ELECTION DATA REPORTS** **EVT+20** **SHSW** **N**

This records series includes certain election-related data reports from Wisconsin local election officials to the Wisconsin Elections Commission and its predecessor agencies, the Government Accountability Board and the State Elections Board. These records are not covered by Wis. Stat. § 7.23, destruction of election materials, or any of the General Records Schedules. Local officials include municipal and county clerks and the City of Milwaukee Election Commission and the Milwaukee County Election Commission. Specific records include:

- Election Administration and Voting Statistics reports collected on form EL-190F and EL-190NF (formerly GAB-190)
- Election Cost Reports collected on forms EL-191 and EL-192
- Various clerk data surveys on forms EB-190, EB-191 and EB-192
- Other data reports subsequently created by the WEC.

Starting in 2008, records in this series are collected in electronic form. Prior to 2008, these records were collected exclusively on paper, and were not entered into a database. The Commission wishes to preserve these paper records and needs to create an RDA for them so they can be archived at the State Records Center.

RETENTION: EVENT (Date received) + 20 years and transfer to State Archives (WHS)

00026000. **REPORTS AND SURVEYS RECEIVED FROM LOCAL ELECTION OFFICIALS** **EVT+3** **DEST** **N**

This records series includes certain election-related reports, surveys, forms and data from Wisconsin local election officials to the Wisconsin Elections Commission (WEC) and its predecessor agencies, the Government Accountability Board and the State Elections Board. The WEC is creating this RDA because these records are not covered by Wis. Stat. § 7.23, destruction of election materials, or any of the General Records Schedules. Local officials include municipal and county clerks and the City of Milwaukee Election Commission and the Milwaukee County Election Commission. Specific records include:

- Clerk Contact Information updates collected on form EL-362 (received at any time) and used to update clerk directories and the WisVote election management system
- Polling Place Accessibility forms submitted by local election officials before elections for new polling places
- Training reports for municipal clerks and chief inspectors (received at any time) indicating when they have attended training courses required for certification

- Applications and related materials from Special Registration Deputies (which office was eliminated by 2015 Wisconsin Act 295)
 - Results of agency surveys taken by local election officials to solicit feedback on election administration and training issues.

In the past, some of these records were collected exclusively on paper. Currently, records in this series are primarily collected in electronic form; if submitted on paper or by fax, they are soon converted to electronic records and do not need to be retained.

RETENTION: EVENT (Date received) + 3 years and destroy

00027000. VOTING EQUIPMENT TESTING MATERIALS **EVT+2** **DEST** **N**

This records series includes certain materials used to test and certify electronic voting equipment under Wis. Stat. § 5.91, requisites for approval of ballots, devices and equipment, by Wisconsin Elections Commission (WEC) and its predecessor agencies, the Government Accountability Board and the State Elections Board. WEC is creating this RDA because these records are not covered by Wis. Stat. § 7.23, destruction of election materials, or any of the General Records Schedules. Specific records include:

- Applications for Approval of Electronic Voting System and supplementary materials submitted by vendors
- Testing plans
- Test ballots
- Voting equipment tapes and results reports

WEC seeks to retain these records for 2 years after the voting equipment has been decommissioned so they will be available for a reasonable period of time beyond the life of the equipment should questions arise about its accuracy, testing and certification.

RETENTION: EVENT (Date equipment decommissioned) + 2 years and destroy

00028000. COMPLAINTS AND INVESTIGATIONS **EVT+6** **DEST** **Y**

Agency review of records and potential for receipt and creation of records requires the agency to implement this RDA. Records of the same type originating with the predecessor agencies of the State Elections Board and the Government Accountability Board are retained and disposed of according to this RDA. This record series contains:

1. Records related to informal complaints filed with the agency related to the subject matter jurisdiction of the agency or to a matter outside of the agency's jurisdiction and to the disposition of such complaints.
2. Records related to formal complaints filed with the agency alleging a violation of or failure to comply with election laws by a state or local election official, including those filed pursuant to Wis. Stats. §§ 5.05(2m), 5.06 and 5.061, and to the disposition of such complaints.
3. Records related to investigations conducted by the agency pertaining to alleged civil or criminal violations of the laws under its jurisdiction, pursuant to Wis. Stat. § 5.05(2m), and to the resolution of such investigations.

The official record may be retained on paper or electronically for the full retention period. To comply with Wis. Stat. §§ 16.61(7) and 137.20 for authenticity, accuracy and accessibility, if the official record is transferred from paper to electronic format and maintained electronically, the original input documents will be imaged or reformatted and subject to review, to ensure the images of these applications are electronically stored and the quality of these images is acceptable. Upon verification of the quality and retention of the electronic images, the input records will be destroyed confidentially.

Records related to agency complaints and investigations may contain confidential information pursuant to Wis. Stat. §§ 5.05(5s) and 12.13(5).

RETENTION: EVENT (Complaint or investigation resolution) + 6 years and destroy confidential

00029000. ADVISORY OPINIONS **EVT+6** **DEST** **N**

Agency review of records and potential for receipt and creation of records per statute requires the agency to implement this RDA. Records of the same type originating with the predecessor agencies of the State Elections Board and the Government Accountability Board are retained and disposed of according to this RDA.

This record series contains: Records of formal and informal advisory opinion requests, including requests to review or modify an opinion made to the agency pursuant to Wis. Stat. § 5.05(6a), records of formal and informal advisory opinions, including modified opinions issued by the agency pursuant to Wis. Stat. § 5.05(6a), internal and external correspondence, documentation and research associated with formal and informal advisory opinions under Wis. Stat. § 5.05(6a).

This records series does not contain records of deliberations and actions, including public or private hearings conducted by the agency related to formal and informal advisory opinions pursuant to Wis. Stat. § 5.05(6a) which are retained pursuant to GRS ADM 00025.

The official record may be retained on paper or electronically for the full retention period. To comply with Wis. Stat. §§ 16.61(7) and 137.20 for authenticity, accuracy and accessibility, if the official record is transferred from paper to electronic format and maintained electronically, the original input documents will be imaged or reformatted and subject to review, to ensure the images of these applications are electronically stored and the quality of these images is acceptable. Upon verification of the quality and retention of the electronic images, the input records will be destroyed confidentially.

RETENTION: EVENT (Date Opinion Issued) + 6 years and destroy

00030000. LITIGATION **EVT+10** **DEST** **Y**

Agency review of records and potential receipt and creation of records requires the agency to implement this RDA. Records of the

Dept #	<u>/510/</u>	Department Name	<u>ELECTIONS COMMISSION</u>		
RDA #	RDA Title	Retention	Disposition	PII	

same type originating with the predecessor agencies of the State Elections Board and the Government Accountability Board are retained and disposed of according to this RDA.

This record series contains agency litigation case files generated by agency attorneys and other staff which are not maintained by the Wisconsin Department of Justice. These case files include but are not limited to: legal documents (ie. interrogatories, pleadings, motions, orders, original complaints and other filings leading to litigation), findings, legal research, correspondence, reports, briefs, exhibits and transcripts.

The official record may be retained on paper or electronically for the full retention period. To comply with Wis. Stat. §§ 16.61(7) and 137.20 for authenticity, accuracy and accessibility, if the official record is transferred from paper to electronic format and maintained electronically, the original input documents will be imaged or reformatted and subject to review, to ensure the images of these applications are electronically stored and the quality of these images is acceptable. Upon verification of the quality and retention of the electronic images, the input records will be destroyed confidentially.

Agency litigation case files may contain confidential complaint or investigation information subject to Wis. Stat. §§ 5.05(5s) and 12.13(5). Agency litigation case files may contain confidential material that is covered by the attorney-client privilege, Wis. Stat. § 905.03, the attorney work product doctrine (See Wis. Stat. § 804.01(2)(c)), and/or laws that mandate confidentiality of information such as Wis. Stat. §§ 6.36(1)(b) or 6.47.

RETENTION: EVENT (Case Closure) + 10 years and destroy confidential

<u>00031000.</u>	<u>ELECTION-SPECIFIC RECORDS</u>	<u>EVT+2</u>	<u>DEST</u>	<u>N</u>
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Agency review of records and potential for receipt and creation of records requires the agency to implement this RDA. Records of the same type originating with the predecessor agencies of the State Elections Board and the Government Accountability Board are retained and disposed of according to this RDA.

This record series contains records related to specific election events as outlined in Wis. Stat. § 7.23, including applications for absentee ballots, completed and unused ballots, detachable recording units, election notices, poll lists and nomination papers. Except for nomination papers of state and federal candidates and election notices created by the agency, most of the documents in the records

series are created and retained by local election officials but the agency may receive copies of the documents periodically during the course of its work. This record series does not include election-specific documents retained pursuant to other agency RDAs, such as original county canvass returns and election data reports.

The official record may be retained on paper or electronically for the full retention period. To comply with Wis. Stat. §§ 16.61(7) and 137.20 for authenticity, accuracy and accessibility, if the official record is transferred from paper to electronic format and maintained electronically, the original input documents will be imaged or reformatted and subject to review, to ensure the images of these applications are electronically stored and the quality of these images is acceptable. Upon verification of the quality and retention of the electronic images, the input records will be destroyed confidentially.

RETENTION: EVENT (Date of Election) + 2 years and destroy



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: March 7, 2025
TO: General Public
FROM: Wisconsin Elections Commission
SUBJECT: Electronic Records Management Policy

Section One: General Policy Statement

The Wisconsin Elections Commission (“Commission” or “WEC”) is a State of Wisconsin governmental entity. The agency, its staff, and members of the Commission are accordingly subject to the “Public Records and Property” provisions of Wisconsin Statutes, Chapter 19.

As such, the members of the Commission have formally adopted this Electronic Records Management Policy to ensure statutory compliance while also implementing secure and modern practices for the maintenance and distribution of public records. This policy encompasses some existing agency practices regarding electronic records management, but it is also intended to shift the focus of record keeping in general to electronic formats, whereby the digital versions of records are either the primary or sole format in which certain records will be retained.

The records covered by this policy are in the custody of the Commission, and are maintained for the benefit of agency use in delivering services and documenting agency operations, including for the general public. Complying with this policy will increase the reliability and accuracy of records stored in information technology systems and will ensure that they remain accessible over time. This includes records that are permanent and non-permanent, confidential and non-confidential. These classifications may warrant different treatments when processing the records. This policy serves as a general documentation of the practices followed by the Commission in imaging, indexing, auditing, backing up, otherwise saving or maintaining, and purging electronic records in accordance with relevant laws or Records Disposition Authorizations (RDA), and in handling the original paper records, if applicable. This policy will be reevaluated at least every five years, or upon the implementation of new information technology systems, and will be updated as required. A copy of this policy will remain on file at the Commission’s office.

Section Two: Custodian Responsibilities

To the extent allowable under state or federal law, and in accordance with Commission RDAs, the agency, its designated records officer (“Commission Records Officer”) (*See Wis. Stat. § 15.04(1)(j)*), agency staff, and members of the Commission are authorized to maintain public records (*See Wis. Stat. § 19.32(2)*) in any secure and appropriate electronic format and location, within the discretion of the

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Administrator
Meagan Wolfe

WEC Administrator, in conjunction with the Commission Records Officer, and in accordance with this formal policy.

This policy encompasses files that are received, created, submitted, served, or otherwise exist in physical form, as well as those that have existed only in electronic formats. To the extent necessary, the Commission Records Officer is hereby authorized to propose administrative rulemaking to the Commission, or to petition the State of Wisconsin Records Board for additional RDA approvals, as needed for the execution of this policy's directives, to facilitate electronic recordkeeping, or to formally accept electronic filings or other records to the broadest extent possible. The Commission Records Officer, at a minimum, will coordinate with the WEC Administrator to develop a system for converting "hard copy" records to electronic formats, receiving and maintaining digital records, doing the same for other formats as necessary, and sufficiently saving and backing up all electronic record types to comply with Wis. Stat. Chapter 19 and other legal requirements.

Section Three: Information Systems Used to Manage Electronic Records

The Commission hereby acknowledges that certain electronic recordkeeping is not only beneficial but is also inherently necessary in modern agency operations. Data and records are consistently received in electronic form for ease of use and to address matters in a timelier manner (*e.g.* ballot access challenge materials, election-related petitions, etc.). However, current agency operations and statute also dictate that some data is entered into or automatically created within agency systems (*e.g.* WEC website, WisVote, MyVote, etc.).

The Commission Records Officer is authorized to continue working with the Department of Administration's Division of Enterprise Technology, federal officials, Commission IT staff, authorized third-party vendors, IT security experts, and other relevant parties to determine the most appropriate mechanisms and systems by which electronic records will be entered, stored, secured, and eventually disposed of.

Agency staff are also authorized to develop or maintain those systems by which electronic records can be created, maintained, or disposed of as necessary or advisable, while consulting the Commission as necessary or required. At a minimum, the systems should allow for easy retrieval or distribution of the records, and maintenance in the same, or legally compliant similar form, as the physical records would be kept in.

Section Four: Retention and Disposition of Records

If modification of current policies and practices, the amendment of existing RDAs, or the addition of new RDAs becomes required, the Commission Records Officer will proceed as necessary to ensure those actions are taken. To the extent necessary or required, those policies or RDAs will be brought before the members of the Commission for official preapproval.

The Commission hereby authorizes electronic recordkeeping to the greatest extent possible and allowable by law. If physical copies of records and data are not required by law, the physical copies may go through the appropriate disposition processes once the electronic versions of those records are sufficiently maintained, or they may be retained for redundancy if any benefit or necessity exists for doing so. Records created or provided only in an electronic format may be kept in that format and need not be maintained in a physical form as well, unless a physical copy is required by law to be created.

Each of these records may be subject to disposition practices as soon as allowable, or immediately if they are not required to be kept. Such disposition shall be in accordance with law, the relevant RDA, and records schedules.

Section Five: Accessibility Considerations

State and federal law generally require that public records must be accessible to the citizenry, but also to persons with disabilities. Nothing in this Electronic Records Management Policy authorizes the transfer of a record to a format that makes it less accessible or non-accessible to the public, and particularly to those records requesters who may need accessibility accommodations. The following is a non-exhaustive list of formats that are accessible to persons with disabilities when applied correctly: “.doc, .docx, .pdf, .html, .xml, .txt, .asci.”

In those special cases where preservation of the appearance of the original document is of legal or historic significance, and it is not possible to both make the document accessible and preserve its original appearance, accessibility shall be accomplished by the creation and retention of a second accessible document, if deemed appropriate or necessary by the Commission Records Officer.



Wisconsin Elections Commission

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(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: March 7, 2025

TO: Wisconsin Elections Commission

FROM: Angela O'Brien Sharpe
Staff Attorney

SUBJECT: **Public Records Policy for Commissioner Requests: Revised March 2025**

Introduction

Since 2020, the Wisconsin Elections Commission (“the Commission”) has experienced consistent, record-high numbers of public records requests, many of which contain either very broad scope or hundreds of discrete search terms. Although staff have made considerable progress in reducing the number of open public records requests in the past two years, the Commission continues to receive new requests at a consistent rate. The vast majority of public records requests seek communication records of current Commissioners, the Commission Administrator, and Commission staff.

Accordingly, staff are proposing that the Commission consider a revised public records policy for Commissioner records requests to ensure that the Commission can continue to meet its obligation to produce public records “as soon as practicable and without delay.” Wis. Stat. § 19.35(4)(a). Staff are also proposing that the Commission revise the agency’s public records notice consistent with the approved policies during today’s meeting.

I. Initial Review & Processing of Requests for Commission Records

When a public records request is received, staff will take the following steps:

- 1) **Notify Affected Commissioners** – If a request appears on its face to seek records created or maintained by one or more Commissioners, staff will promptly forward that request to the affected Commissioners to notify them. No action will be required of Commissioners at this stage. Staff always review public records requests for preliminary sufficiency, and many are often denied, or further clarification is sought.
- 2) **Preliminary Review of Request** – Staff will assess the request to determine if it needs to be denied, or if further clarification is required. The most common reason a public records request is denied is because it does not contain a reasonable limitation as to subject matter or length of time represented by the record. Wis. Stat. § 19.35(1)(h). If a request is denied, or clarification is sought, staff will update affected Commissioners.
- 3) **Confirm Scope** - When a request seeks “WEC” or “Commission” communication records, clarification will be sought if that should include current or former Commissioners,

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Administrator
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Administrators, or staff. Staff will likewise confirm whether bulk fundraising emails or newsletters are intended to be responsive for requests seeking Commissioner email records with external parties.

- 4) **Denial for Lack of Clarification** – If clarification is requested under (2) or (3) above and is not provided by the requestor within 30 days, the request will be denied. A requestor would be free to submit a new public records request if they provided the requested clarification.

II. Search Plan Created

If a public records request can be accepted for processing, staff will put together a search plan that is likely to produce responsive records. There are two main aspects of a search plan: 1) records that are within staff's control; and 2) records that are within Commissioners' control on privately held devices and accounts.

As of the first date of implementation of this policy, staff will include both of these aspects in all search plans. Searches for records created in Commissioners' official capacities on privately controlled devices and accounts are not optional, even when the request does not specifically include this aspect. This was confirmed in August of 2023 by the *Sickel* litigation: "Records held by WEC commissioners are in the custody of WEC and must be provided in response to a records request."¹ The Commission "is responsible under state law to ensure the proper preservation of these records and to provide them in response to a proper record request."²

Records within Staff Control

Staff have access to the vast majority of records that are created and maintained by the Commission, including Commission materials, meeting minutes, and staff correspondence, both internal and external. Staff also always have access to any correspondence sent or received by a Commissioner's public account that ends with @wisconsin.gov.

Records within Commissioners' Control

There may be times when Commissioners generate public records in their official capacity as Commissioners, but those records are not with the immediate control of staff. This most often occurs when Commissioners use privately controlled email accounts or cell phones to communicate in their roles as Commissioners with internal and external parties. Commissioners are required to conduct searches of their privately controlled accounts and devices in order to identify responsive records.

The easiest way to avoid having Commissioners conduct lengthy searches of their privately controlled devices and accounts is to ensure that staff have access to Commission records independently through Commissioner public email accounts. Commissioners can choose copy their public @wisconsin.gov email account on any WEC-related email sent from a private account. Commissioners can also choose to forward incoming messages, including texts and emails, that are pertinent to their work on the Commission to their public @wisconsin.gov account.

¹ *Paul Sickel v. Wisconsin Elections Commission et al*, (2022CV000887). Decision and Order on Summary Judgement (August 4, 2023), Page 5.

² *Id.* at 6.

Commissioners also have the option to search their own privately-controlled devices and accounts for public records when requested to do so by staff. Staff are unable to assist with the searching of private accounts, but can assist with the review and redaction of any responsive records.

III. Retention of Official Correspondence

Records retention is a related, though distinct, area of law and policy from public records access. Correspondence records can include email, texts, or instant messages that are received or sent in a Commissioner’s official capacity. The Commission does not have a specific Records Disposition Authorization (RDA) for correspondence records, but instead relies upon the general RDAs set by the Department of Administration.

For correspondence records, it is the nature of the communication itself (not its format) that dictates how long government officials must retain the records. The Wisconsin Public Records Board has produced a helpful resource for assessing proper retention of correspondence records, and a copy is included as Attachment E.

Commissioners are responsible for retaining any public records generated on privately-controlled devices and accounts for the appropriate retention period. Correspondence records may only be disposed of under an approved RDA and only if there is not litigation, an audit, or an open records request pertaining to the records.

Type of Correspondence	Examples	Retention Period
Short-Term Routine	Unsolicited emails not related to agency business such as SPAM messages; system-generated messages; personal messages without connection to government functions; reminders about deadlines; requests for meetings/assistance; FYI announcements; simple requests for information	Event Date + 0 then destroy
Specific Program	Substantive comments or suggestions about canvass returns, recall petitions, election data, reports from local election officials, voting equipment testing, complaints/investigations, advisory opinions, litigation	Varies See agency-specific RDAs
General Correspondence	Anything specific to substantive Commission business or action	Event Date + 3 Years then transfer to WI Historical Society or UW Archives

IV. Location Costs Assessed and Prepayment Required

Once staff have created a search plan, staff will assess whether any location costs are warranted by the search plan.

The law permits the Commission to impose fees for certain “actual, necessary and direct” costs associated with responding to public records requests. Most of the grounds for cost pertain to photocopying, file conversion, and postage — items that are uncommon since most requests are searching for and producing electronic records.

The most likely grounds for assessing costs is based on the cost of locating potentially responsive records. “Locating” a record means to find it by searching, examining, or experimenting. **Important note:** Subsequent review and redaction of the record are a separate process, not included in location of the record, for which a requestor may not be charged. *Milwaukee Journal Sentinel v. City of Milwaukee*, 2012 WI 65, ¶ 29 (Abrahamson, C.J., lead opinion).

Costs associated with locating records may be charged if they total \$50 or more. Costs are calculated using the hourly rate of the lowest-paid employee who is able to perform the work, which will always be a WEC staff attorney.

Staff cannot charge for location costs when conducting email searches of current Commissioner, Administrator, or staff public accounts because the location cost for running that search program will almost always be less than \$50.

If anticipated location costs total more than \$50, staff will require prepayment from the requestor before the searches are conducted. Wis. Stat. § 19.35(3)(f). If payment is not received within 30 days, the request will be denied and closed.

V. Location and Production of Responsive Records

Once a valid request has been accepted, a search plan identified, and any location costs prepaid (if necessary), staff and affected Commissioners will conduct a search for and review of potentially responsive records.

Staff will review records within their control for responsiveness, privilege, and any other ground for withholding the record.

When reviewing potentially responsive records, Commissioners should plan to produce everything that was generated in their official capacity as a Wisconsin Elections Commissioner. Purely personal communications or other documents do not meet the definition of a record pursuant to Wis. Stat. § 19.32(2). **This is the only review that staff need Commissioners to complete.**

The *Sickel* mandamus litigation underscored that the Commission as an agency is responsible for ensuring the proper preservation of records in Commissioner control, and to provide them in response to a proper record request. If Commissioners are reviewing potentially responsive records and believe that any should be withheld or redacted, please identify those records and produce them so that staff can review.

VI. Commissioner Review of Records to be Released

Commissioners may request to review the file of records to be released either prior to request fulfillment or after the request has been fulfilled. If Commissioners request review prior to fulfillment, that review must be completed within 1 week, unless circumstances warrant additional review time. This is in order to ensure that all requests are being fulfilled as soon as practicable but without delay, as required by Wisconsin law.

VII. Post-Fulfillment Categorizing of Records by Topic

Staff will create a process by which requests can be categorized internally to make processing of similar, future requests more efficient. Occasionally, staff will receive multiple requests from more than one requestor on the same or similar topic or period of time. Staff will upgrade the internal records tracker so that similar requests can more easily be identified to avoid any unnecessary duplication of work.

Wisconsin Elections Commission Public Records Notice

Organization of the Agency

The Wisconsin Elections Commission (WEC) is responsible for administering Wisconsin's election laws. The bipartisan Commission has six appointed members: four by Legislative leaders and two by the Governor. The nonpartisan WEC staff is organized under the Administrator, ~~who holds "state public office" as defined in state statutes.~~

The Commission has designated the ~~Administrator~~ Chief Legal Counsel as the Custodian of Public Records for WEC. Members of the public may obtain access to WEC's Public Records, or obtain copies of these records, by making a request of any WEC staff member, who will direct those requests to the ~~Administrator or the Public Information Officer~~ Chief Legal Counsel.

Record Access Rights

All records retained by the WEC are available for inspection and copying, except as otherwise provided by law. The right to request public records is delineated in Wisconsin law under Wis. Stat. §§ 19.31-19.39. For more information, see the Wisconsin Department of Justice publication, "Wisconsin Public Records Law Compliance Guide (~~2015~~2024)."

Field Code Changed

Office Hours

Public records requests can be made in person at the WEC office, ~~212 East Washington Avenue, Third Floor~~ 201 West Washington Ave., Second Floor, Madison, WI 53703 or by telephone to 608-266-8005 during normal office hours: 7:45 a.m. to 4:30 p.m., Monday through Friday, except legal holidays. Requests can also be made in writing by postal mail to Public Records Requests, Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984; or by email to elections@wisconsin.gov.

Costs

The law permits WEC to impose fees for certain "actual, necessary and direct" costs associated with responding to public records requests. If no other copy fee is set by law, WEC may bill requestors \$0.15 for each photocopied page provided and \$0.07/page for content scanned and converted into electronic format. Reproduction costs will not be charged on a per-page basis if the WEC provides electronic copies of records that already existed in electronic format. WEC may charge for staff time and other actual costs to copy records from one electronic format to another electronic format and/or physical media. WEC may charge the actual cost for the physical media such as CD, DVD or thumb drive used to provide electronic records to requesters. The actual cost of postage, courier, or delivery services may be charged. The cost of locating responsive records ~~may will~~ be charged if it is \$50.00 or more and will be calculated as hourly pay rate (including fringe benefits) of the lowest-paid employee capable of performing the task multiplied by actual time expended to locate records. Requests which exceed a total cost of \$5.00 ~~may will~~ require prepayment. Requesters appearing in person to inspect hard copy original records (not electronic) may be asked to make their own copies, or WEC may make copies for requesters at its discretion. The WEC will not charge for the cost of reviewing records for possible redaction or removal of confidential information. All requests will be processed as soon as practicable and without delay.

Voter Data

Voter registration records are subject to a separate fee schedule established by statute and administrative rule. Wis. Stat. § 6.36(6), EL § 3.50, Wis. Adm. Code. The price is \$25 plus \$5 per 1,000 voter records,

rounded to the nearest 1,000. The minimum charge is \$30 and the maximum cost is \$12,500 (2.5 million or more voter records). There is no charge for statistical information about voting (e.g., the number of registered voters in a municipality or the number of absentee ballots cast in a particular county during a particular election), unless the request would require creating a custom report. For information about ordering voter data and custom reports, visit <https://badgervoters.wi.gov>.

Electronic Recordkeeping Policy

The Commission also maintains a policy for the retention of digital records in lieu of physical records. The Commission has authorized digital recordkeeping as an option, or in addition to physical copies, only when the law does not specifically require a physical copy be retained. All electronic records are retained by the Commission pursuant to Wis. Stat. § 16.61, Wis. Admin. Code Chapter 12, and the Commission’s electronic recordkeeping policy. A full copy of the Commission’s electronic recordkeeping policy can be accessed here: [LINK].

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Questions?

Questions about requests for public records should be directed to the WEC Public Information Officer at 608-267-7887 or elections@wisconsin.gov.

~~*Any costs related to staff hours spent fulfilling records requests received before 12:34 p.m. on Jan. 12, 2022 will not exceed \$30.00 per hour.~~

Commented [AS1]: I'm recommending removing this because this number (and staff member) might change often. We can provide this information as needed instead of specifically delineating it in the policy.

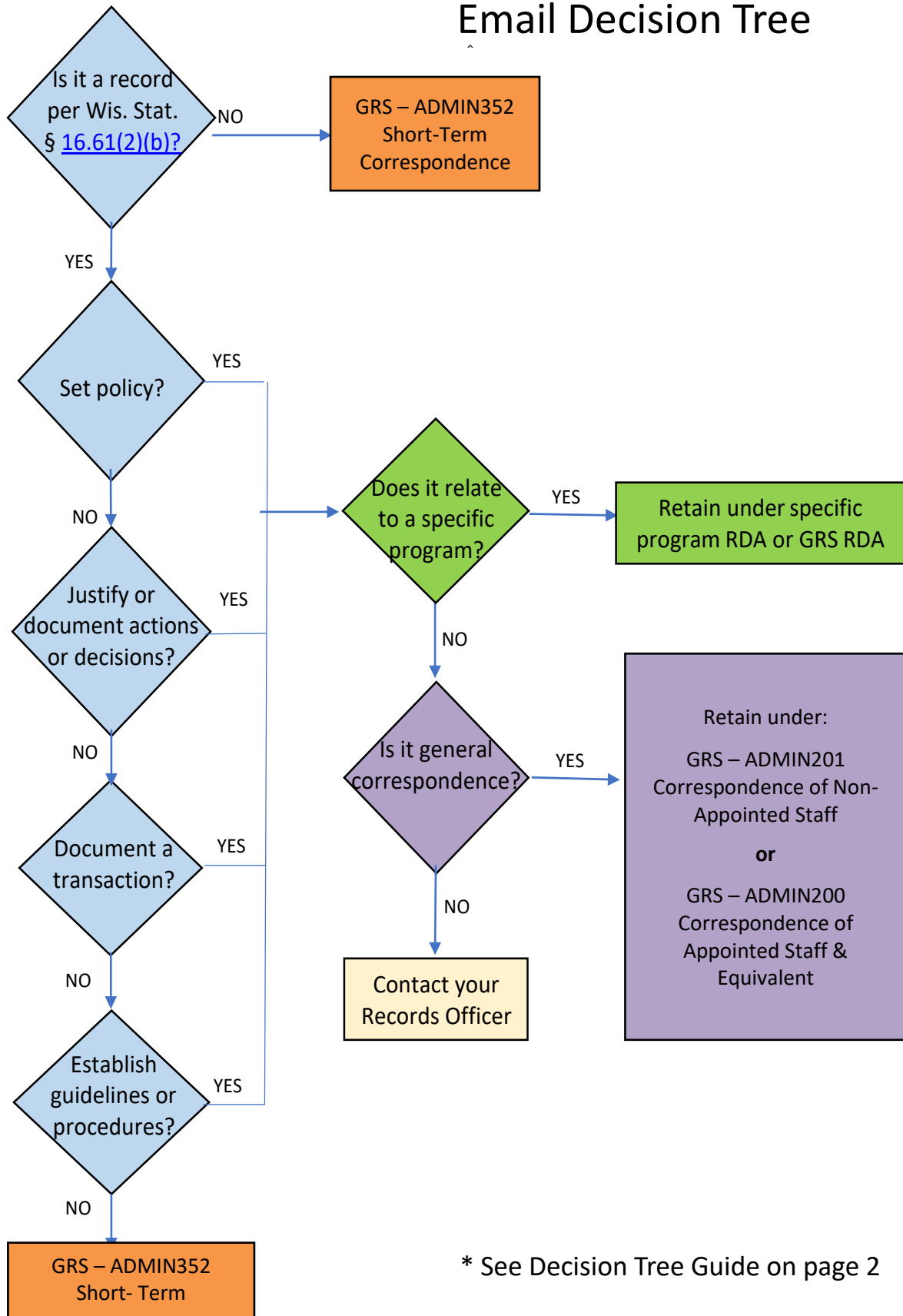
Management and Retention of Public Record Email

Best Practices

For Wisconsin State Agencies

For More Information:
<http://publicrecordsboard.wi.gov> or
 Contact Your Agency Records Officer

Email Decision Tree



* See Decision Tree Guide on page 2

Wisconsin Public Records Board (PRB): Protecting the legal, financial and historical interests of the state in public records.

Decision Tree Guide

Short-Term Routine Correspondence: Email that does not set policy, establish guidelines or procedures, document a transaction or become a receipt.

Emails typically considered public records, but have very short-term value:

- *Unsolicited emails not related to agency business such as SPAM messages from commercial or non-government entities.*
- *System-generated messages such as messages about computer system issues or automated reminders.*
- *Personal messages with content that has no connection to government functions.*

Examples: Reminders about deadlines; Requests for meetings/assistance; “For your information” announcements; simple requests for information

Program-Related Correspondence: Email related to specific programs that have other records retention requirements.

Examples - Case/Client Information; School lunch programs; Animal 4-H judges certifications; Petroleum spill cleanup; Professional licensing; Continuing education

Business-Related Correspondence: Email that directly relates to an employee’s regularly assigned duties and functions.

Examples: Interprets or executes policy; Documents substantive meetings; Facilitates organization action or process; Conveys an action; Supports a transaction; Supports or conveys a decision; Documents accountability

Emails typically NOT considered public records include:

- *Identical copies of original messages that are in the custody of the same state agency or local unit and are maintained only for convenience or reference.*
- *When messages are held by at least two employees of the same organization employees must determine who holds the copy (a non-record) and who holds the original (public record).*

How Do I Manage My Emails?

Most emails created or received by public employees are public records and must be managed in a way consistent with state law and approved records schedules.

Proper email management is achieved by understanding:

- how long emails need to be maintained (retention period)
- in what circumstances the messages can be deleted permanently (disposition)
- when email should transfer to the appropriate archival repository for preservation (disposition)

To ensure emails are kept for the legally required period, retention decisions must be based on the content of the email message and the record schedule that pertains to that content.

Note: Your agency may **only** legally dispose of records as approved by an authorized RDA when there is not litigation, audit, or an open records request pertaining to the records.

When a public employee terminates or transfers positions, the email they leave behind must be managed according to the appropriate records schedules. State agencies and local units must develop processes to ensure these emails are accessible by supervisors and appropriate staff in the work unit for the full retention period. Departing staff should unsubscribe to email lists and delete personal email and other non-records before leaving.

When is Email My Responsibility?

When determining who is responsible for maintaining public record emails, public employees must ask:

Are you the author of the email?

The originator, or author, of the email within the agency always holds the official record and is responsible for retaining it.

Did the email result in an action and/or decision?

Both originator and recipient should save the email if it explains, justifies, or documents an action or decision.

When the email comes from an outside entity:

The recipient responsible for action should be identified and will be responsible for retaining the email. All other recipients may delete the email as it would be considered a copy.

Note: Email messages often become “threaded,” with numerous back and forth responses among recipients. In those cases when a threaded message is complete (with no earlier information removed), all but the most recent message can be deleted.



Wisconsin Elections Commission

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DATE: For the March 7, 2025, Meeting of the Wisconsin Elections Commission

TO: Members, Wisconsin Elections Commission

FROM: WEC Legal Counsel

SUBJECT: Commission Review and Consideration of Wis. Stat. § 5.06 Complaints

Appendix 1 – EL 24-39 – Charles Hanna v. Claire Woodall et al

Appendix 2 – EL 24-107 – Beth Kreitzer v. Brad Calder

Appendix 3 – EL 24-120 – Michael Nedvidek v. Michelle Nelson

Background:

Prior to September 5, 2024, complaints filed pursuant to Wis. Stat. § 5.06 were decided by the Wisconsin Elections Commission (“the Commission”) via delegation of its authority to the Commission Administrator. However, on September 5, the Waukesha County Circuit Court, Branch 8¹, issued an order holding that this delegation of authority was unlawful, and directing the Commission to decide all future Wis. Stat. § 5.06 complaints by a vote of the Commission.

There are two complaints and draft decisions for the Commission’s review and consideration at today’s meeting, along with a recommended motion for each one. There is also one request for a withdrawal of a complaint.

Appendix 1 - EL 24-39 – Charles Hanna v. Claire Woodall et al

The complaint of Charles Hanna v. Claire Woodall et al. concerns alleged violations of Wis. Stats. §§ 7.30 and 12.13(2)(a). The Complainant alleges that he was a qualified Republican Party election inspector and that the Respondents intentionally failed to schedule the Complainant as an election inspector at a polling location for the April 2, 2024, election (“the Election”) in contravention of Wis. Stat. § 7.30 and in violation of Wis. Stat. § 12.13(2)(a). In addition, the Complainant alleges that the Respondents’ application form (“Application”) improperly prohibits individuals who have previously committed a felony from serving as election inspectors in violation of Wis. Stat. § 7.30(2)(a).

Commission legal staff reviewed the complaint, the response, and the reply. In short, and as detailed by the proposed decision letter in Appendix 1, Commission legal counsel recommend that the Commission find that there is not probable cause to believe that the Respondents violated Wis. Stat. §§ 7.30(2)(a) by

¹ Pellegrini v. Wisconsin Elections Commission, Case No. 2022CV001656, Decision and Order (September 5, 2024).

failing to schedule the Complainant as an election inspector at a polling location for the election at issue. However, legal counsel also recommend that the Commission find that the Application currently used by the Respondents prohibits individuals who have been pardoned for a felony from serving as election inspectors in contravention of Wis. Stat. § 7.30(2)(a). Finally, legal counsel recommend that the Commission not consider the Wis. Stat. § 12.13(2)(a) allegations in the instant matter, because Wis. Stats. §§ 5.05 and 5.06 processes cannot be combined.

Recommended Motion for Hanna v. Woodall et al: The Commission has reviewed the proposed draft decision letter in **Appendix 1** and summarily decides this matter pursuant to Wis. Stat. § 5.06(6) by adopting the proposed decision letter in full. The Commission directs staff to immediately transmit a copy of this order to the parties.

Appendix 2 - EL 24-107 – Beth Kreitzer v. Brad Calder

The complaint of Beth Kreitzer v. Brad Calder pertains to alleged violations of Wis. Stats. §§ 6.87(3)(a), (d), and (4)(b), and 7.15(1)(cm). The Complainant, who is in New Zealand, alleges that the Respondent violated her rights under Wis. Stats. §§ 6.87(3)(a), (d), and (4)(b) when the Respondent provided incorrect instructions and materials for an overseas elector voting absentee. The complaint also alleges that the Respondent violated the Complainant’s rights under Wis. Stat. § 7.15(1)(cm) when the Respondent sent the requested absentee ballot later than 47 days before the 2024 General Election.

Commission legal staff reviewed the complaint. No response was received by Clerk Calder. In short, and as detailed more extensively in the proposed draft decision letter, Commission legal counsel recommend that the Commission find that the Complainant did show probable cause to believe that a violation of law or abuse of discretion occurred with relation to the actions of Respondent Calder handling Complainant Kreitzer’s absentee ballot. Legal counsel also recommend that the Commission not consider the Wis. Stat. § 12.13(2)(a) allegations in the instant matter, because Wis. Stats. §§ 5.05 and 5.06 processes cannot be combined.

Recommended Motion for Kreitzer v. Calder: The Commission has reviewed the proposed draft decision letter in **Appendix 2** and summarily decides this matter pursuant to Wis. Stat. § 5.06(6) by adopting the proposed decision letter in full. The Commission directs staff to immediately transmit a copy of this order to the parties.

Appendix 3 – EL 24-120 – Michael Nedvidek v. Michelle Nelson et al

The complaint of Michael Nedvidek v. Michelle Nelson et al pertains allegations that the City of Kenosha Clerk did not properly conduct the pre-election day testing of the voting equipment in her jurisdiction. After the complaint was filed, and after the November 5 General Election, the Commission received correspondence from the Complainant stating that he wished to withdraw his complaint. Complainant Nedvidek explained that he wished to withdraw his complaint because: “Since Courts have been reluctant to hear post-election day cases involving voting machines issues, I filed the Complaint based on the witnesses statements so that if there did become post-election issues because of the machines there would be a formal marker in place prior to election day.” The Respondent stated she wished to join Complainant Nedvidek’s request to withdraw the complaint but also asserts that the City of Kenosha did not violate the law.

A copy of the complaint and response are included with this memo for reference. The response contained almost 600 pages of voting machine test tape scans, which staff can make available to any Commissioner or member of the public who seeks them. They were not included in your materials due to length.

“At any time before the issuance of a final decision, a complainant may file with the commission a written request to withdraw his or her complaint, specifying the reasons for the request. Upon receiving such a request, the commission may, but is not required to, issue an order dismissing the matter with or without prejudice. If the commission decides not to dismiss the case, the commission may take appropriate action, within its authority, that the commission determines will serve the public interest.” Wis. Admin. Code EL § 20.07(1).

The Commission’s decision to permit the complaint to be withdrawn is purely discretionary. Factors in favor of exercising that discretion can include the parties’ intent, mootness, and whether a live controversy exists between the parties. Factors against exercising that discretion can include legal or policy reasons to require the complaint to be resolved, such as probable cause that the Respondent took actions that were contrary to law or abused her discretion or other public interest reasons to resolve the complaint on the merits.

The Commission should decide whether the factors weigh in favor of exercising its discretion to withdraw the complaint, or whether they weigh against. Both parties support withdrawing the complaint, and the Respondents further argue that the complaint is moot since it appeared to seek corrective action prior to the November 5 General Election. Complainant Nedvidek even appears to state that the reason for withdrawing the complaint was the lack of “post-election issues because of machines.”

However, the City of Kenosha argues in its response that it interprets Wis. Stat. § 5.84(1) to mean that they are not required to test each and every piece of automatic tabulating equipment during the pre-election test. Instead, Kenosha alleges that the law only requires them to test the *type* of equipment to be used. Kenosha concedes that it did not test every piece of equipment publicly, just each type of equipment, but also alleges that each piece of equipment was “privately tested prior to the election.” Commission staff have held the position that the public testing requirements of Wis. Stat. § 5.84(1) mean that municipalities must test every piece of equipment that will be used at the upcoming election, not just a subset of each “type” of equipment.

Possible Motion 1 for Michael Nedvidek v. Michelle Nelson et al: The Commission has reviewed Complainant Nedvidek’s written request to withdraw his Wis. Stat. § 5.06(1) complaint filed against Respondent Michelle Nelson, and accordingly issues an order dismissing the matter without prejudice. Staff are directed to prepare a closure letter for the parties transmitting this order, as well as informing the parties that this matter is now resolved pursuant to Wis. Stat. § 5.06(6).

Possible Motion 2 for Michael Nedvidek v. Michelle Nelson et al: The Commission has reviewed Complainant Nedvidek’s written request to withdraw his Wis. Stat. § 5.06(1) complaint filed against Respondent Michelle Nelson, and accordingly declines to issue an order dismissing the matter for the reasons stated during discussion of this matter. Staff are directed to prepare a proposed decision letter for the Commission’s consideration at an upcoming 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

March 7, 2025

Charles Hanna
2525 S. Shore Drive, #10 E
West Allis, WI 53214

Claire Woodall
200 E. Wells St., Room 501
Milwaukee, WI 53202

Milwaukee Elections Commission
200 E. Wells St., Room 501
Milwaukee, WI 53202

Re: **Charles Hanna v. Claire Woodall et al** (EL 24–39).

Dear Mr. Hanna, Executive Director Woodall, and the City of Milwaukee Elections Commission:

This letter is in response to the verified complaint submitted by Charles Hanna (“Complainant”) to the Wisconsin Elections Commission (“Commission”), which was filed in response to actions taken by then-Executive Director Woodall¹ and the City of Milwaukee Elections Commission (“Respondents”), and concerns alleged violations of Wis. Stat. §§ 7.30 and 12.13(2)(a). The Complainant alleges that he was a qualified Republican Party election inspector and that the Respondents intentionally failed to schedule the Complainant as an election inspector at a polling location for the April 2, 2024, election (“the Election”) in contravention of Wis. Stat. § 7.30 and in violation of Wis. Stat. § 12.13(2)(a). In addition, the Complainant alleges that the Respondents’ application form (“Application”) improperly prohibits individuals who have previously committed a felony from serving as election inspectors in violation of Wis. Stat. § 7.30(2)(a).

The complaint was initially also brought by the Republican Party of Milwaukee County, in addition to Mr. Hanna. On April 24, 2024, the Administrator of the Commission partially returned this complaint pursuant to Wis. Admin. Code EL § 20.04(2), but accepted the allegations as brought by Mr. Hanna. The Administrator determined that the Republican Party of Milwaukee County was not an elector who is able to bring a complaint pursuant to Wis. Stat. § 5.06.

The Commission has reviewed the complaint, the response brief and affidavit, and the reply brief and affidavit. The Commission provides the following analysis and decision. In short, the Commission finds that there is not probable cause to believe that the Respondents violated Wis. Stat. §§ 7.30(2)(a) by failing to schedule the Complainant as an election inspector at a polling location for the election at issue. However, the Commission does find that the Application currently used by the Respondents prohibits individuals who have been pardoned for a felony from serving as election inspectors in contravention of Wis. Stat. § 7.30(2)(a).

¹ As of May 2024, Claire Woodall is no longer the Executive Director of the City of Milwaukee Elections Commission. However, since this complaint was filed while she was still in that role, and since the complaint alleges conduct and decisions that were made while she was in that role, this decision letter will continue to refer to her utilizing her former title.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

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Finally, the Commission will not consider the Wis. Stat. § 12.13(2)(a) allegations in the instant matter, because Wis. Stats. §§ 5.05 and 5.06 processes cannot be combined. Those two complaint types operate on different timelines, with unique processes, and criminal allegations and investigations are confidential. Counsel for Mr. Hanna represented to the Commission on April 16, 2024, that this complaint was intended to be a Wis. Stat. § 5.06 complaint, and so that was the process under which it was accepted and considered.

Commission Authority and Role in Resolving Complaints Filed Under Wis. Stat. § 5.06

Under Wis. Stats. §§ 5.05(1)(e) and 5.06(6), the Commission is provided with the inherent, general, and specific authority to consider the submissions of the parties to a complaint and to issue findings. In instances where no material facts appear to be in dispute, the Commission may summarily issue a decision and provide that decision to the affected parties. This letter serves as the Commission's final decision regarding the issues raised in this complaint.

The Commission's role in resolving verified complaints filed under Wis. Stat. § 5.06, which challenge the decisions or actions of local election officials, is to determine whether a local official acted contrary to applicable election laws or abused their discretion in administering applicable election laws.

Complaints "shall set forth such facts as are within the knowledge of the Complainant to show probable cause to believe that a violation of law or abuse of discretion has occurred or will occur." Wis. Stat. § 5.06(1). Probable cause is defined in Wis. Admin. Code § EL 20.02(4) to mean "the facts and reasonable inferences that together are sufficient to justify a reasonable, prudent person, acting with caution, to believe that the matter asserted is probably true."

Summary of the Complaint, Response, and Reply

The Complaint

On April 5, 2024, the Complainant filed a sworn complaint with the Commission pursuant to Wis. Stat. § 5.06 alleging that the Respondents violated Wis. Stat. §§ 7.30 and 12.13(2)(a) by intentionally failing to schedule the Complainant as an election inspector at the Election despite the Complainant's status as a qualified and appointed Republican Party election inspector.

The Complainant alleges that he is affiliated with the Republican Party and was nominated by his party to serve as an election inspector in the City of Milwaukee. He alleges that he fully qualified to serve as an election inspector. At all times leading up to the Election, the Complainant claims that he was a qualified elector in Wisconsin, resided in Milwaukee County, and was able to read and write English. The Complainant further asserts that he did not hold public office and was not a candidate for any office at the upcoming election. The Complainant alleges that he was ready, willing, and able to serve as an election inspector in the City of Milwaukee from January 1, 2024, to at least December 31, 2025. As a result, the Complainant argues that he had fulfilled each statutory requirement to become an election inspector, and the Respondents were statutorily required to schedule him to work at the Election.

The Complainant claims, however, that the Respondents failed, or otherwise refused, to schedule the Complainant to serve as an election inspector at the Election because he failed to

complete additional phases of an online portal process. The Complainant alleges that the Respondents never informed him about any aspect of the portal process before the Election and failed to notify him that the online portal process was a requirement to serve as an election inspector at the Election.

As a result, the Complainant asserts that the Respondents improperly rejected, disregarded, or ignored his appointment and had no authority to prohibit or preclude him from serving as an election inspector at the Election. Additionally, the Complainant argues that the online portal process itself improperly adds requirements to the appointment of election inspectors which are arbitrary and contrary to law.

The Complainant submitted two exhibits in addition to, and in support of, his complaint: (1) The minutes to the December 20, 2023, meeting of the MEC at which election inspectors were appointed to the 2024–25 term; and (2) the list of all the Republican nominees for election inspector who were appointed by the MEC to the 2024–25, including the Complainant.

The Response – Respondent Woodall Affidavit

On May 28, 2024, Respondent Woodall submitted her verified response. Respondent Woodall admits that the Complainant was appointed as an election inspector for the Republican Party. Respondent Woodall further admits that the Complainant was not offered training or scheduled for the Election because he failed to complete the online portal process. Specifically, Respondent Woodall asserts that the Complainant failed to complete the Employee Information Sheet, which is required for payroll and demographic-tracking purposes.

Ms. Woodall denies, however, that the Respondents failed to inform the Complainant about the online portal process. Respondent Woodall noted that the Respondents attempted to contact the Complainant twice in January, via email, asking him to complete the online Application portion of the portal process. The Complainant allegedly submitted the Application on January 30, 2024. Respondent Woodall claims that the Respondents then attempted to contact the Complainant five additional times via email before the Election asking him to complete the Employee Information Sheet. Ms. Woodall asserts that if the Complainant had completed the Employee Information Sheet, he would have been offered training in order to be scheduled to work at an election.

Ms. Woodall submitted four exhibits in addition to her verified response: (1) the full text of the MEC resolution appointing election inspectors to the 2024–25 term, which states that “[a]ll inspectors, regardless of affiliation, must complete required paperwork with the City of Milwaukee in order to work as an election inspector” and that the list of nominees are appointed “so long as they comply with required paperwork and meet the qualifications to serve”; (2) a copy of the Application; (3) a screenshot showing that “Charles Raymond Hanna” was sent email notices from the Respondents on January 30, February 12, March 5, March 18, and March 25, 2024; and (4) a copy of the Employee Information Sheet.

The Response – Respondents’ Brief

On May 28, 2024, the Respondents additionally submitted a brief through legal counsel in support of Ms. Woodall’s verified response. In the brief, the Respondents argue that the online portal process both enabled the Respondents to ensure that appointed election inspectors met

the qualifications set out in Wis. Stat. § 7.30(2) and allowed the city of Milwaukee to pay them once employed. The Respondents cite guidance² from the Commission which they interpret as authorizing municipalities to “require appointed individuals to comply with standard personnel policies and requirements, such as the submission of contact information and documents necessary to process compensation.”

The Respondents argue that the Complainant has not adequately explained why he was able to complete the Application but not the Employee Information Sheet. The Respondents point out that the Complainant does not claim to have had any specific issues with the Information Sheet and has not alleged that he reached out to Respondents for help with any part of the online portal process.

The Respondents conclude by arguing that they have not rejected, disregarded, or ignored his appointment, nor have they expressly prohibited or precluded him from serving at any future elections. Should the Complainant complete the Employee Information Sheet, the Respondents claim that he can still undergo training and work elections for the remainder of his two-year term.

The Reply – Complainant’s Affidavit

On June 7, 2024, the Complainant filed his verified reply. The Complainant states that he reviewed the inbox, spam, and deleted folders of the email address he allegedly submitted to the Respondents and was unable to find any messages from the Respondents. The Complainant further alleges that he was only able to complete the Application because he received an email from a representative of the Republican Party of Milwaukee County with a link to the form.

The Reply – Complainant’s Reply Brief

On June 7, 2024, the Complainant additionally filed a brief through legal counsel in support of the Complainant’s verified reply. In his brief, the Complainant reiterates that he received no email communications from the Respondents. Further, the Complainant points out the Respondents’ exhibits neither display the email address which the alleged notices were sent to nor show what information the notices contained.

The Complainant argues that the Respondents failed to sufficiently address his allegations that they added qualifications to the appointment of election inspectors process that are contrary to law. The Complainant specifically points out that the Application provided by the Respondents requires all applicants to answer “no” to the question “Have you ever committed a felony?” The Complainant alleges that this improperly bars those who have had their felony pardoned from serving as election officials. The Complainant further asserts that the Respondents’ failure to respond to these allegations “requires that such allegations be deemed admitted.”

The Complainant additionally argues that the Employee Information Sheet requires information which is not specifically required by statute. The Complainant specifically identifies election inspectors’ social security numbers and dates of birth as examples of information that is not relevant to statute but is required to complete the Employee Information Sheet. Collectively,

² WEC Memo – Appointment of Election Inspectors from Lists Submitted by Political Parties, October 3, 2023.
<https://elections.wi.gov/sites/default/files/documents/Partisan%20Appointment%20of%20Inspectors%20memo%2010%203%202023.pdf>

the Complainant characterizes these additional requirements as “additional qualifications” which are imposed by the Respondents in violation of Wis. Stat. § 7.30(2)(a).

Discussion:

The Complainant raises three major issues within his complaint: (1) Whether the Respondents were statutorily required to schedule the Complainant for the Election because he met all the qualifications set out in Wis. Stat. § 7.30(2)(a); (2) whether the Respondents willfully neglected or refused to perform their duty to schedule the Complainant to serve as a Republican Party election inspector at the Election; and (3) whether the Respondents have improperly added requirements or qualifications to the election inspector eligibility. The Commission will analyze each issue in turn below.

As a preliminary matter, the Commission has previously taken the position that “... a municipal clerk, or appointing body, must be able to take some reasonable steps to certify that the nominated [election inspectors] meet the qualifications of § 7.30(2), including whether an individual is a qualified elector.”³ In other words, a municipal clerk cannot simply schedule election inspectors at will from the political appointed party list without first ensuring that those individuals meet the statutory requirements to serve as election inspectors. Accordingly, to the extent that the Complainant argues that he should have been scheduled as an election inspector simply because his name appeared on the list, without completing the required paperwork for the clerk to ensure his eligibility, the Commission rejects that argument.

(1) The Respondents Were Not Required to Schedule the Complainant for the Election Because he Did Not Receive Training Prior to the Election.

While the Complainant claims that he fulfilled all the necessary qualifications to serve as an election inspector, he only mentions the qualifications for appointment as an election official laid out in Wis. Stat. § 7.30(2)(a). The Complainant neglects to mention, however, that Wis. Stat. § 7.315(1)(b)1. prohibits any individual from “serv[ing] as an [election] inspector . . . at any election unless the individual has completed training for that election provided by the municipal clerk . . . within 2 years of the election.” An exception to this rule is only permitted if an individual who has received training is unavailable to serve as an election inspector due to “sickness, injury, or other unforeseen occurrence.” Wis. Stat. § 7.315(1)(b)2.

The Respondents have not disputed, and the Commission does not question, that the Complainant meets the qualifications set out in Wis. Stat. § 7.30(2)(a). However, the Complainant has not alleged that he received training within the two years prior to the Election and denied receiving training from the Respondents after his nomination and appointment. Compl. ¶ 23. Further, the Complainant has not provided any evidence to establish that an exception to Wis. Stat. § 7.315(1)(b)1. was permitted in this case. As a result, the Commission finds that the Complainant was statutorily prohibited from serving as an election inspector at the Election.

³ Decision Letter, In the Matter of Aline Kosloski et al v. Kari Yenter (EL 23-55) (Decided April 8, 2024). Available at: <https://elections.wi.gov/resources/complaints/el-23-55-kosloski-v-yenter>.

Therefore, the Commission finds that the Complainant has not shown probable cause to believe that the Respondents violated Wis. Stat. § 7.30(2)(a) by failing to schedule the Complainant to work the Election.

(2) Brief Consideration of Allegation that the Respondents Violated Wis. Stat. § 12.13(2)(a) by Willfully Neglecting or Refusing to Perform Their Duty to Schedule the Complainant to Work the Election

The Commission need not make a finding regarding the Wis. Stat. § 12.13(2)(a) components of the complaint, as submitting a complaint alleging both Wis. Stat. §§ 5.05 & 5.06 violations renders all or a portion of the complaint insufficient as to form. However, the Commission will briefly consider this allegation and question of law, because it may be reasonable to consider the Respondents' actions to be a Wis. Stat. Chapter 7 failure as well, based on the allegations submitted by the Complainant. That said, the Wis. Stats. §§ 12.13(2)(a) & 5.05 elements cannot be formally addressed in the instant matter.

As discussed above, the Commission does not believe that the Complainant was permitted to serve as an election inspector because there is no evidence that he received training within two years of the Election. On the contrary, the Respondents, in fact, had a duty *not* to schedule the Complainant to work the Election.

To the extent that the Complainant argues that the Respondents had a duty to ensure that the Complainant was informed about the online portal process and was provided training, the Commission finds that there is not reasonable suspicion to believe that the Respondents willfully neglected or refused to perform that duty. The Respondents have provided evidence that they attempted to contact the Complainant a total of seven times regarding the online portal process. While the Complainant correctly points out that the Respondents have not provided the email address these notices were sent to, the Commission notes that he has also presented no evidence that the Respondents willfully or knowingly sent these notices to a different email address.

What is more, both parties submitted evidence into the administrative record which included the Respondents' meeting minutes and resolutions highlighting the election inspector appointment process and procedures. The resolution included a statement that all "...election inspectors and special voting deputies are appointed to a two-year term from 2024-2025 so long as they comply with required paperwork and meet the qualifications to serve..." The fact that this resolution was passed in a public meeting, and was otherwise available to the Complainant, put him on sufficient notice that there were paperwork and employment requirements. A prudent and/or reasonable person would have inquired with the Respondents about what is necessary and whether all requirements had been met.

(3) The Respondents Are Generally Permitted to Require Appointees to Fill Out the Application and Employee Information Sheet but Are Not Permitted to Prohibit Individuals with Pardoned Felonies from Serving as Election Inspectors.

The Complainant presents both a general objection to the requirement that appointed election inspectors fill out additional form, and a more specific objection to the content of the Application itself. As explained below, the Commission does not agree that requiring election inspectors to fill out forms before being offered training by a municipality creates an additional

qualification. The Commission does agree, however, that the specific content of the current Application improperly prohibits individuals with pardoned felonies from serving as election inspectors.

As a preliminary matter, the Commission does not agree that it is obligated to consider the Complainant's allegations on this matter as admitted, even if the Commission agreed that the Respondents have not properly responded to those allegations. While the Complainant correctly points out that allegations not properly denied must be accepted by a court of law, the Commission is not a court and is not governed by rules of court procedure. As a result, the Commission will fully consider and weigh each of the Complainant's allegations, regardless of whether the Commission believes the Respondents have fully responded to them. This is consistent with the past eight years of Commission practice for how it has examined the filings of both parties in the context of the administrative complaints it decides.

(a) *The Respondents Are Generally Permitted to Require Appointees to Fill Out the Application and Employee Information Sheet*

The Wisconsin Supreme Court has previously clarified that requiring individuals to provide information necessary to determine their qualifications does not create an additional qualification, even when burdensome to the individual. *League of Women Voters v. Walker*, 2014 WI 97 ¶ 28; *State ex rel. Cothren v. Lean*, 9 Wis. 279, 284 (1859). There is, however, no binding judicial precedent which specifically addresses whether individuals may be required to provide information that is *not* necessary to determine qualification.

Municipalities are permitted to compensate election inspectors that work elections held within the municipality. Wis. Stat. § 7.03(1)(b). All election inspectors are assumed to be working for compensation unless they explicitly decline compensation in writing. Wis. Stat. § 7.03(1)(a). Municipalities are further permitted to compensate election inspectors for their time spent at training programs. *Id.*

Of the information requested in the Application, some is obviously necessary to determine an appointee's eligibility. The Complainant specifically objects to submitting his date of birth, but without this information it is difficult to imagine how the Respondents could confirm that the Complainant is old enough to vote. General questions related to the Complainant's name, address, qualification to vote, and felony status are likewise necessary to confirm that the Complainant is a qualified elector residing within Milwaukee County and is therefore eligible to serve as an election inspector.

Of the information which is not necessary to determine the Complainant's eligibility, such as the Complainant's comfort level with technology, willingness to travel, and hours of availability, the Commission does not find that these create an additional qualification in excess of statute. There is no indication that the Complainant would be prohibited from serving as an election inspector based on the content of his answer to these questions, and they provide information which serves a clear public interest in facilitating the assignment of election officials, or facilitating the specific tasks assigned within the polling place. If the Complainant refused to specify what hours he was available or his willingness to travel, the Respondents would be forced to guess and potentially assign the Complainant to a location or for a shift he could not attend.

The Commission further finds that the Employment Information Sheet does not inherently create additional qualifications to serve as an election official. Municipalities are permitted to compensate election inspectors not only for their time working at the election, but also for their time attending training. While the Complainant specifically challenges the Respondents' ability to require appointees to provide their social security number, it is entirely reasonable to ask an election inspector to provide their social security number if the election inspector wishes to be paid for their work. Further, the Complainant is only required to provide their social security number if they wish to receive compensation. If the Complainant wishes to volunteer instead, the Employee Information Sheet makes it clear that he does not need to list his social security number.

To the extent that the Complainant objects to providing his demographic or contact information, the Commission would like to point out that the burden imposed by this requirement is minimal. The Complainant has provided no evidence that his answers to any of the questions would have any impact on his ability to be scheduled for an election. Further, the information provided serves a public purpose by helping the Respondents identify the demographics of election inspectors.

Therefore, the Commission finds that the Complainant has not shown probable cause to believe that the Respondents violated Wis. Stat. § 7.30(2)(a) by requiring the Complainant and other election inspectors to complete the Application and Employee Information Sheets.

That being said, the Commission believes that the Respondents should consider more clearly indicating which fields on the Application and Employee Information Sheets are mandatory and which are optional. The Respondents should also consider updating this paperwork to explain that the answers to certain questions are not being made for the purpose of election inspector eligibility so that potential inspectors better understand why they are being asked to provide each piece of information.

(b) The Respondents Are Not Permitted to Prohibit Individuals with Prior Felonies from Serving as Election Inspectors

Wis. Stat. § 7.30(2)(a) sets out the qualifications for election inspectors. While all election inspectors are required to be legally able to vote in the county of the municipality they serve, there is no explicit requirement that they have no felony convictions. Wis. Stat. § 7.30(2)(a). Individuals who have been convicted of a felony lose their right to vote while serving their sentence but have their rights automatically restored if they receive a pardon or after they have completed their term of imprisonment, extended supervision, parole, or probation. Wis. Stat. §§ 6.03(1)(b), 304.078(3). As a result, individuals who have previously been convicted of a felony and have either received a pardon or completed their sentence are legally permitted to serve as election inspectors.

The Application currently requires all appointees to affirm that they have *never* been convicted of a felony to work as an election inspector. The form does not provide the option for appointees to state that they have been convicted of a felony but have completed their sentence or have received a pardon. Admittedly, there is no evidence that the Respondents have barred any appointed election inspectors from working at the polls because they were previously convicted of a felony. However, the content of the question clearly sets a qualification to serving as an election inspector that far exceeds those set in statute.

Therefore, the Commission finds that the Complainant has shown probable cause to believe that the Respondents violated Wis. Stat. § 7.30(2)(a) by requiring election inspectors to assert that they have never been convicted of a felony.

Commission Decision

Based on the above review and analysis, the Commission does not find probable cause to believe that a violation of law or abuse of discretion occurred regarding the Respondents' failure to schedule the Complainant to work the Election or the Respondents' requirement that election inspectors complete both the Application and Employee Information Sheet.

However, the Commission does find probable cause to believe that the portion of the Application requiring election inspectors to attest that they have never been convicted of a felony violates Wis. Stat. § 7.30(2)(a). The Commission thus orders the Respondents to either remove that portion of the Application or provide election inspectors who have been convicted of a felony the opportunity to specify in the Application that they have had their right to vote restored.

Right to Appeal – Circuit Court

This letter constitutes the Commission's resolution of these complaints. Wis. Stat. § 5.06(2). Pursuant to Wis. Stat. § 5.06(8), any aggrieved party may appeal this decision to circuit court no later than 30 days after the issuance of this decision.

If any of the parties should have questions about this letter or the Commission's decision, please feel free to contact the Commission at 608-266-8005 or elections@wi.gov.

Sincerely,

WISCONSIN ELECTIONS COMMISSION



Law Firm of
CONWAY, OLEJNICZAK & JERRY, S.C.

Since 1976

April 9, 2024

Attorney Kurt A. Goehre
KAG@lcojlaw.com

VIA U.S. MAIL & E-MAIL

Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707-7984
E-mail: elections@wi.gov

Re: Complaint in *Charles Hanna et al. v. Claire Woodall et al.*

Dear Commission:

Enclosed with this correspondence is a complaint under Wis. Stat. § 5.06 against Claire Woodall, in her capacity as executive Director of the Milwaukee Election Commission, and the Milwaukee Election Commission. I further certify that we sent a copy of this correspondence and the enclosed complaint to the Respondents via e-mail and U.S. mail pursuant to Wis. Admin. Code § EL 20.03(6).

Please do not hesitate to contact me with any questions. Thank you.

Very truly yours,

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C.

By: *Electronically signed by Kurt A. Goehre*
Kurt A. Goehre

Enclosures
4967945

**STATE OF WISCONSIN
ELECTIONS COMMISSION**

COMPLAINT FORM

Please provide the following information about yourself:

Name Charles Hanna
Address 2525 S. Shore Drive #10E, Milwaukee, WI 53207
Telephone Number 920-437-0476 (counsel)
E-mail kag@lcojlaw.com (counsel)

**State of Wisconsin
Before the Elections Commission**

The Complaint of Charles Hanna and the Republican Party of Milwaukee County
_____, Complainant(s) against
Claire Woodall & Milwaukee Election Commission, Respondent, whose
address is see attached verified complaint.

This complaint is under Wis. Stat. ss. 7.30, 12.13(2)(a) (Insert the applicable sections of law in chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing)

I, [Name] and the Republican Party of Milwaukee County, allege that:

(see attached verified complaint)

(Set forth in detail the facts that establish probable cause to believe that a violation has occurred. Be as specific as possible as it relates to dates, times, and individuals involved. Also provide the names of individuals who may have information related to the complaint. Use as many separate pages as needed and attach copies of any supporting documentation.)

Date: 04/05/2024

Charles Hanna
Complainant's Signature

I, Charles Hanna, 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.

Charles Hanna
Complainant's Signature

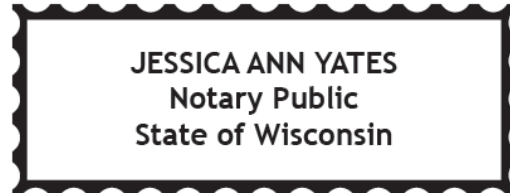
STATE OF WISCONSIN

County of Brown,
(county of notarization)

Sworn to before me this 5 day of

April, 2024.

Jessica Ann Yates
(Signature of person authorized to administer oaths)



My commission expires 9/15/2025, or is permanent.

Notary Public or Remote Online Notary
(official title if not notary)

This notarial act was an online notarization.
This notarial act involved the use of communication technology.

Please send this completed form to:

Mail: Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707-7984

Fax: (608) 267-0500

Email: elections@wi.gov

**STATE OF WISCONSIN
ELECTIONS COMMISSION**

COMPLAINT FORM

Please provide the following information about yourself:

Name Hilario Deleon - Chairman of Republican Party of Milwaukee County

Address 801 S. 108th Street, West Allis, Wisconsin 53214

Telephone Number 920-437-0476 (counsel)

E-mail kag@lcojlaw.com (counsel)

**State of Wisconsin
Before the Elections Commission**

The Complaint of Charles Hanna and the Republican Party of Milwaukee County

_____, Complainant(s) against

Claire Woodall & Milwaukee Election Commission, Respondent, whose

address is see attached verified complaint.

This complaint is under Wis. Stat. ss. 7.30, 12.13(2)(a) (Insert the applicable sections of law in chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing)

I, [Name] and the Republican Party of Milwaukee County, allege that:

(see attached verified complaint)

(Set forth in detail the facts that establish probable cause to believe that a violation has occurred. Be as specific as possible as it relates to dates, times, and individuals involved. Also provide the names of individuals who may have information related to the complaint. Use as many separate pages as needed and attach copies of any supporting documentation.)

Date: 4/9/24

[Signature]
Complainant's Signature

I, Hilario Deleon, 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.

Hilario Deleon

[Signature]
Complainant's Signature

STATE OF WISCONSIN

County of MILWAUKEE,
(county of notarization)

Sworn to before me this 9 day of

APRIL, 2024.

[Signature]

(Signature of person authorized to administer oaths)

My commission expires 02/06/2024, or is permanent.

Notary Public or _____
(official title if not notary)



Please send this completed form to:

Mail: Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707-7984

Fax: (608) 267-0500

Email: elections@wi.gov

STATE OF WISCONSIN
BEFORE THE WISCONSIN ELECTIONS COMMISSION

CHARLES HANNA,
2525 S. Shore Drive, #10 E
Milwaukee, Wisconsin 53207

and

REPUBLICAN PARTY OF
MILWAUKEE COUNTY,
801 S. 108th Street
West Allis, Wisconsin 53214

Complainants,

v.

CLAIRE WOODALL
Executive Director, Milwaukee Election Commission
City Hall, 200 E. Wells St., Room 501
Milwaukee, Wisconsin 53202

and

MILWAUKEE ELECTION COMMISSION
City Hall, 200 E. Wells St., Room 501
Milwaukee, Wisconsin 53202,

Respondents.

VERIFIED COMPLAINT

Complainants, Charles Hanna and the Republican Party of Milwaukee County, bring this Verified Complaint against Respondent Executive Director of the Milwaukee Election Commission, Claire Woodall, and Respondent Milwaukee Election Commission alleging as follows:

THE PARTIES

1. Complainant Charles Hanna is a U.S. citizen, over the age of 18 years old, and is a registered voter and qualifies as an elector within the meaning of Chapters 5 and 6 of the Wisconsin Statutes.

2. At all times relevant hereto, Complainant Charles Hanna has resided and continues to reside in Milwaukee County in the City of Milwaukee, Wisconsin.

3. At all times material hereto, Complainant Charles Hanna is able to read and write the English language, has a general knowledge of election laws in Wisconsin, and is capable of, and is of sound mind and able to, understand directives related to election administration.

4. At all times material hereto, Complainant Charles Hanna is not and has not been a candidate for any office to be voted for at an election in Milwaukee, and does not hold any public office.

5. Complainant Republican Party of Milwaukee County (“Republican Party”) has offices located at 801 S. 108th Street, West Allis, Wisconsin 53214. The Republican Party has numerous members who reside in the City of Milwaukee and, furthermore, is responsible for nominating election inspectors in the City of Milwaukee pursuant to Wis. Stat. § 7.30 and has an interest in assuring that the appointment process of those nominated by Republican Party is conducted in accordance with the laws of the State of Wisconsin. Complainant Charles Hanna and the Republican Party are collectively referred to as “Complainants.”

6. Respondent Claire Woodall is the Executive Director of the Milwaukee Election Commission as set forth in Wis. Stat. § 7.21(2). Ms. Woodall is an “election official” within the meaning of Chapters 5 and 6 of the Wisconsin Statutes.

7. Respondent Milwaukee Election Commission (the “MEC”), carries out all powers and duties under chs. 5 to 12, Wis. Stats., pursuant to Wis. Stats. §§ 7.20 and 7.21, as well as powers and duties regarding approving and appointing election inspectors nominated by the two major political parties pursuant to Wis. Stats. § 7.30. Claire Woodall and the MEC are, collectively, referred to as “Respondents.”

JURISDICTION

8. This suit is brought against Respondent Claire Woodall in her official capacity as Executive Director of MEC and the Respondent MEC under Wis. Stat. § 5.06 which provides that:

Whenever any elector of a jurisdiction or district served by an election official believes that a decision or action of the official or the failure of the official to act with respect to any matter concerning nominations, qualifications of candidates, voting qualifications, including residence, ward division and numbering, recall, ballot preparation, election administration or conduct of elections is contrary to law, or the official has abused the discretion vested in him or her by law with respect to any such matter, the elector may file a written sworn complaint with the commission requesting that the official be required to conform his or her conduct to the law, be restrained from taking any action inconsistent with the law or be required to correct any action or decision inconsistent with the law or any abuse of the discretion vested in him or her by law.

PERTINENT STATUTES

9. Election inspectors are the individuals authorized by statute to, among other things, work, oversee, and administer elections at polling places on Election Day. Wis. Stat. § 7.37.

10. In order to qualify to be an election inspector, a person must be a qualified elector of the county in which they intend to serve as an election inspector; be able to read and write the English language; be capable, and be of good understanding; and may not be a candidate for any office to be voted for at an election at which they serve. Wis. Stat. § 7.30(2)(a).

11. The process of nominating and appointing election inspectors is governed by Wis. Stat. § 7.30.

12. Among other things, Wis. Stat. § 7.30(4) and its subparts provide that both the two major political parties, generally the Republican and Democratic parties, whose candidates for governor or president at the last general election received the largest number of votes at an individual polling place, may submit a certified list of election inspector nominees to a municipal governing body on or before November 30th of an odd-numbered year, and certify that the nominees have been contacted by the party and that these nominees have agreed to serve as an election official.

13. Each political party may submit names of election inspector nominees equal to at least the number of election inspectors to which the party is entitled for each polling place pursuant to Wis. Stat. § 7.30(1)(a) and, furthermore, the political party whose candidate received the largest number of votes at each polling place is entitled to one more inspector than the party whose candidate received the next largest number of votes at that polling place for governor or president during the last general election. Wis. Stat. §7.30(2)(a).

14. Thereafter, a municipal governing body or board of election commissioners (as applicable) shall then appoint election inspectors to a two-year term on or before December 31st of an odd-numbered year. Wis. Stat. § 7.30(4)(a), (b)1., (b)2.

15. Wis. Stat. § 7.30(4)(c) further provides that as long as “nominees are made available by the political parties . . . , appointments may be made only from the lists of nominees submitted” by the political parties. *See also* Wis. Elec. Comm’n, *Memorandum: Appointment of Election Inspectors from Lists Submitted by Political Parties*, p. 4, Oct. 3, 2023, located at: <https://elections.wi.gov/sites/default/files/documents/Partisan%20Appointment%20of%20Inspec>

[tors%20memo%2010%203%202023.pdf](#) (“When lists of Election Inspector nominees are submitted by one or both Parties, appointments must be made from the lists submitted by the Party for as long as Election Inspector positions are available.”)

16. More to the point, “[i]f party lists have been timely received, positions must be filled from the lists until the names on those lists have been depleted.” *Id.*

THE FACTS

17. Complainant Charles Hanna is affiliated with the Republican Party and was previously nominated by the Republican Party, the county committee for one of the two recognized political parties in Wisconsin, to serve as an election inspector in the City of Milwaukee pursuant to Wis. Stat. §§ 7.30(2) and 7.30(4)(b).

18. Along with the Complainant Charles Hanna, the Republican Party nominated, and provided to the Respondents, a certified list of over two hundred and fifty (250) names of qualified individuals to serve as election inspectors in the City of Milwaukee and confirmed that said individuals were contacted by the Republican Party and agreed to serve as election inspectors prior to their nomination.

19. Prior to his nomination to serve as an election inspector, Complainant Charles Hanna confirmed to the Republican Party that he was ready, willing, and able to serve as an election inspector in the City of Milwaukee from January 1, 2024 to at least December 31, 2025.

20. On or about December 20, 2023, Complainant Charles Hanna was approved and appointed to serve as an election inspector in the City of Milwaukee. Attached as **Exhibit A** is a copy of the published meeting minutes from the December 20, 2023 meeting of MEC. Attached as **Exhibit B** is a copy of the record of the December 20, 2023 MEC resolution appointing

Republican Inspectors and a copy of the list of Republican Inspector Appointees, including the Complainant Charles Hanna.

21. Despite being qualified, nominated, and appointed, Complainant Charles Hanna was never contacted by Respondents to serve as an election inspector in the City of Milwaukee at any polling location for the April 2, 2024 election.

22. Complainant Charles Hanna was never provided with notice from Respondents of Complainant Charles Hanna's appointment and was never asked to sign or file an official oath pursuant to Wis. Stat. § 7.30(5) since his nomination and/or appointment.

23. Complainant Charles Hanna was never asked by Respondents to attend training sessions related to serving as an election inspector since his nomination and/or appointment.

24. Likewise, Respondents failed to contact and schedule numerous other qualified, nominated, and appointed Republican Party election inspectors to serve as election inspectors in the City of Milwaukee at any polling location for the April 2, 2024 election.

25. As of the date of this complaint, and upon information and belief, only forty nine (49) previously nominated and appointed Republican Party election inspectors were contacted by Respondents and scheduled to work at polling locations in the City of Milwaukee for the April 2, 2024 election, which is only a small fraction of the Republican Party election inspectors who were nominated and appointed.

26. To the contrary, and upon information and belief, the Respondents have nominated, appointed, and scheduled almost two hundred (200) Democratic Party election inspectors and over one thousand (1000) unaffiliated election inspectors to serve at polling locations in Milwaukee for the April 2, 2024 election—even though over two hundred (200)

Republican Party election inspectors were properly nominated and available to work as election inspectors in the City of Milwaukee.

27. When questioned about concerns that Republican Party election inspectors, including Complainant Charles Hanna, were not being scheduled and were being arbitrarily denied the ability to serve as election inspectors in the City of Milwaukee on April 2, 2024, Respondent Claire Woodall indicated that it was largely due to a new online portal that Respondents were utilizing and, as she alleged, failures of such election inspectors to complete the additional “phases” of that online portal process, which she indicated were conditions to serving as election inspectors.

28. Respondents failed to adequately and timely explain to Complainant Charles Hanna and Republican Party election inspectors this new online portal process, the necessary “phases” or steps required to actually serve as an election inspector, and/or the consequences if the additional “phases” or steps were not completed.

29. Regardless, Respondents have no authority to unilaterally reject, disregard, or ignore properly appointed election inspectors, such as Complainant Charles Hanna.

30. Likewise, Respondents have no authority to prohibit or preclude Complainant Charles Hanna and other properly appointed election inspectors from working at polling locations in the City of Milwaukee.

31. Upon information and belief, unaffiliated and Democrat Party election inspectors (i) received information from Respondents in order to complete the new online portal process that was not provided to Complainant Charles Hanna and Republican Party election inspectors, and/or (ii) received more favorable treatment than Complainant Charles Hanna and Republican

Party election inspectors in relation to serving as election inspectors at polling locations in the City of Milwaukee for the April 2, 2024 election.

THE CLAIMS

I. Respondents Violated Wis. Stat. §§ 7.30 and 12.13(2)(a) By Denying Complainant Charles Hanna the Ability to Serve as an Election Inspector.

32. Respondents are required to approve and appoint Complainant Charles Hanna, and other qualified nominees submitted by the Republican Party, to serve as election inspectors in the City of Milwaukee for the April 2, 2024 election.

33. Complainant Charles Hanna satisfied all conditions precedent to becoming an election inspector in the City of Milwaukee for the April 2, 2024 election.

34. Despite being a qualified, nominated, and appointed election inspector for the City of Milwaukee, the Respondent has failed or otherwise refused to schedule Complainant Charles Hanna, as well as other qualified Republican Party election inspectors, to serve as an election inspector at any polling location for the April 2, 2024 election.

35. At all times material, Complainant Charles Hanna, and other nominated and qualified Republican Party election inspectors, were ready, willing, and able to serve as election inspectors in the City of Milwaukee and Respondents failed, or otherwise refused, to properly appoint, schedule, and/or allow Complainant Charles Hanna and such Republican Party election inspectors to serve as election inspectors in the City of Milwaukee for the April 2, 2024 election.

36. Respondents have improperly added requirements, procedures, and/or other conditions to the appointment of election inspectors process that are arbitrary, not based on the express provisions of the Wisconsin Statutes, and, in fact, are contrary to law and have resulted in Complainant Charles Hanna and others losing their ability to serve as election inspectors in the City of Milwaukee for the April 2, 2024 election.

37. Upon information and belief, Respondents have knowingly failed to schedule or place Complainant Charles Hanna and other Republican Party election inspectors to serve as election inspectors in the City of Milwaukee for the April 2, 2024 election by utilizing arbitrary and improper procedures to effectively eliminate them from consideration or the further ability to serve as an election inspector.

38. Upon information and belief, Respondents have made it more difficult for Complainant Charles Hanna and Republican Party election inspectors to serve as election inspectors in the City of Milwaukee for the April 2, 2024 election when compared to unaffiliated election inspectors or the Democrat Party election inspectors.

39. Additionally, Respondents have appointed, scheduled, and/or allowed unaffiliated election inspectors to serve as election inspectors in the City of Milwaukee during the April 2, 2024 election even though numerous qualified Republican Party election inspectors who were nominated, and supposedly appointed, are ready, able, and willing to serve as election inspectors in the City of Milwaukee during the April 2, 2024 election, which violates Wis. Stat. § 7.30.

40. Regardless, Respondents have no authority to unilaterally reject, disregard, or ignore qualified and properly appointed Republican Party election inspectors, such as Complainant Charles Hanna; and have no authority to prohibit or preclude Complainant Charles Hanna and other qualified and properly appointed Republican Party election inspectors from working at polling locations in the City of Milwaukee.

41. Based on the foregoing, Respondents have violated Wis. Stat. § 7.30 by failing to properly appoint, schedule, and/or allow Complainant Charles Hanna to serve as an election inspector in the City of Milwaukee during the April 2, 2024 election.

42. Upon information and belief, Respondents will continue to violate the law and the rights of Complainant Charles Hanna and others in relation to appointment of election inspectors in the City of Milwaukee.

43. Additionally, Respondents have violated Wis. Stat. § 12.13(2)(a) by acting with willful neglect and/or otherwise refusing to perform their duties pursuant to Wis. Stat. § 7.30, including, among other things, appointing, scheduling, and/or allowing Complainant Charles Hanna to serve as an election inspector in the City of Milwaukee during the April 2, 2024 election.

PRAYER FOR RELIEF

WHEREFORE, the Complainants requests the following relief:

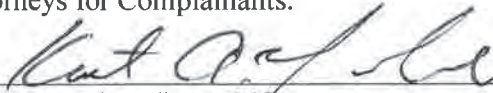
- A. A finding and declaration that Respondents have violated Wis. Stat. § 7.30 by failing to properly appoint, schedule, and/or allow Complainant Charles Hanna to serve as an election inspector in the City of Milwaukee during the April 2, 2024 election.
- B. A finding and declaration that Respondents' acted with willful neglect and/or otherwise refused to perform their duties prescribed in Wis. Stat. § 7.30, in violation of Wis. Stat. § 12.13(2)(a).
- C. That Respondents be directed to conform their conduct to the law as described above, be restrained from taking any action inconsistent with Wis. Stat. § 7.30, as set forth above, and be required to correct any other process, notice, policy, procedure, and/or communication that are inconsistent with applicable law—including, but not limited to, the new online portal utilized by Respondents.
- D. That in the future—including during the 2024 general election—Respondents Claire Woodall and the MEC be ordered to comply with Wis. Stat. § 7.30 and appoint,

schedule, and allow Complainant Charles Hanna, and any other qualified election inspector nominated by the Republican Party, to serve as election inspectors at polling locations in the City of Milwaukee.

E. Such equitable and other relief as is just and appropriate.

Respectfully submitted this 5th day of April, 2024.

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C.
Attorneys for Complainants.



Kurt A. Goehre (#1068003)
231 South Adams Street
P.O. Box 23200
Green Bay, WI 54305-3200
Telephone: (920) 437-0476
Facsimile: (920) 437-2868
E-mail: kag@lcojlaw.com

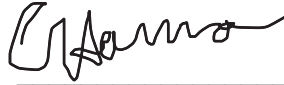
834215 016:4952788

State of Wisconsin

County of Brown

The Complainant, Charles Hanna, being first duly sworn, states that he has personally read the above complaint, and that the above facts and allegations are true and correct to the best of [his/her] knowledge and belief.

Subscribed and sworn before me this 05 day of April, 2024.

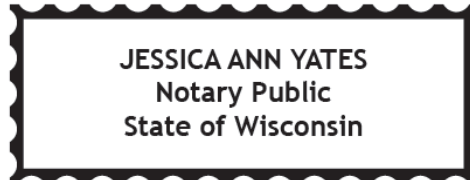


Charles Hanna

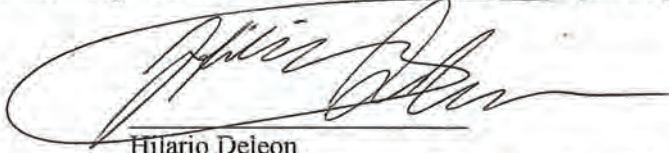
This notarial act was an online notarization.
This notarial act involved the use of communication technology.



Jessica Ann Yates
Remote Online Notary
Notary Public, Wisconsin
My Commission expires 09/15/2025



The undersigned, Hilario Deleon, on behalf of Complainant, Republican Party of Milwaukee County, being first duly sworn, states that he has personally read the above complaint, and that the above facts and allegations are true and correct to the best of [his/her] knowledge and belief.



Hilario Deleon
Chairman and Authorized Representative of the
Republican Party of Milwaukee County

Subscribed and sworn to before me
this 9 day of April, 2024.



Notary Public, State of Wisconsin
My commission EXPIRES 02/06/2028





City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes

BOARD OF ELECTION COMMISSIONERS

TERRELL MARTIN, CHAIR
Douglas Haag and Patricia Ruiz-Cantu

Wednesday, December 20, 2023

5:00 PM

City Hall, Room 303

1 Call To Order

2 Roll Call

Present 3 - Martin, Ruiz-Cantu and Haag

3 [231340](#) Resolution appointing election inspectors and special voting deputies for the 2024-2025 term.

This Resolution was ADOPTED

4 [231354](#) Resolution approving Election Day polling places for the Spring 2024 elections.

This Resolution was ADOPTED

5 [231355](#) Communication from the Executive Director relating to 2024 Elections.

6 Adjournment

In the event that Common Council members who are not members of this committee attend this meeting, this meeting may also simultaneously constitute a meeting of the Common Council or any of the following committees: Community and Economic Development, Finance and Personnel, Judiciary and Legislation, Licenses, Public Safety and Health, Public Works, Zoning, Neighborhoods & Development, and/or Steering and Rules. Whether a simultaneous meeting is occurring depends on whether the presence of one or more of the Common Council member results in a quorum of the Common Council or any of the above committees, and, if there is a quorum of another committee, whether any agenda items listed above involve matters within that committee's realm of authority. In the event that a simultaneous meeting is occurring, no action other than information gathering will be taken at the simultaneous meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the City Clerk's Office ADA Coordinator at 286-2998, (FAX)286-3456, (TDD)286-2025 or by writing to the Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

City Hall and the Zeidler Municipal Building are accessible by "The Hop" City Hall Stations, the MCTS Green Line, Gold Line, 14, 15, 18, 19, 30, 33, and 57 bus routes. Visit <https://www.ridemcts.com/> for more information.

Bike racks are available on Water Street, Market Street, and Broadway, and a BublR Bike Share station is located on the northeast corner of Kilbourn Avenue and Water Street.

Limited parking for persons attending meetings during normal business hours is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of Kilbourn Avenue and Water Street. You must present a copy of the meeting notice to the parking cashier.

Persons engaged in lobbying as defined in s. 305-43-4 of the Milwaukee Code of Ordinances are required to register with the City Clerk's Office License Division. Registered lobbyists appearing before a Common Council committee are required to identify themselves as such. More information is available at <http://city.milwaukee.gov/Lobbying>.



Common Council Home Legislation Calendar Common Council Boards and Commissions Boards and Commission Members

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Details Reports

File #: 231340 Version: 0

Type: Resolution Status: In Commission

File created: 12/13/2023 In control: [BOARD OF ELECTION COMMISSIONERS](#)

On agenda: Final action: 12/20/2023

Effective date:

Title: Resolution appointing election inspectors and special voting deputies for the 2024-2025 term.

Sponsors: [THE CHAIR](#)

Attachments: 1. [Democrat Inspector Appointees](#), 2. [Republican Inspector Appointees](#), 3. [Unaffiliated Inspector Appointees](#)

History (1) Text

1 record Group Export

Date ▼	Ver.	Action By	Action	Result	Tally	Action Details	Meeting Details	Video
12/20/2023	0	BOARD OF ELECTION COMMISSIONERS	ADOPTED			Action details	Meeting details	Not available

REPUBLICAN PARTY APPOINTED ELECTION INSPECTORS/CHIEFS

Carol	Abuya
Hafeezah	Ahmad
Halezzah	Ahmad
Dequene	Alexander
Ammy	Alles
Lucas	Anderson
Ryan	Antczak
David	Antonio Gill Jr
C. Joan	Armour
Marie	Augusitine
George	Azeh
Sharon	Azinger
Jeanne	Baier
Brian	Baker
Michael	Ball
Jay	Bartholomew
Terri	Bartholomew
Maddy (Madison)	Bates
John	Bauer
Lesley	Bauer
John	Baus
Norm	Behling
Susan	Beresford
Sarah	Berg
Lisa	Berman
Alessandro	Berto
Karle Beth	Beske
James	Biksadski
Judy	Bintliff
Shannon	Blanks
Joshua	Bleichwehl
David	Bohne
David	Bolter
Jason	Bonow
Kirk	Bougher
Sterling	Brandenburg
Bob	Brinkman
Leroy	Buth
Timothy	Casey
Richard	Champion
Charisse	Charley
Therese	Cheski
David	Clark
Sean	Clark
Tara	Clark
Travis	Clark
Kyle	Clow
David	Cohen
Cathy	Cook
Harland	Cook Jr.
Alcipro	Deacon
Anne	Demski
Anne	Demski
Rich	Demski
Rich	Demski
Tammy	Dentice
Craig	Depies
Barbara	DeSmet
Tammy	Dopp
Richard	Drenzek

REPUBLICAN PARTY APPOINTED ELECTION INSPECTORS/CHIEFS

Gerald	Dukat
Michael	Dunn
Beth	Duray
Pamela	Eder
Helena	Ehlke
Stacy	Engl
Jim (James)	Engstrand
Stephen	Engstrand
Steve	Engstrand
Dennis	Eucke
Rose	Eucke
Curt	Evers
Timothy	Ewert
Michael	Farrell
Katherine	Fermanich
Sharon	Fischer
Margaret	Fisher Tyler
Kylie	Flores
Susan	Freundl
Jennifer	Gabriele
Justin	Gavery
Seven	Glaser
Dace	Glaz
Cate	Goemans
Michael	Gonzalez
Bill	Gorski
Sharon	Gray
Jeffrey	Groth
Susan	Gutknecht
Michelle	Haasch
Charles	Hanna
Charles R.	Hanna
Sherrie	Hannah
Dawwn	Harrison
Tarlon	Harrod
Stephanie	Hart
Joan	Hartung
Daresha	Harvey
Jesse	Heaton
Chris	Helbs
Amir	Hesamyan
Carol	Hicki
Carol	Hioki
William R.	Hittman
Joseph	Hoeller
Mike	Hoeller
Sue	Hogg
Terry	Honeck
Janet	Hoyt
Charise	Huston
Sherry	Ingram
Greg	Jablonowski
Rhonda	Jacobson
Pat	Jamrozy
Dawn	Johnson
Maura	Jozwis
Judith	Kadlec-Zielke
Art (Arthur)	Kallie
Carol	Kallie
ViaS	Karaouzas

REPUBLICAN PARTY APPOINTED ELECTION INSPECTORS/CHIEFS

Julie	Karcher
Janet	Kastelic
Rev. Thomas	Kaul
Lisa	Kellermann
Sandra	Kelly
Michelle	Kenner
Christine	Klug
Karl	Knowlton
Anna	Knueppel
Charlotte	Knueppel
Kole	Knueppel
Kon	Knueppel
Kon	Knueppel II
Virginia	Koch
Kenneth	Koltan
Rick	Kouchich
Tim	Kovacic
Susanne	Krasovich
Todd	Krohn
Gregory	Krystek
Jerome	Kunicki
Mary	Kurth
Jeffrey	Lahmann
Jeffrey	Langer
Mary Jo	Laur
William	Lethlean
Salvatore	Librizze
Julie	Librizzi
Julie	Loomis
Karl	Loresch
Sharon	Lowe
Sanya	Lyles
Louis	Mankiewicz
Albert	Martin
Antonio	Martinez
Christopher	Matysik
Shanyell	McCloud
Tim	McCormick
James	McFarland
Craig	Mengeling
Lorie	Merner
Rich	Metzger
Eugene	Mezger
Rhonda	Michaels
Daniel	Miller
Phoebe	Milner
Ernesto	Mireles
Manuel	Molina
Eddie	Moore II
Peter	Mueller
Shannon	Naujock
Lisa	Nelson
Missy	Netzel
Andrew	Newton
Robert	Nisiewicz
Vera	Nowak
Wayne	Ohlheiser
Monica	Olencheck
Nancy	Olson
Donna	Ostrowski

REPUBLICAN PARTY APPOINTED ELECTION INSPECTORS/CHIEFS

Chivas Orlando	Owens
Hector	Pagan
Cindy	Passow
Deborah	Pegorsch
Julie	Peterson
Rebecca	Pettit
Laura	Pfaff
Barbara	Pierson
Alina	Piraino
Colleen	Poggenburg
Jessica	Polacheck
Philip	Post
Nadine	Potkonjak
Deborah	Potter
Royce	Potter
Virginia	Pratt
James	Prohaska
Monica T.	Radzin
Melinda	Randa
Virginia	Randall
Joseph	Rice
Reinhard	Rittmeyer
Jennifer	Robbins
Jennifer	Robbins
Rosalind	Roberson
Lauro	Rodriguez
Carol	Roen
Bill	Rozeski
Sandra	Rubeling
Johnathan	Salazar
Julie	Samowski
Betty	Sanders
Harry	Schaubel
Pete	Schmidt
Sally	Schmidt
Kristen	Schroeder
Kathryn	Schuessler
Mike	Schuessler
Raymond	Seekins
Tracy	Sensel
Joanne	Serdynski
Joanne	Serdynski
Mos	Sher
Jerry (Jerome)	Siegmann
Mark	Skattebo
Jacqueline	Slosiarek
Linae	Smits
Wendy	Sobczyk
Wendy	Sobczyk
Brian	Spaeth
Jeffrey	Sponder
Sheila	Stapleton
Lynne	Steffen
Linda	Stein
Tom	Stocco
Michael	Sturm
Beth	Sullivan
Christopher	Swainston
Benjamin	Swobda
Al	Timm

REPUBLICAN PARTY APPOINTED ELECTION INSPECTORS/CHIEFS

Darrell	Toth
Daniel	Trivet
Chris (Christopher)	Trost
Catherine	Van Schmedema
Caprice	Veal
Espe	Villasenor
Aleksandra	Vilumsans
Fran	Wallace
Rose	Wallace
Cherie	Wamser
Tom (Thomas)	Wamser
Kelly	Weiss
Pamela	Welch-Gniot
William M.	Wenz
Cindy	Werner
Lashawnda	Westmoreland
Dennis	Wieselmann
Emilee	Wildes
Debbie	Wise
Christine (Chris)	Wodke
Julie	Wohlrabe
Joseph	Wojnarowski
Barbara	Wood
Rick	Wood
Barbara	Zacher
Natalie	Zebian
Bart	Zwitter

**STATE OF WISCONSIN
BEFORE THE ELECTIONS COMMISSION**

CHARLES HANNA,

Complainant,

v.

Case No. EL 24-39

CLAIRE WOODALL and
MILWAUKEE ELECTION COMMISSION,

Respondents.

**BRIFE AND REQUEST TO DISMISS OF RESPONDENT
CITY OF MILWAUKEE ELECTION COMMISSION**

INTRODUCTION

Respondents Claire Woodall (“Woodall”) and City of Milwaukee Election Commission (“MEC”), acting by and through Assistant City Attorney Kathryn Z. Block, hereby submits the following Brief and Verified Response of Respondent Woodall and asks the Wisconsin Elections Commission (“WEC”) to dismiss in its entirety the April 5, 2024 verified complaint (“Complaint”) of Complainant Charles Hanna, (“Hanna”).¹

FACTUAL BACKGROUND

Hanna correctly notes he was nominated by the Republican Party² to serve as an election inspector pursuant to Wis. Stat. § 7.30(4)(b)1. (Woodall Aff. ¶ 2) The Milwaukee Election Commission appointed nominated Hanna (and others nominated by the Republican Party,

¹ WEC determined the Complaint was insufficient as to the Republican Party of Wisconsin.

² Note that Hanna’s name appears twice on the list (attached to Complaint) because it was submitted by the Party twice (once as Charles Hanna and once as Charles R. Hanna – with the same contact information).

Democrat Party, and Unaffiliated election inspectors) on December 20, 2023 pursuant to Wis. Stat. 7.30(4)(b)1. (Woodall Aff. ¶ 2)

Hanna claims Respondents never provided him with notice of his appointment, never contacted to serve as an election inspector, never asked to sign or file an official oath, and never asked to attend training.³

In the Verified Response of Respondent Woodall, filed along with this Brief, she indicates that staff reached out to Hanna twice (on January 2, 2024, and January 16, 2024 via e-mail) requesting Hanna complete the City's Election Inspector Application, ("Application"). (Woodall Aff. ¶ 3) The Application requests basic biographical information including information which would go to the qualifications of the applicant. Hanna completed the Application on January 30, 2024. (Woodall Aff. ¶¶ 3-4) MEC staff then reached out to Hanna to complete the City's online worker portal, to complete an Employee Information Sheet ("Information Sheet") (in fact, sending five separate communications to Hanna to do so). (Woodall Aff. ¶ 5) The "Information Sheet" requests basic information required for payroll purposes (or to make an indication that the election inspector wishes to perform their services on a volunteer basis). (Woodall Aff. ¶ 5) Hanna never followed up in response to these communications. (Woodall Aff. ¶ 6)

ARGUMENT

Hanna makes vague assertions regarding Respondents' failures to communicate with Hanna (and another non-party) and unsupported allegations regarding favoritism shown with regard to the appointment of other election inspectors, but the fact remains, all of the new election inspectors appointed on December 20, 2023, were treated the same as Hanna. Both notice of the

³ Hanna alleges that "Respondents [also] failed to contact and schedule numerous other qualified, nominated, and appointed Republican Party election inspectors to serve as election inspectors in the City of Milwaukee at any polling location for the April 2, 2024 election," but the City notes that only Hanna is named in the Complaint.

meeting appointing election inspectors was published publicly and online on Legistar along with “the attached list of election inspectors and special voting deputies...appointed to a two-year term from 2024-2025 so long as they comply with required paperwork and meet the qualifications to serve....” Each new election inspector (whether appointed by either party or unaffiliated) on December 20, 2023 was asked to complete two separate forms – the Application and the Information Sheet. These forms requested information to enable Respondents to make sure they met the qualifications listed in Wis. Stat. § 7.30(2) (i.e., a qualified elector with residence in the city/county/state, as applicable, able to read and write English, not a holder of public office other than notary public) and further allow the City to pay these individuals, once employed. This is consistent with WEC guidance which provides: “Municipalities may require appointed individuals to comply with standard personnel policies and requirements, such as the submission of contact information and documents necessary to process compensation.”⁴

Hanna has not provided any explanation for why he apparently received (and responded to) initial communications regarding the Application, but not the Information Sheet, or for why he was able to complete the Application, but not the Information Sheet. Nor has Hanna stated that he was somehow unable to complete the Application, but not the Information Sheet, or that he reached out to Respondents, but that Respondents were unwilling to assist him. In fact, as far as Respondents are concerned, Hanna is in no way precluded from completing the Information Sheet and moving on to the training portion of the process and serving as an election inspector for the remainder of the 2024-25 term, if he successfully completes the training.

⁴ WEC Memo – Appointment of Election Inspectors from Lists Submitted by Political Parties, October 3, 2023. <https://elections.wi.gov/sites/default/files/documents/Partisan%20Appointment%20of%20Inspectors%20memo%2010%203%202023.pdf>

CONCLUSION

For the foregoing reasons, the WEC should dismiss Hanna's Complaint in its entirety.

Dated and signed at Milwaukee, Wisconsin this 28th day of May, 2024.

EVAN C. GOYKE
City Attorney

Electronically signed by Kathryn Z. Block

KATHRYN Z. BLOCK
Assistant City Attorney
State Bar No. 1029749
*Attorneys for Respondent Milwaukee
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1086-2024-659:291472

**STATE OF WISCONSIN
BEFORE THE WISCONSIN ELECTIONS COMMISSION**

CHARLES HANNA,

Complainant,

v.

Case No. EL 24-39

CLAIRE WOODALL and
MILWAUKEE ELECTIONS COMMISSION,

Respondents.

VERIFIED RESPONSE OF CLAIRE WOODALL

STATE OF WISCONSIN)
)
COUNTY OF MILWAUKEE)

I, Claire Woodall, being first duly sworn on oath, depose and state as follows:

1. I was the Executive Director of the City of Milwaukee Election Commission at all times relevant for purposes of this action. I have personal knowledge and belief as to the matters set forth below.

2. Attached as Exhibit A is a true and correct copy of the Resolution appointing Democrat, Republican, and Unaffiliated Election Inspectors passed on December 20, 2023. Charles Hanna's name appears twice (once with a middle initial and once without), but the same contact information was provided for both of these entries.

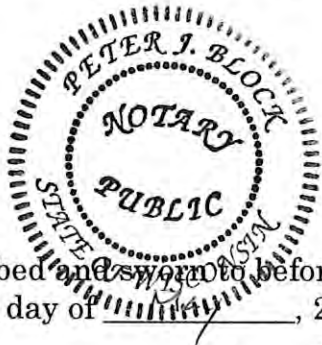
3. Hanna was contacted by MEC staff via e-mail on January 2 and 16th 2024 and asked to complete the Election Inspector Application ("Application"). (Copy


attached as Ex. B.) The Application requests contact information, election inspector qualification questions, work availability, and emergency contact information). All new election inspectors are asked to complete this form.

4. Hanna completed the Application on January 30, 2024.

5. Hanna was then contacted on 5 separate occasions via e-mail (on January 30, 2024, February 12, 2024, March 5 2024, March 18, 2024, and March 25 2024), from an online portal to complete an Employee Information Sheet, ("Information Sheet"). (Copy of Log of attempts attached at Ex. C.) All election inspectors are asked to complete this form. (A copy of the Information Sheet is attached as Ex. D.) The Information Sheet requests information required for payroll and demographic-tracking purposes.

6. If Hanna had completed the Information Sheet, he would have been offered training (either in-person or virtually).





Claire Woodall

Subscribed and sworn to before me
this 28 day of May, 2024.



Notary Public, State of Wisconsin

My commission expires: in person



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File #: 231340 **Version:** 0
Type: Resolution **Status:** In Commission
File created: 12/13/2023 **In control:** [BOARD OF ELECTION COMMISSIONERS](#)
On agenda: **Final action:** 12/20/2023
Effective date:
Title: Resolution appointing election inspectors and special voting deputies for the 2024-2025 term.
Sponsors: [THE CHAIR](#)
Attachments: 1. [Democrat Inspector Appointees](#), 2. [Republican Inspector Appointees](#), 3. [Unaffiliated Inspector Appointees](#)

[History \(1\)](#)
[Text](#)

Number
 231340

Version
 ORIGINAL

Title
 Resolution appointing election inspectors and special voting deputies for the 2024-2025 term.

Body

Whereas, Both political parties submitted lists of nominees by the November 30th deadline; and

Whereas, Neither party submitted enough nominees to staff all 180 polling places and Central Count; and

Whereas, When an insufficient number of political nominees exists the Election Commission may also appoint unaffiliated election inspectors and special voting deputies;

Whereas, All inspectors, regardless of affiliation, must complete required paperwork with the City of Milwaukee in order to work as an election inspector or special voting deputy; now, therefore, be it

Resolved, By the City of Milwaukee Board of Election Commissioners, that the attached list of election inspectors and special voting deputies are appointed to a two-year term from 2024-2025 so long as they comply with required paperwork and meet the qualifications to serve and, be it

Further Resolved, That party nominees shall be given preference when making election assignments until the nominee list is exhausted.

Drafter
 Claire Woodall
 Executive Director - Milwaukee Election Commission
 12/13/2023




ELECTION

 COMMISSION


City of Milwaukee

Election Inspector

Profile Information

Please provide your profile data with the required fields below. Use your full legal name as it appears on your social security card.

Profile Information

First Name:*

Middle Name:

Last Name:*

Suffix:

Date of Birth:*

MM/DD/YYYY



Were you nominated by a political party to serve as an Election Inspector?:*

Residential Address

Clear

Google Address Search:

Enter your address

Street Number:*

Street Direction:

Street Name:*

Please do not include house number or type of roadway [Street, Avenue, etc.]

Street Type:

Unit/Apartment Number:

City:*

State:*

Postal Code:*

Postal Address

Same as Residential Address

Address Line 1:

Address Line 2:

Address Line 3:

Country:

Language(s) spoken other than English:

Press Enter Select

Application Details

Which election(s) are you available to work? (Select all that apply):

Press Enter Select

How comfortable are you using technology (e.g. Microsoft applications, internet, email)?*

How far are you willing to travel for your assignment?*

Do you want to volunteer? (You will not receive monetary compensation for working with us if you mark yes):*

Yes No

Are you interested in working at a polling place or at central count?:*

Qualification

Are you qualified to vote? (U.S. citizen, resident of City of Milwaukee, at least 18 years of age, and not otherwise disqualified from voting):*

Yes

Have you ever been convicted of a felony?:*

No

Work Experience

Are you a current or former City of Milwaukee Employee?:*

No Yes

Availability

What are the hours you are generally available? (Select all that apply):*

Press Enter Select

Are you interested in working at an Early Voting Site?:*

No Yes

Emergency Contact

Relation:*

First Name:*

Last Name:*

Phone Number:*

Contact Info

[414-286-3491](tel:414-286-3491)

Electionworker@milwaukee.gov

City Hall, 200 E. Wells Street, Room 501,

Milwaukee, WI 53202

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Type	Sent/Printed Date & Time	Sent By	Received By
Notified by Email	03/25/2024 11:06 AM	Zuniga, Jonatan	Charles Raymond Hanna
Notified by Email	03/18/2024 02:53 PM	Zuniga, Jonatan	Charles Raymond Hanna
Notified by Email	03/05/2024 01:27 PM	Zuniga, Jonatan	Charles Raymond Hanna
Notified by Email	02/12/2024 01:53 PM	Woodall, Claire	Charles Raymond Hanna
Notified by Email	01/30/2024 11:00 AM		Charles Raymond Hanna



CITY OF MILWAUKEE
Election Commission
200 East Wells Street - Room 501
Milwaukee, WI 53202
(414) 286-3491

EMPLOYEE INFORMATION SHEET

Note: All Information asked for on this sheet is REQUIRED

****THIS FORM DOES NOT UPDATE VOTER REGISTRATION CHANGES****

Legal Name (Exactly as it appears on your Social Security card):					
Last Name		First Name			M.I.
HOME Street Address		Apt #	City	State	Zip
MAILING Street Address (If Different)			City	State	Zip
Phone Type:	Phone Number:	Choose Main Number	E-Mail Type:	E-Mail Address:	Choose Main E-mail
HOME	()	○	PERSONAL		○
MOBILE	()	○	OTHER		○
<input type="checkbox"/> I wish to VOLUNTEER. (Do not provide Social Security number below)					
<input type="checkbox"/> I wish to Receive Payment. (A copy of your Social Security Card is <u>Required</u> for payment) Social Security Number _____ - _____ - _____					
Date of Birth ____/____/____			Sex: Male or Female		
Marital Status: Divorced Married Separated Single Widowed					
Ethnic Group(s): African American/Black Asian Caucasian/White Hispanic/Latino Native American Native Hawaiian/Pacific Islander <i>(Circle all that apply and <u>underline</u> the primary/main one.)</i>					
Signature			Date		

<input type="checkbox"/> Updated in Database	Office Staff Initials:	Date:
<input type="checkbox"/> Updated in HRMS/ #:	Office Staff Initials:	Date:

STATE OF WISCONSIN
BEFORE THE WISCONSIN ELECTIONS COMMISSION

CHARLES HANNA,

Complainant,

Case No. EL 24-39

v.

CLAIRE WOODALL and
MILWAUKEE ELECTION COMMISSION

Respondents.

COMPLAINANT’S REPLY

Claire Woodall (“Woodall”) and the Milwaukee Election Commission (“MEC”) respond to one allegation set forth in the verified complaint (*e.g.*, that Respondents failed to schedule Charles Hanna despite him being appointed and meeting all the statutory qualifications to be an election inspector at the April 2, 2024 election) by asserting that newly appointed election inspectors were required to complete an application and information sheet, and asserting that Hanna “apparently received . . . initial communications” from the Respondents. In particular, Respondents rely on a Woodall’s affidavit that asserts that “MEC staff” sent e-mails to Hanna on January 2, 16, 30; February 12; March 5, 18, and 25. (Woodall Aff. ¶¶ 3, 5). Respondents did not attach any of the purported e-mails they contend were sent to Hanna and did not indicate what e-mail address they used to send e-mail communications to Hanna.

Contrary to Respondents’ assertions, Hanna received no e-mail communication from Respondents and the only reason he was able to locate the online application is because another Republican Party official became aware of the online application and forwarded a link to Hanna.

(See Hanna Aff. ¶¶ 2-7). Moreover, Respondents offer no explanation concerning the huge disparity between, on one hand, the small fraction of Republican Party election inspectors who were scheduled to work the polls on April 2, 2024 in Milwaukee (approximately 49 scheduled out of about 200 who were appointed) and, on the other hand, a significantly larger number of Democratic Party and unaffiliated election inspectors who were scheduled to work the polls in Milwaukee on April 2, 2024 (approximately 200 Democratic Party election inspectors and over 1000 unaffiliated election inspectors who were scheduled). As such, and based on the submissions, it is clear that Respondents violated Wis. Stat. § 7.30 as further explained below.

I. **HANNA WAS NOT SCHEDULED TO WORK THE POLLS IN MILWAUKEE ON APRIL 2, 2024, DESPITE BEING PROPERLY APPOINTED AND OTHERWISE QUALIFIED, AND THERE IS NO EVIDENCE THAT RESPONDENTS ATTEMPTED TO SCHEDULE HIM.**

It is beyond dispute that, although appointed to be an election inspector in Milwaukee on December 20, 2023, Hanna was never scheduled to work at any polling location in Milwaukee on April 2, 2024. Respondents' only explanation for their failure to schedule Hanna is to suggest that Respondents sent e-mails to Hanna—but Respondents fail to submit copies of any such e-mails, fail to describe what information was set forth in such e-mails, and fail to even identify what e-mail address they allegedly used to try and communicate with Hanna. In any event, Hanna received no such e-mails.

As a preliminary matter, Woodall's affidavit does not indicate that she sent any of the purported e-mails to Hanna. Rather, she claims that other "staff" sent e-mails or that Hanna was contacted from an unidentified "online portal," presumably operated through or by a third-party. From the face of her affidavit, it is clear that she does not have personal knowledge in relation to any e-mails allegedly sent to Hanna and, as a result, such assertions must be disregarded. *Gemini Cap. Grp., LLC v. Jones*, 2017 WI App 77, ¶ 22, 378 Wis. 2d 614, 627, 904 N.W.2d 131, 137

(“Affidavits ‘made by persons who do not have personal knowledge’ are insufficient . . . ‘and will be disregarded.’”)

In any event, it is clear that no such e-mails were ever sent to Hanna. Hanna has, again, reviewed his crayskier@gmail.com e-mail address (which is his personal e-mail and the e-mail address that was provided to Respondents when Hanna was nominated) for any such e-mails and Hanna reaffirms that he did not receive any e-mails from Respondents concerning becoming, acting, or serving as an election inspector in Milwaukee. (Hanna Aff. ¶¶ 2-4). In particular, Hanna reviewed his inbox, spam folder, and deleted folder on each and every date Respondents allege to have sent him an e-mail. (*Id.* ¶ 4). If the Respondents did send e-mails that were intended to reach Hanna, it is unquestionably clear that such e-mails never made it to Hanna’s e-mail address. (*Id.* ¶ 5).¹

Respondents also contend that Hanna completed MEC’s online application on January 30, 2024 and, as a result, Respondents apparently surmise that Hanna must have received either a January 2nd or January 16th e-mail from the Respondents. Again, it is important to reiterate that Respondents failed to produce copies of any the e-mails they purport to have sent to Hanna. Nonetheless, although Hanna did complete the online application, it was not the result of any e-mail sent by Respondents.

To the contrary, a representative of the Republican Party of Milwaukee County (“RPMC”), Sharon Foley, had e-mailed Hanna on January 30, 2024 at 9:54 a.m. notifying him (and others) after learning that Respondents required an online application to be completed prior to being able to work the polls. (Hanna Aff. ¶ 6, Ex. 1). In particular, the e-mail stated that “[i]f

¹ Furthermore, to the extent that Respondents attempt to blame an online system, third-party software, or others for any failure to communicate, Respondents are ultimately responsible for their obligations under Wis. Stat. § 7.30, which would include confirming all communications with election inspectors of necessary information, steps, or conditions to being appointed and scheduled to work at a polling location.

you have not heard from the clerk, please use the link below and sign up ASAP” and then provided a link to: <https://milwaukeekeepwp.pollchief.com/worker-portal/application>. (*Id.* Ex. 1). The e-mail from Ms. Foley of the RPMC was the only e-mail that Hanna received related to completing an online application. (*Id.* ¶ 7).

Shortly after receiving the e-mail from Ms. Foley, Hanna completed the online application through the link that Ms. Foley provided. (*Id.* ¶ 8). Thereafter, Hanna responded back to Ms. Foley at 11:09 am on the same day that he “successfully applied on line.” (*Id.* ¶ 9). Hanna did not receive any follow-up e-mail from Respondents after he completed the online application. (*Id.* ¶ 10). Hanna did not receive any “Employee Information Sheet” from Respondents after he completed the online application. (*Id.* ¶ 11)

In summary, and despite Respondents’ vague suggestions to the contrary, Hanna did not receive any communication from Respondents related to being an election inspector in Milwaukee after he was appointed on December 20, 2023. The only e-mail he received related to completing an online application was from the RPMC and, once he completed the online application, he received absolutely no follow up from Respondents and was never scheduled to work the polls on April 2nd in Milwaukee. As such, whatever purported process Respondents are utilizing in relation to scheduling Hanna and other Republican Party election inspectors, it is clear that said process is preventing Hanna and other Republican Party election inspectors from actually being scheduled to work the polls. Moreover, Hanna had, and continues to have, a right to work the polls in Milwaukee before any unaffiliated election inspector pursuant to Wis. Stat. § 7.30(4)(c).²

² Since Respondents have now provided the “Employee Information Sheet” to Hanna, and represented that if Hanna completes and returns the same he will not be precluded from “moving on to the training portion of the process and serving as an election inspector for the remainder of the 2024-25 term, if he successfully completes the training,” counsel for Hanna will be providing Hanna’s completed Employee Information Sheet to Respondents.

II. RESPONDENTS FAILED TO RESPOND TO THE ADDITIONAL ALLEGATIONS, WHICH SHOULD BE DEEMED ADMITTED.

Respondents fail to respond to the allegations that they violated Wis. Stat. § 7.30 since they “have improperly added requirements, procedures, and/or other conditions to the appointment of election inspectors process that are . . . contrary to law” (Compl. ¶36); that they have “made it more difficult for Complainant Charles Hanna and Republican Party election inspectors to serve as election inspectors” in Milwaukee (*Id.* ¶ 38); that, despite the Republican Party nominating over 250 individuals, who were thereafter appointed, only 49 Republican Party appointees who were actually scheduled to work the polls, which is substantially less than the almost 200 Democratic Party election inspectors and over 1000 unaffiliated election inspectors who were scheduled to work the polls on April 2, 2024 (*Id.* ¶¶18-20, 25-26). Respondents failure to respond to the foregoing material allegations requires that such allegations be deemed admitted. Wis. Stat. § 802.02(4); *Kramer Heating & Mfg., Inc. v. United Bonding Ins. Co.*, 47 Wis. 2d 191, 195–96, 177 N.W.2d 119, 121–22 (1970) (“It is elementary law that allegations not denied may properly be accepted by the court as a verity.”)

Moreover, the information that Respondents did provide, in part, demonstrates that the process utilized by Respondents goes beyond the limited, statutory qualifications for election inspectors. For example, upon review of the online application (found at <https://milwaukeepwp.pollchief.com/worker-portal/application>), it indicates that only those who have “[n]ever been convicted of a felony and not otherwise disqualified from voting” are permitted to be an election inspector. Thereafter, all applicants required to answer “no” to the question: “Have you ever been convicted of a felony?” As such, it appears that Respondents process improperly prevents those who, although they may have been previously convicted of a felony, had their right to vote restored. Wis. Stat. § 6.03(1)(b). Additionally, the “Employee

Information Sheet” utilized by Respondents (*see* Woodall Aff. Ex. D) requiring appointees to provide social security numbers, date of birth, or other information not specifically required by Wis. Stat. § 7.30(2). As such, these additional qualifications that Respondents utilize are in violation of Wis. Stat. § 7.30.

In conclusion, Hanna affirmatively states that he did not receive any e-mail communications from Respondent related to the election inspector application, process, or related information. (Hanna Aff. ¶ 12). In particular, even if, *arguendo*, Woodall’s affidavit is admissible, none of the purported e-mails mentioned in Woodall’s affidavit were received by Hanna. It is clear from the submissions that Respondents have failed to properly appoint, schedule, and/or allow Hanna and other Republican Party appointees to serve as election inspectors in the City of Milwaukee during the April 2, 2024 election; that Respondents have made it more difficult for Hanna and Republican Party appointees to serve as election inspectors when compared to unaffiliated or Democratic Party election inspectors; and that Respondents improperly appointed and/or scheduled unaffiliated election inspectors to work at polling locations before allowing Hanna to work at a polling location in the City of Milwaukee on April 2, 2024. As such, Respondents violated Wis. Stat. § 7.30 and Hanna is entitled to the relief requested in his verified complaint.

Respectfully submitted this 11th day of June, 2024.

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C.
Attorneys for Complainant.

Electronically signed by Kurt A. Goehre

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834215.016:5034728

STATE OF WISCONSIN
BEFORE THE WISCONSIN ELECTIONS COMMISSION

CHARLES HANNA,

Complainant,

Case No. EL 24-39

v.

CLAIRE WOODALL and
MILWAUKEE ELECTION COMMISSION

Respondents.

AFFIDAVIT AND VERIFIED REPLY OF CHARLES HANNA

STATE OF WISCONSIN)
)
COUNTY OF MILWAUKEE)

Charles Hanna, being of lawful age and duly sworn upon his oath, deposes and states as follows:

1. I am over the age of 18 and have personal knowledge to testify as to the matters set forth herein, which are true and accurate.

2. My personal e-mail address is crayskier@gmail.com and this is the e-mail address submitted to Respondents when I was nominated by the Republican Party of Milwaukee County to be an election inspector in Milwaukee.

3. I have reviewed my crayskier@gmail.com e-mail address for any e-mails from Respondents and/or concerning becoming, acting, or serving as an election inspector in Milwaukee, since January 1, 2024 and I can confirm that I received no such e-mails.

4. I reviewed my inbox, spam folder, and deleted folder for any e-mails purportedly sent to me on January 2nd and 16th, February 12th, and March 5th, 18th, and 24th, from Respondents and/or concerning becoming, acting, or serving as an election inspector, and I can confirm that I received no such e-mails on those dates.

5. If the Respondents did send e-mails that were intended to be sent to, or received by me, those e-mails never reached my e-mail address.

6. On January 30, 2024 at 9:54 a.m., a representative of the Republican Party of Milwaukee County (“RPMC”), by the name of Sharon Foley, e-mailed me after learning that Respondents were requiring an online application to be completed prior to being able to work the polls. Attached hereto and marked as **Exhibit 1** to this affidavit is a copy of the foregoing e-mail dated January 30, 2024, as well as my response to that e-mail on the same day.

7. The January 30, 2024 e-mail from Ms. Foley of the RPMC was the only e-mail that I received related to completing an online application to be a poll worker in the City of Milwaukee.

8. Shortly after receiving the e-mail from Ms. Foley on January 30, 2024, I completed the online application through the link that Ms. Foley provided.

9. Thereafter, I responded back to Ms. Foley at 11:09 am on the same day and informed her that I “successfully applied on line.” See **Exhibit 1**.


10. I did not receive any follow-up e-mail from Respondents after I completed the online application.

11. I did not receive any “Employee Information Sheet” from Respondents after I completed the online application.

12. I did not receive any e-mail communications from Respondents related to the election inspector application, process, or related information, and I did not receive any of the e-mails Respondents contend were sent in their Brief and Request to Dismiss.

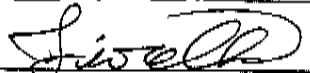
I, Charles Hanna, being first duly sworn, states that I have personally read the above, and that the above facts and allegations are true and correct.

Dated this 07 day of June, 2024.

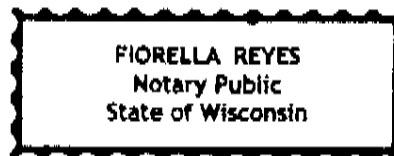


Charles Hanna

Subscribed and sworn to before me
this 07 day of June, 2024.



Notary Public, State of Wisconsin.
My Commission Expires May 27, 2028



Kurt A. Goehre

Subject: RE: You need to contact the Milwaukee City Clerk to confirm you are an Election Inspector for the Republican Party

----- Forwarded message -----

From: **Sharon Foley** <1safwriter@gmail.com>

Date: Wed, Jan 31, 2024 at 11:10 PM

Subject: Re: You need to contact the Milwaukee City Clerk to confirm you are an Election Inspector for the Republican Party

To: Charles Hanna <crayskier@gmail.com>

Okay. Fantastic Charles! Thank you for letting me know.

Sharon

On Tue, Jan 30, 2024 at 11:09 AM Charles Hanna <crayskier@gmail.com> wrote:

Hi Sharon- I successfully applied on line. Charles Hanna

On Tue, Jan 30, 2024 at 9:54 AM Sharon Foley <1safwriter@gmail.com> wrote:

Hello, Election Inspector Nominee

Many of you have not yet successfully signed up with the Milwaukee City Clerk as an Election Inspector, which means you won't be able to work in Central Count or a polling location as a Republican Nominee for the next two-year election cycle.

If you have not yet heard from the clerk, please use the link below and sign up ASAP. For those of you that are already confirmed, I apologize for the redundancy.

Please let me know if you are signed up to work. I have not heard from most of you. Also, please update me if you were not signed up initially but are now.

Thank you again for stepping forward to be a Republican Nominee for Election Inspector. The conservatives are very short poll of workers and central count workers in the City of Milwaukee and need your help.

Here is the link some have had success with.

<https://milwaukeekeepwp.pollchief.com/worker-portal/application>

Thank you so much. Please contact me if you have any trouble confirming that you are an Election Inspector.

If you were nominated to central count, please indicate that on your form.

Sharon Foley
Republican Party of Milwaukee County-Chair of Elections
414 332 5422

EXHIBIT 1



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

March 7, 2025

Beth Kreitzer
34 Tyndall St. Waiwhetu
Lower Hutt, 5010 New Zealand

Clerk Brad Calder
W249 S8910 Center Dr.
Vernon, WI 53103

Sent via email to: bkreitzer70.3@gmail.com, clerk@villageofvernonwi.org,
kschuh@villageofvernonwi.org, sfischer@villageofvernonwi.org

Re: In the Matter of **Beth Kreitzer v. Brad Calder (EL 24-107)**

Dear Ms. Kreitzer and Clerk Calder:

This letter is in response to the complaint submitted by Beth Kreitzer (“the Complainant”), a registered Wisconsin elector who lives in New Zealand, to the Wisconsin Elections Commission (“Commission”), which was filed in response to actions taken by Clerk Brad Calder (“the Respondent”) of the Village of Vernon (Waukesha County) concerning alleged violations of Wis. Stats. §§ 6.87(3)(a), (d), and (4)(b), and 7.15(1)(cm). The complaint alleges that the Respondent violated the Complainant’s rights under Wis. Stats. §§ 6.87(3)(a), (d), and (4)(b) when the Respondent provided incorrect instructions and materials for an overseas elector voting absentee. The complaint also alleges that the Respondent violated the Complainant’s rights under Wis. Stat. § 7.15(1)(cm) when the Respondent sent the requested absentee ballot later than 47 days before the 2024 General Election.¹

The Commission has reviewed the complaint. The Respondent did not file a response.

The Commission provides the following analysis and decision. In short, the Commission finds that the Complainant did show probable cause to believe that a violation of law or abuse of discretion occurred with relation to the actions of Respondent Calder handling Complainant Kreitzer’s absentee ballot.

Commission Authority and Role in Resolving Complaints Filed Under Wis. Stat. § 5.06

Under Wis. Stat. §§ 5.05(1)(e) and 5.06(6), the Commission is provided with the inherent, general, and specific authority to consider the submissions of the parties to a complaint and to issue findings.

¹ The Complaint also alleges violations of Wis. Stats. §§ 12.13(2)(a) and (b)7. Section 12.13 is a criminal statute and alleged violations of the statute cannot be addressed in a § 5.06 complaint such as this because criminal violations cannot be remedied by an order to an official to conform, restrain, or correct their conduct under § 5.06(6). Complaints of alleged criminal violations fall under § 5.05(2m)(c) instead, with the potential remedy of referral to a county district attorney. Wis. Stat. § 5.05(2m)(c)11. Thus, this decision letter does not address these allegations.

Commissioners

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

Administrator
Meagan Wolfe

In instances where no material facts appear to be in dispute, the Commission may summarily issue a decision and provide that decision to the affected parties. This letter serves as the Commission’s final decision regarding the issues raised in this complaint.

The Commission’s role in resolving verified complaints filed under Wis. Stat. § 5.06, which challenge the decisions or actions of local election officials, is to determine whether a local official acted contrary to applicable election laws or abused their discretion in administering applicable election laws.

Complaints “...shall set forth such facts as are within the knowledge of the Complainant to show probable cause to believe that a violation of law or abuse of discretion has occurred or will occur.” Wis. Stat. § 5.06(1) (2021-22).² Probable cause is defined in Wis. Admin. Code § EL 20.02(4) to mean “the facts and reasonable inferences that together are sufficient to justify a reasonable, prudent person, acting with caution, to believe that the matter asserted is probably true.”

Complaint Allegations

The Complainant alleges that the Respondent provided incorrect information about absentee voting for an overseas elector and delayed in sending complete absentee ballot materials. The Complainant alleges that she was “enrolled and registered for the 2024 general election” and that she emailed her local clerk, the Respondent, on September 17, 2024,³ to “ensure” that an absentee ballot would be coming, given that the Complainant is an overseas elector. The Complainant alleges that the Respondent replied that he would send the absentee ballot that day. The Complainant alleges that, the day after, “the computer system was showing [that the absentee ballot] was sent” but the Complainant only received the absentee ballot on September 20. The Complainant alleges that this delay violates the 47-day deadline in Wis. Stat. § 7.15(1)(cm) to send absentee ballots prior to a federal election.

When the Complainant received the emailed absentee ballot, she alleges it contained only “the 2 ballot pages and one side of the envelope.” The Complainant also alleges that the Respondent sent instructions to scan the ballot pages and envelope and email that scan back to the Respondent. The Complainant further alleges that the Respondent instructed her to have it witnessed and signed by a US citizen. The Complainant notes that there were no instructions from the Commission in the provided materials and that the front of the absentee ballot envelope was missing.

The Complainant states that she relied on this advice – that she could email back the scanned ballot instead of mailing it – and next acted on September 29, 2024. The Complainant states that she checked the Commission website, which “seemed to indicate that scanning a ballot was illegal” and that if she attempted to vote in the way Respondent had instructed her vote would not be counted. The Complainant emailed the Respondent again and alleges that the Respondent reiterated his prior guidance: the absentee ballot could be scanned and emailed to the Respondent.

The Complainant states that she took steps to mail the ballot, notwithstanding the Respondent’s guidance, after calling the Commission to “verify the law.” She encountered several barriers. Initially, she considered sending the ballot via the US consulate which she understood to require either a US postage stamp or a prepaid envelope. The Complainant claimed that because the Respondent had never sent the front of the absentee envelope, the Complainant did not have either

² All subsequent references to the Wisconsin Statutes are to the 2021–22 version unless otherwise indicated.

³ All dates and times given are those in Wisconsin unless otherwise indicated.

the address to send the ballot to or a prepaid envelope. The Complainant states that she emailed the Respondent on October 1 and, after failing to send the front of the envelope at first, the Respondent sent the front of the envelope on October 2. The Complainant states that she ultimately sent the ballot via ordinary mail to the Village of Vernon and that she paid for postage but argues that the mail should have qualified for free postage within the US and that sending the ballot via the US consulate should have counted as mail sent within the US. The Complainant concludes by expressing frustration that this was the only method available for her to vote and that her vote likely didn't make it in time to be counted after the series of miscommunications and delays.

The Complainant also attached an email chain allegedly showing her correspondence with the Respondent throughout this process. The content of the email chain is reflected in the discussion of the Complaint above.

Discussion

Federal laws on voting for overseas electors

A federal law, the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), governs the procedures for absentee voting in federal elections by uniformed and overseas electors including the absentee voting access responsibilities for state governments. 52 U.S.C. § 20302. Among these requirements, the law requires states to “establish procedures for transmitting blank absentee ballots by mail and electronically to absent uniformed services voters and overseas voters,” *id.* at § 20302(a)(7), and requires states to transmit a validly requested absentee ballot to a uniformed or overseas voter no later than 45 days before an election, when requested at least 45 days before that election. *Id.* at § 20302(a)(8)(A).

UOCAVA also establishes a federal procedure for returning absentee ballots for overseas uniformed voters which mentions a “no postage requirement.” *Id.* at § 20304(b)(4). The law points to the requirement elsewhere that balloting materials – including marked absentee ballots – under UOCAVA “shall be carried expeditiously and free of postage” and may be mailed at post offices at Armed Forces installations. *Id.*; 39 U.S.C. § 3406(a).

In practice, this has been implemented by providing 1) a method for overseas uniformed service members to mail and track their ballot using a prepaid mail label and 2) a separate method for overseas voters generally to mail federal balloting materials using postage-paid envelopes via a U.S. embassy or consulate. The second method, relevant in this case, allows overseas voters mailing ballots via embassy or consulate to use a postage-paid envelope. The State Department website states that

You or another person can drop off your ballot request (FPCA) or *completed ballot* at the nearest U.S. embassy or consulate for return to the United States. It must be addressed to your local election officials and have sufficient U.S. postage, or be in a postage-paid envelope. A postage-paid envelope is available on the FVAP website.

Absentee Voting Information for U.S. Citizens Abroad, U.S. Department of State – Bureau of Consular Affairs, [Travel.State.Gov.](https://travel.state.gov) (last accessed November 25, 2024) (emphasis added).⁴

⁴ Available at <https://travel.state.gov/content/travel/en/international-travel/while-abroad/voting.html>.

Overseas voters may use a FVAP postage-paid envelope to mail their completed absentee ballot or may use other methods to return a completed absentee ballot, including local mail, an express courier service, or, depending on the state, a fax, email or the internet. *Id.*

Wisconsin laws on voting by overseas electors

The Wisconsin Statutes establish a process for absentee voting for overseas electors.⁵ Section 6.24 details several ways for an overseas elector to request a ballot and directs municipal clerks to respond to these requests. Wis. Stat. § 6.24(4). When an overseas elector makes a “written application to the municipal clerk for an official ballot by means of . . . electronic mail,” Wis. Stat. § 6.86(1)(ac), “the municipal clerk shall . . . transmit an absentee ballot to the elector by means of electronic mail.” Wis. Stat. § 6.24(4)(e). This electronic transmission of an absentee ballot from the municipal clerk should contain, in addition to the absentee ballot, an “electronic copy of the text of the material that appears on the certificate envelope . . . together with instructions prescribed by the commission.” Wis. Stat. § 6.87(3)(d). The instructions must require the overseas elector to “enclose the absentee ballot in a separate envelope contained within a larger envelope” that also contains the witness certification. *Id.*

Instructions concerning the witness certification are among the instructions that municipal clerks should provide to military and overseas electors. *Id.* All Wisconsin electors who vote absentee “shall make and subscribe to” a witness certification. Wis. Stat. § 6.87(4)(b)1. Military and overseas electors must be witnessed by an adult “who need not be a U.S. citizen.” *Id.*

Municipal clerks must meet certain deadlines in responding to an absentee ballot request and sending the absentee ballot along with the other required materials. Wis. Stat. § 7.15(1)(cm). A clerk has the duty to send an official absentee ballot to an overseas elector who has requested a ballot by email “no later than the 47th day” before a general election if the request was made before that day. *Id.* If the request was made after the 47th day before a general election then “the municipal clerk shall send or transmit an official absentee ballot within one business day of the time the elector’s request for such a ballot is received.” *Id.*

Concerning postage, to return a completed absentee ballot that was emailed to an overseas or military voter, “[t]he elector shall . . . affix sufficient postage unless the absentee ballot qualifies for mailing free of postage under federal free postage laws” and then mail the absentee ballot to the municipal clerk. Wis. Stat. § 6.87(3)(d). This must be considered alongside section 6.24, which describes three methods of paying for postage when an overseas elector returns an absentee ballot: 1) “[i]f the return envelope qualifies for mailing free of postage under federal free postage laws,” the municipal clerk shall “affix the appropriate legend” which presumably means to include a properly labeled return envelope, 2) “[o]therwise,” when the ballot is mailed from within the U.S., “the municipal clerk shall pay the postage,” and 3) “[i]f the ballot is not mailed by the overseas elector from within the United States, the overseas elector shall provide return postage.” Wis. Stat. § 6.24(6).

Commission guidance on overseas voting

⁵ It is unknown whether Wisconsin’s definition of a military elector, which includes civilian employees of the United States serving outside the United States, Wis. Stat. § 6.22(1)(b)3., applies in this case. The definition in the Wisconsin Statutes is wider than the federal definition of “absent uniformed services voter.” See 52 U.S.C. §20310.

The Commission has published a Military and Overseas Voter Manual (“UOCAVA Manual”) to put these statutory requirements into practice. “Military and Overseas Voting,” Wisconsin Elections Commission (February 2022) (last accessed December 2, 2024).⁶ The Commission indicates that military and overseas voters may request an absentee ballot by email and that they may only return an absentee ballot by mail or in person. UOCAVA Manual at 11.

The UOCAVA Manual provides detailed steps for municipal clerks emailing an absentee ballot to a military or overseas voter. *Id.* at 13–14. These steps are to a) initial the ballot and scan the initialed ballot, b) email the initialed ballot to the voter along with the “Absentee Ballot Certificate for Military and Overseas Voters” and the “Uniform Instructions for Emailed and Faxed Ballots,” and c) provide a paragraph of specific instructions for the absentee elector to follow regarding the envelope and witness requirements. *Id.* at 14.

The UOCAVA Manual reiterates the statutory deadline to send out absentee ballots at 47 days prior to elections with federal contests for requests on file or within one business day for requests received after the deadline. *Id.* at 12. It states that absentee ballots not sent out within the statutory deadline are late and should be expedited. *Id.* at 14–15. Specifically,

If the ballot is sent out late to a military or overseas voter, then the clerk must expedite the late ballot and include a prepaid expedited return mailing label. If the ballot is sent by email or fax, then the clerk can simply offer expedited return by including a message that says something like “this ballot was sent to you late. Would you like me to send you an expedited prepaid return label?” Then, the clerk can go to the post office, FedEx, UPS, or other mail service provider and get a prepaid expedited return label and scan it to the voter. This expedited delivery and return serves as a sort of “fix” to sending a late ballot to make up for any lost time.

Id. at 15. To emphasize this expectation, the UOCAVA Manual poses a hypothetical question, “I am sending this ballot out one day late, do I really have to expedite it and offer a prepaid expedited return label?” and the response, “Yes, even if the ballot is just one day late.” *Id.*

Finally, the UOCAVA Manual states that an absentee elector must return “the hard copy of the ballot and the completed certificate to the municipal clerk.” *Id.* at 16 (emphasis in original). While electors may choose from among mailing options to ensure that their ballot makes it to the clerk so that the clerk can deliver it to the polling place on election day, “[t]he municipal clerk is not responsible for return postage of a faxed or e-mailed absentee ballot.” *Id.*

Analysis

The material facts in this matter are not in dispute because there was no response from the Respondent. Based on the Complainant’s allegations and the email chain presented, the issues are:

- 1) Did the Respondent provide the Complainant with all the proper materials for an overseas elector?
- 2) Did the Respondent properly instruct the Complainant in completing the absentee voting process for an overseas elector?

⁶ Available at <https://elections.wi.gov/resources/manuals/military-and-overseas-voter-manual>.

- 3) Did the Respondent provide the Complainant with an absentee ballot in a timely manner once requested?
- 4) Did the Respondent err in not providing a postage-paid method to mail the absentee ballot?

On the first issue, it appears that the Respondent did not provide the Complainant with all the proper materials for an overseas elector because the Complainant states the email with the ballot “only included the 2 ballot pages and one side of the envelop along with email instructions to scan it back to him.” Complaint at 2. While it is not clear which attachments were sent when, since the attachments were not included in the email chain in the complaint, this list of contents does not include anything which might be the Uniform Instructions for Emailed and Faxed Ballots. This is contrary to the statutory requirement that “[t]he commission shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose such instructions with each ballot,” Wis. Stat. § 6.24(6), and “[i]f the clerk transmits an absentee ballot to a military or overseas elector electronically, the clerk shall also transmit a[n] . . . electronic copy of the text of the material that appears on the certificate envelope . . . together with instructions prescribed by the commission.” Wis. Stat. § 6.87(3)(d). There is probable cause that the Respondent violated Wis. Stats. §§ 6.24(6) and 6.87(3)(d) by failing to include the Commission’s instructions for overseas voting in the absentee ballot email..

On the second issue, it appears that the Respondent failed to properly instruct the Complainant on multiple occasions when he told her to scan and return the absentee ballot and when he told her that the witness needed to be a U.S. citizen. These instructions are contrary to those required by Wis. Stat. § 6.87(3)(d), which contemplate only a mailed absentee ballot enclosed within an envelope contained within a larger envelope and which point to the non-US citizen adult witness allowed by Wis. Stat. § 6.87(4)(b). There is probable cause that the Respondent violated Wis. Stat. §§ 6.24(6) and 6.87(3)(d) by sending incorrect instructions to an overseas voter in the email containing the absentee ballot and in subsequent emails related to returning the absentee ballot.

On the third issue, it appears that the Respondent missed the statutory deadline to send the absentee ballot to the Complainant. The Complainant properly requested an absentee ballot at the latest by email on Wednesday, September 17 at 10:45 PM in Wisconsin. This was before September 19, which was the 47-day deadline for the 2024 General Election. Under Wis. Stat. § 7.15(1)(cm), municipal clerks shall send absentee ballots no later than the 47-day deadline to absentee electors who submit absentee ballot requests prior to the 47-day deadline. Here, however, the Respondent sent the Complainant’s absentee ballot on Friday, September 20 in Wisconsin. There is probable cause that the Respondent violated Wis. Stat. § 7.15(1)(cm) by sending a late absentee ballot in response to a timely absentee ballot request.⁷ The Respondent’s incorrect advice and failure to send the proper materials further aggravated this missed deadline.

On the fourth issue, it is not clear that the Respondent erred in failing to provide a postage-paid method to mail the absentee ballot. The Respondent did not follow the Commission’s advice to offer a prepaid expedited return label to an overseas elector who received a late absentee ballot by email. But the Respondent may have been relying on the Commission’s advice that “[t]he municipal clerk is not responsible for return postage of a faxed or e-mailed absentee ballot,” UOCAVA Manual at 16, or the contingent language of Wis. Stat. § 6.24, under which the municipal clerk is only required to pay return postage when the ballot is mailed from with the U.S,

⁷ Because the Respondent sent the absentee ballot no later than 45 days before the election after a request earlier than 45 days before the election, the Respondent did not violate 52 U.S.C. § 20302(a)(8)(A).

and the directive in Wis. Stat. § 6.87(3)(d) that “[t]he elector shall then affix sufficient postage unless the absentee ballot qualifies for mailing free of postage under federal free postage laws and shall mail the absentee ballot to the municipal clerk.” While it appears to be standard practice for overseas voters to use a postage-paid envelope and send absentee ballots via embassies or consulates, this is not directly mandated by UOCAVA – which contains a “no postage requirement” only for overseas uniformed voters, 52 U.S.C. § 20304 – and seems to be one of several options offered to overseas voters for the return of their absentee ballot. The Respondent’s failure to provide a postage-paid envelope or to offer expedited return because he emailed the absentee ballot late do not establish probable cause that the Respondent violated Wis. Stat. § 6.87(3)(d).

The complaint alleged violations of two other statutes: Wis. Stats. §§ 6.87(3)(a) and 6.87(4)(b). The former does not apply because it is a statement of procedure for general absentee voting when a municipal clerk mails an absentee ballot to a voter and Wis. Stat. § 6.87(3)(d) is applicable instead. The latter does not apply because that statute directs absentee electors to fulfill witnessing requirements; the Respondent’s incorrect advice about witness requirements implicates other statutes that direct municipal clerks.

Commission Decision

Based upon the above review and analysis, the Commission finds probable cause to believe that a violation of law or abuse of discretion occurred regarding Respondent Calder’s handling of Complainant Kreitzer’s absentee ballot.

Accordingly, the Commission orders the municipal clerk of the Village of Vernon to:

1. Provide all military and overseas electors who have properly and timely requested an absentee ballot with absentee ballots in a manner consistent with Wis. Stat. § 7.15(1)(cm), including no later than 47 days before a federal election for requests submitted prior to that date.
2. Provide the proper materials to military and overseas electors when sending absentee ballots by email, including the initialed ballot and the face of the [Absentee Ballot Certificate for Military and Overseas Voters](#) along with the [Uniform Instructions for Emailed and Faxed Ballots](#).
3. Provide the proper instructions to military and overseas electors regarding completing and returning their absentee ballots based on the following instructions in the UOCAVA Manual:

The voter should be instructed to vote the ballot in the presence of a witness, fold the ballot and seal it inside a regular, non-window envelope, complete and sign the absentee certificate. An adult witness must sign and provide their address on the certificate. Military or permanent overseas voters should provide their birthdate in the appropriate section provided on the certificate. The certificate should be affixed to the envelope containing the voted ballot. The envelope with the certificate attached should be placed into another, larger envelope, sealed and mailed to the municipal clerk. The ballot must be received by 8 p.m. on Election Day.

UOCAVA Manual at 14.

Additionally, the Commission encourages the clerk to:

4. Provide a postage-paid envelope to overseas electors if appropriate under Wis. Stat. § 6.24 and provide relevant information from the Federal Voting Assistance Program regarding the return of absentee ballots and the 39 U.S.C. § 3406 envelopes available through that program. If an absentee ballot is emailed late, offer the absentee elector a prepaid expedited return label.

Right to Appeal – Circuit Court

This letter constitutes the Commission’s resolution of this complaint. Wis. Stat. § 5.06(2). Pursuant to Wis. Stat. § 5.06(8), any aggrieved party may appeal this decision to circuit court no later than 30 days after the issuance of this decision.

If any of the parties should have questions about this letter or the Commission’s decision, please feel free to contact the Commission at 608-266-8005 or elections@wi.gov.

Official Election Complaint Form



STEP 1

Complaint Type

Please select 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 \(Violations by Election Officials or Appeals of Decisions of Election Officials\)](#)
- [5.061 \(Help America Vote Act Violation\)](#)

STEP 2

Complainant Contact Information

Please provide the following information about yourself.

Note: Anyone filing this complaint with you can add their information on a separate page (see page 4).

First Name	Last Name
Beth	Kreitzer
Residential Address	
S70W24530 Maple Hill Dr. Waukesha, WI 53189 (registered voting address)	
Mailing Address (if different)	
34 Tyndall St. Waiwhetu, Lower Hutt 5010 New Zealand	
Telephone (optional)	Email
	bkreitzer70.3@gmail.com

STEP 3

Respondent

Please provide the following information about the individual or individuals whom you allege violated or improperly administered election laws:

Note: For 5.06 complaints, each respondent must be an election official. If there are multiple respondents, you can add their information on a separate page (see page 5).

Respondent Name	Respondent Title (5.06 complaints)
Brad Calder	
Mailing Address	
W249 S8910 Center Dr., Vernon, WI 53103	
Telephone (if available)	Email (if available)
262-662-2039	clerk@villageofvernonwi.org



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.

Note: The Commission cannot accept a complaint that does not cite specific provisions, including the correct subsections, of election law.

section 7.15, part cm "no later than the 47th day".
6.87 Sections 3a, 3d, and 4b.
12.13 section 2a and 2b7.



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.

I ensured I was enrolled and registered for the 2024 general election with plenty of time. I emailed the clerk, Brad Calder on September 18 (US time) to ensure my vote would be coming. Brad emailed back that he would send it that day, on the 19th of September. On the 20th, I still had not received the ballot, but the computer system was showing it was sent. I emailed Brad again asking where it was. The ballot was finally sent on September 21st (NZ time, September 20 US time), after the 47 days pre-election deadline as required under section 7.15.

When the ballot was finally sent it only included the 2 ballot pages and one side of the envelope along with email instructions to scan it back to him and have the witness signed by a US Citizen. Both of these instructions are contrary to 6.87. The prescribed commission instructions were not included, nor was the front of the envelope with the mailing address required in breach of 6.87.

At first, I believed that I would be able to scan it, and did not print and send right away (New Zealand post + USPS can mean the ballot can take more than a month to arrive). However, when I checked the WI elections website on October 1st, it seemed to indicate that scanning a ballot was illegal, and would disallow my vote. I emailed Brad to double check that it could be scanned, he replied " It can be scanned to me and it will be counted."

I called WI Elections Commission to verify the law (a surprising number of people couldn't seem to answer what seems like a pretty straight forward legal question of if a ballot can be scanned) and sent the email chain through to Erin Bentley.

As the postal service is very slow, I looked at sending my ballot to the consulate, who could then send it on. However, this process requires a US stamp (obviously not available overseas) unless the postage is paid on the envelope. As Brad had only sent the one side of the envelope, I did not have the address for the Village of Vernon, nor a postage paid envelope as is required. I emailed Brad on October 2nd to get the front of the envelope. He responded without the requested front of the envelope nor the address to mail it to. I emailed again to get the requested information. He finally sent the front of the envelope on October 3rd, however it did not include the postage paid, forcing me to send my ballot through the mail to Village of Vernon rather than to the consulate. I believe the ballot should have qualified for free postage within the US (which sending through the consulate is) under section 6.87 and federal law.

As there are no drop boxes for Vernon, there is no other way for me to attempt to vote. Because of all the delays, it's unlikely my vote will make it in time despite my best efforts. If it had been one or two issues (falsely marking my record as ballot sent, twice telling me to scan it, not sending the complete documents, not including postage paid) I would have assumed incompetence, however, at this point it seems that Brad Calder is actively seeking to ensure overseas votes are not counted and has breached section 12.13 several times.

As I could not initially access the statute, likely because of security settings preventing access from a foreign IP, I have not been able to verify the likely breach of the law and file the complaint until now. This is well within the 10 days under section 5.06, as I only received PDFs of the statute yesterday.

Please see the attached email chain for evidence of the breaches.

STEP 6

Sign

Each complainant must complete **either** step 6a, "Unsworn Statement," or Step 6b "Sworn Statement." For either option, you may enter your digital signature by clicking the box and following the instructions, or you may print the form and sign it.

STEP 6a

Unsworn Statement

I declare under penalty of false swearing under the law of Wisconsin that the foregoing is true and correct. Signed on the [25] day of [October], [2024] at [Lower Hutt, NZ] (city or other location and state or country).

[Beth Kreitzer]
Printed Name

[]
Signature

STEP 6b

Sworn Statement (to be completed in the presence of a notary)

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.

[]
Complainant's Signature

Note: Each complainant listed above in section 6b must have this form sworn before a notary or other official able to swear oaths.

STATE OF WISCONSIN

County of, [] (county of notarization)

Sworn to before me this day of, []

[]
(Signature of person authorized to administer oaths)

Stamp
Here

My commission expires on [] or is permanent.

Notary Public or [] (official title if not notary)

STEP 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 subject field

Mail:
Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707-7984

Fax:
608-267-0500



Beth Kreitzer <bkreitzer70.3@gmail.com>

Absentee ballot

Beth Kreitzer <bkreitzer70.3@gmail.com>

Thu, Oct 3, 2024 at 5:56 AM

To: Clerk Administrator <clerk@villageofvernonwi.org>

Thank you. It should not have taken 2 weeks to get the correct information to me. It is now less likely my ballot will arrive on time. Maybe the referendum will pass and you won't have to deal with overseas voters in the future.

On Thu, 3 Oct 2024, 05:41 Clerk Administrator, <clerk@villageofvernonwi.org> wrote:

Beth,

Your parents stopped in this morning and shared with them the same thing I shared with you in my email earlier today. Attached is the front of the envelop. If you have any questions please let me know.

Sincerely,

Brad Calder

Brad Calder

Village Administrator/Clerk

Village of Vernon

W249 S8910 Center Dr

Vernon, WI 53103

PH: 262-662-2039

FX: 262-662-3510

Population 7,655

Email: clerk@villageofvernonwi.org

www.villageofvernonwi.org

Open Meetings Disclaimer: The email above contains the thoughts, opinions, and commentary of the author alone. It is intended as a one-way transmission of a thought, idea, or information related to my role as municipal official or issues within the municipality, but is not intended to serve as an invitation for reply, rebuttal, discussion, debate or responsive commentary. Please do not respond to this email, unless specifically requested to do so above, as it is the author's intention to utilize the informality and convenience of this electronic message while simultaneously avoiding any and all violations of the Wisconsin Open Meetings Law contained in Section 19.81 of the Wisconsin Statutes or elsewhere within Wisconsin law, as applicable to this municipality as described in 66 Op. Att'y Gen. 237 (1977). Specifically, there is no intention on the part of the author to engage in or foster any "governmental business" as defined in State ex.rel. Newspapers v. Showers, 398 N.W.2d 154 (Wis. 1987). You are specifically requested to refrain from forwarding or "replying to all" with regard to its contents, so as to avoid the possible "walking quorum" proscriptions, including those considered in State ex.rel. Lynch v. Conta, 239 N.W.2d 313 (Wis. 1976). It is the author's motive and intent to comply with the overriding policy of the open meetings law - to ensure public access to information about governmental affairs. Your cooperation in accomplishing this end is most appreciated.

From: Beth Kreitzer <bkreitzer70.3@gmail.com>

Sent: Wednesday, October 2, 2024 11:37 AM

To: Clerk Administrator <clerk@villageofvernonwi.org>

Subject: Re: Absentee ballot

I believe there should be another side to that envelope document that has an address to mail to. Please send that through.

On Thu, 3 Oct 2024, 03:35 Clerk Administrator, <clerk@villageofvernonwi.org> wrote:

Beth,

I apologize for the confusion that is correct. In my original email there was the attachment for the envelop. I have reattached it to this email. That should be printed out along with the ballot. The envelop should be signed by you and by a witness who is a United States Citizen and is 18 years of age. That can then be glued to the back of the envelop that the ballot is inside of. It can mail back through the post office in the country you are in or it can be put in to an envelop for UPS or FedEx or similar company and mailed to the Vernon Village Hall. If you have any further questions, please let me know. Again I apologize for the confusion.

Sincerely,

Brad Calder

Brad Calder

Village Administrator/Clerk

Village of Vernon

W249 S8910 Center Dr

Vernon, WI 53103

PH: 262-662-2039

FX: 262-662-3510

Population 7,655

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From: Beth Kreitzer <bkreitzer70.3@gmail.com>

Sent: Tuesday, October 1, 2024 8:47 PM

To: Clerk Administrator <clerk@villageofvernonwi.org>

Subject: Re: Absentee ballot

This is wrong and scanning the ballot is illegal. Is there an actual envelope you were supposed to send me that allows me to mail my vote in?

Beth

On Tue, 1 Oct 2024, 09:24 Clerk Administrator, <clerk@villageofvernonwi.org> wrote:

Beth,

It can be scanned to me and it will be counted.

Brad

Brad Calder

Village Administrator/Clerk

Village of Vernon

W249 S8910 Center Dr

Vernon, WI 53103

PH: 262-662-2039

FX: 262-662-3510

Population 7,655

Email: clerk@villageofvernonwi.org

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From: Beth Kreitzer <bkreitzer70.3@gmail.com>
Sent: Monday, September 30, 2024 3:07 PM
To: Clerk Administrator <clerk@villageofvernonwi.org>
Subject: Re: Absentee ballot

Hello,

I am reading on the my vote.wi.gov page that ballots cannot be returned electronically, yet you had told me to scan it and email it to you. Which is the legal way to submit my ballot so that it is counted?

Thanks,

Beth Kreitzer

On Sat, 21 Sept 2024, 07:08 Clerk Administrator, <clerk@villageofvernonwi.org> wrote:

Beth,

Attached is your absentee ballot for the November 5, 2024 General Election. Please fill out the ballot and scan back to me via this email address clerk@villageofvernonwi.org. The absentee ballot envelope is also attached. This can be printed out on regular letter size paper. The absentee ballot envelope sheet needs to be signed by you in the middle section. The bottom section needs to be signed by a witness, that witness must be 18 years of age and a United States Citizen. Then scanned back to me with the ballot. Both the ballot and the absentee ballot envelope need to be back to me by the close of polls on election day which is Tuesday, November 5, 2024 at 8:00 p.m. central standard time. If you have any questions please do not hesitate to contact me.

Sincerely,

Brad Calder

Brad Calder

Village Administrator/Clerk

Village of Vernon

W249 S8910 Center Dr

Vernon, WI 53103

PH: 262-662-2039

FX: 262-662-3510

Population 7,655

Email: clerk@villageofvernonwi.org

www.villageofvernonwi.org

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From: Beth Kreitzer <bkreitzer70.3@gmail.com>
Sent: Friday, September 20, 2024 2:00 PM
To: Clerk Administrator <clerk@villageofvernonwi.org>
Subject: Re: Absentee ballot

Hi,

I haven't received my ballot and have checked my spam folder. Has it been delayed?

Cheers,

Beth

On Fri, 20 Sept 2024, 02:59 Clerk Administrator, <clerk@villageofvernonwi.org> wrote:

Beth,

You will receive an email from me later today (Thursday, September 19, 2024) with your ballot and instruction on how to complete and return to me.

Sincerely,

Brad Calder

Brad Calder

Village Administrator/Clerk

Village of Vernon

W249 S8910 Center Dr

Vernon, WI 53103

PH: 262-662-2039

FX: 262-662-3510

Population 7,655

Email: clerk@villageofvernonwi.org

www.villageofvernonwi.org

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From: Beth Kreitzer <bkreitzer70.3@gmail.com>
Sent: Wednesday, September 18, 2024 2:45 PM
To: Clerk Administrator <clerk@villageofvernonwi.org>
Subject: Absentee ballot

Hi,

I've submitted a request for an absentee ballot for the upcoming election. When might I expect to receive it? I live in New Zealand and the post takes a very long time to get to WI (I'm assuming there's not a system to upload overseas votes like we have in NZ and I'll still have to mail it). I want to ensure in checking my email on the right day so I can get it returned in time.

Thanks,

Beth Kreitzer

Official Election Complaint Form



STEP 1

Complaint Type

Please select 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 by Election Officials or Appeals of Decisions of Election Officials)
- 5.061 (Help America Vote Act Violation)

STEP 2

Complainant Contact Information

Please provide the following information about yourself.

Note: Anyone filing this complaint with you can add their information on a separate page (see page 4).

First Name Michael	Last Name Nedvidek
Residential Address 7413 10th Ave. , Kenosha , WI 53143	
Mailing Address (if different) 625 52nd St., Room 105	
Telephone (optional) 219-644-8503	Email mikenedvidek@gmail.com

STEP 3

Respondent

Please provide the following information about the individual or individuals whom you allege violated or improperly administered election laws:

Note: For 5.06 complaints, each respondent must be an election official. If there are multiple respondents, you can add their information on a separate page (see page 5).

Respondent Name Michell Nelson	Respondent Title (5.06 complaints) City Clerk of Kenosha
Mailing Address 625 52nd St., Room 105	
Telephone (if available) 262-653-4020	Email (if available) cityclerk@kenosha.org

STEP 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.

Note: The Commission cannot accept a complaint that does not cite specific provisions, including the correct subsections, of election law.

5.84(1) , (2); 7.15 (1) (d)

STEP 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.

See 2 PDF's attached and 2 Word documents attached.

STEP 6

Sign

Each complainant must complete **either** step 6a, "Unsworn Statement," or Step 6b "Sworn Statement." For either option, you may enter your digital signature by clicking the box and following the instructions, or you may print the form and sign it.

STEP 6a

Unsworn Statement

I declare under penalty of false swearing under the law of Wisconsin that

the foregoing is true and correct. Signed on the day of ,

at

(city or other location and state or country).

Printed Name

Signature

STEP 6b

Sworn Statement (to be completed in the presence of a notary)

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.

Complainant's Signature

Note: Each complainant listed above in section 6b must have this form sworn before a notary or other official able to swear oaths.

STATE OF WISCONSIN

County of, (county of notarization)

Sworn to before me this day of,

(Signature of person authorized to administer oaths)



My commission expires on , or is permanent.

Notary Public or (official title if not notary)



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
subject field

Mail:

Wisconsin Elections
Commission
P.O. Box 7984
Madison, WI 53707-7984

Fax:

608-267-0500

Additional Complainants

First Name	Last Name
Christina Oppenneer	Deputy City Clerk
Residential Address	
Mailing Address (if different)	
625 52nd Street, Room 105	
Telephone (optional)	Email
262-653-4020	

First Name	Last Name
Residential Address	
Mailing Address (if different)	
Telephone (optional)	Email

First Name	Last Name
Residential Address	
Mailing Address (if different)	
Telephone (optional)	Email

The Deputy City Clerk of Kenosha admitted she did not test all the voting machines on the pre-election day machine testing. She also failed to notice she was going to be testing most of the voting machines the day before, in secret.

According to her, she said she tested all, except one, the day before the public was there to observe the required pre-election day testing of said machines. None of these tests were noticed as mandated.

There were three firsthand eyewitnesses: Leonid Kudryavtsev, Moria Menninga and Julie Seegers. Two PDFs and one WORD document from them are attached to this emailed complaint.

All the other machines, except the one properly tested, cannot be used in the Nov.5th election. They were not tested as mandated by 5.84(1),(2). And, the Clerk failed to give notice to the public she was testing most of the machines in effect in secret. 7.15(1)(d), and 5.84(1),(2). The public had no chance to observe. Id et al. If those machines are used, then it will also lead to false swearing on the certification certificate ~10 days after Nov.5th.

/s/Mike Nedvidek

First eye-witness:

To whom it may be relevant, My name is Leonid Kudryavtsev and I am resident of Pleasant Prairie, WI.

As concerned citizen I took part in voting machine testing today and I am bringing to your attention important fact that only one machine has been presented for testing and that was the only machine tested with observer's presence. Location of the test: Kenosha City Hall, 625 52nd street, Kenosha, WI. This was on the morning of October 28, 2024.

I asked the clerk where are other machines and when we will test them, and she replied that the rest of the machines have been already tested by the clerk. The serial number of the one tested machine is XXX347. I have not seen any other machines and their location or condition is unknown to me.

To my knowledge Wisconsin law requires to "have the equipment tested to ascertain that it will correctly count the votes cast for all offices and on all measures", Chapter 5 Elections - General Provisions; Ballots and voting systems, Subchapter III Electronic Voting Systems, 5.84(1). All machines, except the one mentioned, were not tested on official test day. Lack of equipment testing allows usage of machines not fit for use in the elections; the results produced by untested machines may be questioned for correctness.

Best regards,

Leonid Kudryavtsev

9474 Ashbury Ln

Pleasant Prairie, WI 53158

Observations from Machine Testing

Where: Kenosha City Hall

When: October 29, 2024, starting at 9:00

Who: Deput City Clerk & Treasurer - Christina O. (email: coppenneer@kenosha.org)

Observations:

- Only 1 machine was in the room to be tested. This machine was going to AB#12 Sr. Center & reserve.
- It was an ES& S Machine with a 4G modem.
- Clerk stated that all other 35 machines were tested previously with 4 other poll workers on a different day or days.
- Of the 36 machines for Kenosha, 21 were for absentee ballots, 12 for polling stations and 3 extra to be used as backups. However, clerk did mention they may use the 3 extra at the Kenosha City Hall due to volume, no final decision had been made on that.
- The other 35 machines were in a locked garage in the City Hall. Keys controlled by Clerk & Deputy Clerk.
- When test began, one test per candidate was tested. There was not a unique number of ballots per candidate to ensure that no votes were being flipped.
- 12 ballots in total were tested including 11 with dots and one with bar codes. One over vote was tested and one no vote was tested. Machine did catch these as issues.
- Time was accurate on the machine.
- The count was 0 at the beginning and 0 at the end (once the test was cleared). Previous vote count (after test) was at 46.
- A security sticker was placed over the compartment that had the stick in it and was recorded by the clerk. This security sticker # will be checked by ward clerk to confirm it is the same and has not been tampered with.

Other notes that were not directly related to the test:

- Machine is delivered to the polling station on 11/04.
- Machine is picked up and returned to city hall on 11/06.
- In past 2 polling stations had issues with modem connectivity, Museum & Kemper Hall and sticks had to be delivered to City Clerk to get a count. They feel these have been rectified for this election.
- Modems are used to communicate the final vote tallies at end of the day. Apparently the modem uses the same broadband as police and fire department.

- Stick, machine printout and ballots are returned to the City Clerk the evening of November 5th by the Election Clerk for that ward.
- **No cross check is done between what counts were sent via modem vs what the stick says.**
- The tapes, ballots and a summary of the modem communication is returned to the wards the following Monday after the election, this is where a potential difference could be found as the ward clerk is supposed to match the counts when they get these materials back. **Why can they not do this the night of????**
- When discussing the mail in ballots there was a comment from the clerk that on Election Day the USPS is requested to bring ballots directly to Kenosha City Hall and not go to Milwaukee first so they can get them faster. Normal protocol is for all Kenosha mail to go through Milwaukee first. When Julie commented on this that the ballots would then not be scanned through Milwaukee USPS the clerk commented that she didn't know if that was happening this election.

Kenosha City Machine Testing Observation Notes
October 29, 2024
9:00 a.m.

Observer: Julie Seegers
7729 334th Ave
Burlington, WI (Kenosha County)
608-212-6037

Notes: Christina Coppeneer is the Deputy Clerk/Treasurer for the City of Kenosha. I arrived after the testing started. Moira Menninga was there before myself already asking questions when I arrived in the test room.

Christina performed the machine testing which seemed to take a total of maybe 15 minutes at most. Concerning was only one machine was in the room to test and she only tested Ward 29. It was an ES&S machine, Serial #0320381347. A preprogrammed USB stick was used and a modem, we were told, is hooked up to the machine. Christina said machines are plugged in, but have a battery backup too.

I asked Christina why weren't we able to see all the machines tested. She replied that the testing was done yesterday and it took 4 people about 2 hours to test all the machines. This was not noticed to the public that this was being done. As a matter of fact, when I didn't see the public notice on Monday, Oct 28th on their website, I called the clerk's office. The person that answered the phone said that they are switching websites and not everything switched over. I had her walk me thru finding the notice. When both of us clicked on the page, the notice wasn't there. The page was blank. She said she was going to talk to the tech people. She gave me the testing information.

At today's testing, there were only 12 ballots in the test deck. Christina said the write in feature, and over votes were tested. I did take pictures of the tape, but in retrospect, I honestly don't know if it was when she zeroed the machine out or if it was the actual test results.

When I asked Christina if she assigned a unique number to each candidate so she could verify votes were not switched between any two candidates, she said “no”.

Mail in Ballots: Another concern is, if I understood this correctly, Christina said USPS was asked to bring mailed in absentee ballots straight to Central Count in the Kenosha city Hall and skip Milwaukee USPS. I believe this is illegal because it is a first-class piece of mail and needs to go thru the proper chain of events. A first-class piece of mail needs to have a digital picture taken of it at the USPS. This is a serious question to ask if this is occurring all over the state.



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

November 12, 2024

Michael Nedvidek
7413 10th Ave.
Kenosha, WI 53143

Clerk Michelle Nelson
625 52nd St., Rm. 105
Kenosha, WI 53140

Deputy Clerk Christina Oppenpeer
625 52nd St., Rm. 105
Kenosha, WI 53140

Sent via email to: mikenedvidek@gmail.com ; elections@kenosha.org ; coppenpeer@kenosha.org

Re: Complaint Filed with the Wisconsin Elections Commission:
(EL 24-120) Michael Nedvidek v. Michelle Nelson et al.

Dear Mr. Nedvidek, Clerk Nelson and Deputy Clerk Oppenpeer:

On November 8, 2024, the Wisconsin Elections Commission (“the Commission”) received a written request from Mr. Nedvidek seeking to withdraw the Wis. Stat. § 5.06 complaint he filed, Michael Nedvidek v. Michelle Nelson et al. (EL 24-120).

Pursuant to the Commission’s administrative code, Wis. Stat. § 5.06 complaints can be withdrawn before the issuance of a final decision if the complainant specifies the reasons for their request. Wis. Admin. Code § EL 20.07(1). Upon receiving such a request, the Commission may, but is not required to, issue an order dismissing the matter without prejudice. Wis. Admin. Code § EL 20.07(1).

For the withdrawal request to be valid, Mr. Nedvidek will need to specify the reason for his request, which was not included in his November 8 message. If a valid request to withdraw is received, the Commission will consider the request at an upcoming Commission meeting.

In the meantime, both parties retain their ability to file a response and/or a reply in case Mr. Nedvidek does not complete his withdrawal request or in case the Commission chooses not to grant the request.

You may file additional correspondence in response to this letter via email addressed to angela.sharpe@wisconsin.gov and elections@wi.gov. If you have any additional questions, please feel free to contact me at 608-264-6764.

Sincerely,

Angela Sharpe

Angela O’Brien Sharpe
Staff Attorney
WISCONSIN ELECTIONS COMMISSION

Cc: Meagan Wolfe, Commission Administrator

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

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From: [Hunzicker, Brandon L - ELECTIONS](#)
To: [Michael Nedvidek](#)
Cc: [elections@kenosha.org](#); [coppeneer@kenosha.org](#); [Bryan Charbogian](#); [Wolfe, Meagan - ELECTIONS](#); [Witecha, James - ELECTIONS](#); [Sharpe, Angela B - ELECTIONS](#)
Subject: RE: Correspondence from the WEC: Michael Nedvidek v. Michelle Nelson et al (EL 24-120)
Date: Wednesday, November 20, 2024 12:15:00 PM
Attachments: [Extension Request - 11.14.24.pdf](#)
[image001.png](#)

Dear Mr. Nedvidek,

I am acknowledging receipt of your reason for requesting to withdraw your complaint. It has been sent to the Commissioners for their consideration of whether to dismiss the complaint as withdrawn. I have also sent them the attached request from the Kenosha respondents asking for an extension, which was granted and now allows a December 11 deadline, and asking the Commission to meet to consider the withdrawal request prior to that deadline. I will be in contact upon any further developments regarding these complaints.

Sincerely,

Brandon Hunzicker
Staff Attorney
Wisconsin Elections Commission
201 West Washington Avenue
P.O. Box 7984
Madison, WI 53707-7984
brandon.hunzicker@wisconsin.gov

From: Michael Nedvidek <mikenedvidek@gmail.com>
Sent: Tuesday, November 19, 2024 9:00 AM
To: Sharpe, Angela B - ELECTIONS <angela.sharpe@wisconsin.gov>
Cc: elections@kenosha.org; coppeneer@kenosha.org; Wolfe, Meagan - ELECTIONS <Meagan.Wolfe@wisconsin.gov>; Witecha, James - ELECTIONS <james.witecha@wisconsin.gov>; Hunzicker, Brandon L - ELECTIONS <brandon.hunzicker@wisconsin.gov>
Subject: Re: Correspondence from the WEC: Michael Nedvidek v. Michelle Nelson et al (EL 24-120)

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Here is my reason for withdrawing the Complaint. Since Courts have been reluctant to hear post election day cases involving machine issues I filed the Complaint based on the witnesses statements so that if there did become post-election issues because of the machines there would be a formal marker in place prior to election day.

Sincerely,

Michael D. Nedvidek

On Tue, Nov 12, 2024 at 3:20 PM Sharpe, Angela B - ELECTIONS

<angela.sharpe@wisconsin.gov> wrote:

Dear Mr. Nedvidek, Clerk Nelson and Deputy Clerk Oppenheer:

Please see the attached letter for correspondence from the Wisconsin Elections Commission staff regarding the complaint of (EL 24–120) Michael Nedvidek v. Michelle Nelson et al.

Please let me know if you have questions.

Best,

	<p>Angela O'Brien Sharpe Staff Attorney Wisconsin Elections Commission</p> <p>Phone 608-264-6764 Fax 608-267-0500 Email angela.sharpe@wisconsin.gov Web www.elections.wi.gov</p>
<p>201 W Washington Ave, Madison, WI 53703</p>	

PLEASE NOTE: While government records are generally subject to disclosure pursuant to the public records law, this email, including any attachments, may contain confidential and/or privileged information exempt from public disclosure. If you are not the intended recipient or believe that you received this email in error, please notify the sender immediately.

November 14, 2024

(sent via electronic mail to: angela.sharpe@wisconsin.gov, elections@wi.gov)

Administrator Megan Wolfe
c/o Attorney Angela O'Brien Sharpe
Wisconsin Elections Commission
201 W. Washington Avenue
Madison, WI 53707


RE: (EL 24-120) *Michael Nedvidek v. Michelle Nelson et al.*

Dear Attorney O'Brien Sharpe:

I represent Clerk/Treasurer Michelle Nelson and Deputy Clerk/Treasurer Christina Oppenheer. Given that Mr. Nedvidek is seeking to withdraw his complaint, I would respectfully request an extension to file a response pursuant to Wis. Admin. Code. § 20.04(5). Specifically, I am requesting an extension of "an additional 10 business days[.]" *Id.* (period added).

Further, if Mr. Nedvidek submits a reason for his withdrawal request, I would ask the Commission to hold a special meeting and decide whether it will accept the withdrawal prior to our response date. It would be inequitable to require a response to a complaint that neither the complainant nor the Commission wish to proceed with.

I, Bryan Charbogian, being first duly sworn on oath state that I personally read this letter, and its contents are true based on either my personal knowledge or information and belief.


BRYAN A. CHARBOGIAN
Deputy City Attorney
City of Kenosha
State Bar No. 1113801

CC:
Michael Nedvidek;
Michelle Nelson;
Christina Oppenheer



BRYAN A. CHARBOGIAN
Deputy City Attorney

STATE OF WISCONSIN)
) ss.
County of Kenosha),

Sworn to before me this 14th day of November, 2024

Melissa Loebach

My commission expires July 31, 2026
Notary Public



WISCONSIN ELECTIONS COMMISSION

Michael Nedvidek,

Case No: EL 24-120

Complainant,

v.

Michelle Nelson *et al.*,

Respondents.

RESPONSE OF CITY OF KENOSHA CLERK/TREASURER MICHELLE NELSON AND DEPUTY CLERK/TREASURER CHRISTINA OPPENNEER

Now come the Respondents, Kenosha City Clerk/Treasurer Michelle Nelson and Deputy Clerk/Treasurer Christina Oppeneer, by their attorneys in the Kenosha City Attorney's Office, to submit this Response to the Complaint of Mr. Michael Nedvidek.

INTRODUCTION

The Complaint initially asked the Commission to do something that no published court case has ever done: find a violation of Wis. Stat. § 5.84. Now, the Complainant is asking the Commission to dismiss this matter. The Respondents join this request, and further assert that the allegations do not amount to any unlawful conduct.

ARGUMENT

I. The Commission should dismiss the Complaint because the Complainant is not seeking to proceed.

The Complainant, Mr. Nedvidek, contacted the Commission and asked to withdraw his allegations. See Email Regarding Complaint Withdrawal. Since nobody is complaining about the Respondents' conduct, the Complaint should be dismissed.

II. The Complaint's allegations are moot.

Mootness is a doctrine of restraint. *Matter of D.K.*, 2020 WI 8, ¶ 19, 390 Wis. 2d 50, 63–64, 937 N.W.2d 901, 907. “An issue is moot when its resolution will have no practical effect on the underlying controversy.” *Matter of Commitment of J.W.K.*, 2019 WI 54, ¶ 1, 386 Wis. 2d 672, 678, 927 N.W.2d 509, 513. Adjudicatory bodies should determine whether a controversy is moot prior to addressing the substantive issues of the case. See *Matter of Commitment of J.W.K.*, 2019 WI 54, ¶¶ 10-11, 386 Wis. 2d 672, 682–83, 927 N.W.2d 509, 515.

The Complaint requests relief in the form of an order that would prospectively impact the general election; since the election is over, the Complaint is moot. The Complaint asks for an order saying that the automatic tabulating equipment “cannot be used in the Nov.5th (sic) election.” Complaint at 6. It is now into December. Thus, the matter is moot.

III. The Commission lacks jurisdiction over the Complaint since it fails to show probable cause of a violation.

The Commission lacks jurisdiction over the Complaint, and must dismiss it. Unlike circuit courts, government agencies have only those powers expressly granted

to them or necessarily implied by statute. *Compare Vill. of Trempealeau v. Mikrut*, 2004 WI 79, ¶¶ 1-2, 273 Wis. 2d 76, 82, 681 N.W.2d 190, 192–93 (circuit court jurisdiction), *Racine Fire & Police Comm'n v. Stanfield*, 70 Wis. 2d 395, 399, 234 N.W.2d 307, 309 (1975) (agency authority). Though it is courts that primarily adjudicate disputes, statutes grant authority for some agencies to do so under limited circumstances. Here, the Commission may only adjudicate complaints that show probable cause of a violation. Wis. Stat. § 5.06(1); Wis. Admin. Code §§ EL 20.04(1), (2), (3), (6). Because the Complaint fails to do so, the Commission must dismiss it.

There are two types of tests that must be performed on automatic tabulating equipment, a pre-election day test pursuant to Wis. Stat. § 5.84(1), and an election day test pursuant to Wis. Stat. § 5.84(2). Wisconsin Elections Commission, *Election Administration Manual for Wisconsin Municipal Clerks* 143 (Aug. 2024) (pre-election day test); Wisconsin Elections Commission, *Election Day Manual for Wisconsin Election Officials* 23 (Aug. 2024) (election day test). The Complaint alleges violations of both testing requirements, but fails to show probable cause that either were actually violated.

A. The Complaint lacks probable cause to show an improper election day test.

Though the Complaint cites the election day testing statute, it fails to include allegations showing probable cause that it was violated; thus, the Commission lacks jurisdiction over this allegation. Indeed, the Complaint fails to include any facts about the election day test whatsoever. The first sentence of his allegations clarify that they relate to “the pre-election day machine testing”—not election day testing. Complaint

at 6. The documents incorporated into his allegations say the same thing, discussing testing *before* the November 5 election. Complaint at 7 (pre-election testing “on the morning of October 28, 2024”); Complaint at 8 (pre-election testing on “October 29, 2024, starting at 9:00”); Complaint at 10 (pre-election testing on “October 29, 2024”). There is plainly no indication that anything went wrong with an election day test.

The Commission’s own rules say that this allegation should have been screened out prior to this point. Upon the filing of a complaint, the administrator must determine whether it “states probable cause.” Wis. Admin Code § EL 20.04(1). “If the complaint does not” it must be “promptly” returned to the complainant without forwarding it to the Respondents or requiring them to answer it. Wis. Admin Code §§ EL 20.04(1), (2), (3), (6). Despite the Complaint containing no facts to support the election day testing allegation, it was forwarded to the Respondents. This was error.

B. The Complaint lacks probable cause to show an improper pre-election day test.

The Complaint alleges that City of Kenosha officials failed to conduct a public pre-election test of *each* and *every* piece of automatic tabulating equipment used in the November 5, 2024 election. The Complaint pre-supposes that Wis. Stat. § 5.84(1) requires this; it does not. The statute instead requires a test of the *type* of equipment to be used. Since the Complaint does not allege that the type of equipment to be used was not tested, it fails to show probable cause of a violation, and must be dismissed.

Given that no published court opinion has interpreted the pre-election testing requirements of Wis. Stat. § 5.84(1), the Commission should focus its analysis on the plain language of the statute. The leading case on how to do so is *Kalal*.

The meaning of a statute is primarily drawn from “intrinsic sources[.]” *State ex rel. Kalal v. Cir. Ct. for Dane Cnty.*, 2004 WI 58, ¶ 43, 271 Wis. 2d 633, 662, 681 N.W.2d 110, 123 (period added). Deference “to the policy choices enacted into law by the legislature requires that statutory interpretation focus primarily on the language of the statute. We assume that the legislature’s intent is expressed in the statutory language.” *Id.* at ¶ 44.

“Context is important to meaning. So, too, is the structure of the statute in which the operative language appears. Therefore, statutory language is interpreted in the context in which it is used; not in isolation but as part of a whole; in relation to the language of surrounding or closely-related statutes; and reasonably, to avoid absurd or unreasonable results.” *Id.* at ¶ 46. Further, statutes are interpreted to give effect to every word, to avoid surplusage. *Id.*

- i. **The plain language of the elections statutes demonstrate that the term *automatic tabulating equipment* refers to a type of equipment, not a specific piece of equipment, and therefore, the obligation to test the equipment refers to the type.**

The Complaint alleges that every piece of automatic tabulating equipment must be publically tested prior to the election; this view is incorrect, as the law requires a public test of the *type* of automatic tabulating equipment to be used, not *each* and *every* tabulator.

Wis. Stat. § 5.84(1) reads in relevant part:

Where any municipality employs an electronic voting system which utilizes automatic tabulating equipment, either at the polling place or at a central counting location, the municipal clerk shall, on any day not more than 10 days prior to the election day on which the equipment is to be

utilized, have the equipment tested to ascertain that it will correctly count the votes cast for all offices and on all measures.

The obligation “to have the equipment tested” is an unambiguous reference to the term “automatic tabulating equipment.” That term “means apparatus which automatically examines and counts votes recorded on ballots or voting machines and tabulates the results.” Wis. Stat. § 5.02(1c).

Though the definition of automatic tabulating equipment makes no direct reference to whether it means a type or specific piece of equipment, the context clarifies that it is the type. See *Kalal*, 2004 WI 58, ¶¶ 45-46. The statutes use the term as a type of equipment when they state, “[w]here any municipality employs an electronic voting system which utilizes automatic tabulating equipment, either at the polling place or at a central counting location[.]” Wis. Stat. § 5.84(1) (alterations bracketed). The statute is triggered by municipal use of any equipment of a certain type—automatic tabulating equipment—regardless of the model or piece of equipment employed.

Throughout Chapter 5 of the Wisconsin Statutes, the term automatic tabulating equipment refers to a type of equipment:

An “Electronic voting system” is defined as “a system in which . . . votes are . . . counted and tabulated by *automatic tabulating equipment*.” Wis. Stat. § 5.02(4m) (ellipsis and emphasis added). The question whether the system has any automatic tabulating equipment, not a specific piece of equipment.

In the context of recounts, except “as provided in this subsection . . . if the

ballots are distributed to the electors, the board of canvassers shall recount the ballots with *automatic tabulating equipment*.” Wis. Stat. § 5.90(1) (ellipsis and emphasis added). The statute makes no mention of any specific piece of equipment, it simply requires that a certain type of equipment be used.

A party can ask for a recount by hand if they prove “that due to an irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using *automatic tabulating equipment* will produce incorrect recount results[.]” Wis. Stat. § 5.90(2) (emphasis and period added). So long as any automatic tabulating equipment was used, this statute could be triggered. The term is used identically in Wis. Stat. § 5.90(3).

Since the Complaint alleges only that the Respondents did not test every piece of equipment, and does not contest whether that type of equipment was used in the election, it fails to show probable cause of a pre-election testing violation.

ii. Municipal clerks may test the type of automatic tabulating equipment for the same reason that the Commission may certify the type of automatic tabulating equipment.

Just as the Commission lawfully certifies the type, rather than every piece, of automatic tabulating equipment used in electronic voting systems, municipal clerks may lawfully certify the type of automatic tabulating equipment prior to an election.

Pursuant to Wis. Stat. § 5.91(intro), no “automatic tabulating equipment, or related equipment and materials to be used in an electronic voting system may be utilized in this state unless it is certified by the commission.” The Commission’s practice is to certify the model, and not every piece of equipment that comes into the

State. This is lawful, because the term *automatic tabulating equipment* refers to a type of equipment and not a specific piece. So too is the practice of testing the type of equipment prior to an election. Wis. Stat. § 5.84(1).

C. The Complaint fails to show probable cause that the notice requirements for equipment testing were violated.

The Complaint fails to show probable cause of a notice violation pursuant to Wis. Stat. § 7.15(1)(d). The public is entitled to notice of the pre-election day test of the type of automatic tabulating equipment to be used in the election. The Complaint does not assert that there was no notice of this test. Instead, it alleges that the Clerk's Office did an additional private test of the equipment to ensure it worked, and did not provide public notice for it. Complaint at 6. This is not unlawful.

It is plainly not a violation for the Clerk's Office to do more tests on its election equipment than the minimum amount required by law—that's simply prudent. The pre-election test required by Wis. Stat. § 5.84(1) must be conducted ten or fewer days in advance of the election. If the equipment does not work, it would be wise to know further out than that.

As long as there is a public, pre-election day test of the automatic tabulating equipment within ten days of the election, and there is public notice of the test, there is no violation. Election officials are free to conduct as many additional private tests as they want, and these need not be publically noticed. Since the Complaint alleges no unlawful conduct, it fails to show probable cause of a violation.

IV. Apart from the Complaint's deficiencies, the Respondents complied with the law.

Aside from the matter of the Complaint's sufficiency, its allegations are wrong on the merits. The election day test was properly performed pursuant to Wis. Stat. § 5.84(2), *see* Certified Zero Totals Reports, and the Complaint does not allege any conduct that would be a violation of the pre-election day testing requirements. In addition, public notice of the pre-election day test was given pursuant to Wis. Stat. § 7.15(1)(d). *See* Certified Publication Records.

The Complaint chiefly takes issue with whether every piece of automatic tabulating equipment was *publically* tested prior to the election. If it brings any peace of mind, it may be worth noting that every piece of automatic tabulating equipment was privately tested prior to the election, separate and apart from any testing obligations pursuant to Wis. Stat. § 5.84(1).

CONCLUSION

For the foregoing reasons, the Respondents respectfully ask the Commission to dismiss the Complaint.

I, Bryan Charbogian, being first duly sworn on oath state that I personally read this response, and it is true based on either my personal knowledge or information and belief.

Dated this 11th day of December, 2024.

Bryan A. Charbogian

BRYAN A. CHARBOGIAN
Deputy City Attorney
City of Kenosha
State Bar No. 1113801

Office of the City Attorney
625 52nd Street, RM 201
Kenosha, WI 53140
Phone: 262-653-4170
bcharbogian@kenosha.org

STATE OF WISCONSIN)

) ss.

County of Kenosha),

Sworn to before me this 10th day of December, 2024

Melissa Loebach

My commission expires July 31, 2026

Notary Public



AFFIDAVIT OF PUBLICATION

State of New Jersey, County of Burlington, ss:

I, Emmie Atwood, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Kenosha News, a daily newspaper published and distributed in the City of Kenosha, County of Kenosha and State of Wisconsin, and that a notice, of which the annexed printed slip is a true copy, has been published in the said KENOSHA NEWS for

the term of 1 weeks, once each week successively, commencing on Oct 17, 2024 and ending on Oct 17, 2024

City of Kenosha
625 52nd Street Room 105
Kenosha, WI 53140

ORDER NUMBER: COL-WI-1000835

Section: Legal

Category: 0099 Legal Notices

Notice ID: P5VMpBDDZu7i3TOg9OK5

PUBLISHED ON: Oct 17, 2024

TOTAL AD COST: \$46.76

Emmie Atwood

Agent

VERIFICATION

State of New Jersey
County of Burlington

Signed or attested before me on this: 10/17/2024

Liza Ortiz

Notary Public

Notarized remotely online using communication technology via Proff.

LIZA ORTIZ
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires November 27, 2028

NOTICE - CITY OF KENOSHA OFFICE OF THE CITY CLERK
In accordance with Sections 7.515, 7.53(1)(a) and 7.53(2)(d), Wisconsin Statutes, the City of Kenosha Municipal Board of Canvassers will convene on Friday, November 8, 2024, in Room 104 of the Kenosha Municipal Building, 625 52 nd Street, Kenosha, WI, for the purpose of processing eligible provisional ballots from the November 5, 2024, General Election. The board will be in session on November 8, 2024, at 4:05 pm. This meeting is open to the public pursuant to Sections 19.81-89, Wisconsin Statutes.

NOTICE - CITY OF KENOSHA OFFICE OF THE CITY CLERK
Notice is hereby given that the Public Test of the automatic ballot tabulation equipment to be used at the November 5, 2024, General Election will be conducted at the City Clerk's Office, Room 100 of the Kenosha Municipal Building, 625 52 nd Street, Kenosha, WI, at 9:00 am on Tuesday, October 29, 2024. The Public Test is open to the public pursuant to Section 5.84, Wisconsin Statutes.

NOTICE - CITY OF KENOSHA OFFICE OF THE CITY CLERK
In accordance with Section 1.06 l, City of Kenosha Code of General Ordinances and Sections 7.52 and 7.53(m), Wisconsin Statutes, the City of Kenosha Board of Absentee Canvassers will convene in Rooms 200/202/204 of the Kenosha Municipal Building, 625 52 nd Street, Kenosha, WI, to canvass the November 5, 2024, General Election absentee ballots. The board will be in session on November 5, 2024, at 8:30 am and will adjourn at 8:00 pm, or until such time all absentee ballots have been canvassed, whichever is sooner. This meeting is open to the public pursuant to Section 7.52(1)(a), Wisconsin Statutes.
/s/ Michelle L. Nelson, City Clerk
Published: October 17, 2024
PUB: October 17, 2024
COL-WI-1000835 WNAXLP

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE RECORD ON FILE IN THE OFFICE OF THE CITY CLERK TREASURER, CITY OF KENOSHA, WISCONSIN

Christina Oppenheer
Deputy City Clerk - Treasurer 11/21/24



THIS IS TO CERTIFY THAT THIS IS A TRUE
AND CORRECT COPY OF THE RECORD ON
FILE IN THE OFFICE OF THE CITY CLERK
TREASURER, CITY OF KENOSHA, WISCONSIN



Christina Oppeneer
Christina Oppeneer
Deputy City Clerk - Treasurer 11/21/24

Legals

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/s/ Michelle L. Nelson, City Clerk
Published: October 17, 2024
PUB: October 17, 2024
COL-WI-1006835 WNAXLP

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OFFICE OF THE CITY CLERK**

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/s/ Michelle L. Nelson, City Clerk
Published: October 17, 2024

THIS IS TO CERTIFY THAT THIS IS A TRUE
AND CORRECT COPY OF THE RECORD ON
FILE IN THE OFFICE OF THE CITY CLERK
TREASURER, CITY OF KENOSHA, WISCONSIN

Christina Oppenheer
Deputy City Clerk-Treasurer 11/21/24





Bryan Charbogian <bcharbogian@kenosha.org>

[EXTERNAL] RE: Correspondence from the WEC: Michael Nedvidek v. Michelle Nelson et al (EL 24-120)

1 message

Hunzicker, Brandon L - ELECTIONS <brandon.hunzicker@wisconsin.gov>

Wed, Nov 20, 2024 at 12:15 PM

To: Michael Nedvidek <mikenedvidek@gmail.com>

Cc: "elections@kenosha.org" <elections@kenosha.org>, "coppenneer@kenosha.org" <coppenneer@kenosha.org>, Bryan Charbogian <bcharbogian@kenosha.org>, "Wolfe, Meagan - ELECTIONS" <Meagan.Wolfe@wisconsin.gov>, "Witecha, James - ELECTIONS" <james.witecha@wisconsin.gov>, "Sharpe, Angela B - ELECTIONS" <angela.sharpe@wisconsin.gov>

This message originated from outside your organization

Dear Mr. Nedvidek,

I am acknowledging receipt of your reason for requesting to withdraw your complaint. It has been sent to the Commissioners for their consideration of whether to dismiss the complaint as withdrawn. I have also sent them the attached request from the Kenosha respondents asking for an extension, which was granted and now allows a December 11 deadline, and asking the Commission to meet to consider the withdrawal request prior to that deadline. I will be in contact upon any further developments regarding these complaints.

Sincerely,

Brandon Hunzicker

Staff Attorney

Wisconsin Elections Commission

[201 West Washington Avenue](#)

P.O. Box 7984

Madison, WI 53707-7984

brandon.hunzicker@wisconsin.gov**From:** Michael Nedvidek <mikenedvidek@gmail.com>**Sent:** Tuesday, November 19, 2024 9:00 AM**To:** Sharpe, Angela B - ELECTIONS <angela.sharpe@wisconsin.gov>**Cc:** elections@kenosha.org; coppenneer@kenosha.org; Wolfe, Meagan - ELECTIONS<Meagan.Wolfe@wisconsin.gov>; Witecha, James - ELECTIONS <james.witecha@wisconsin.gov>; Hunzicker, Brandon L - ELECTIONS <brandon.hunzicker@wisconsin.gov>**Subject:** Re: Correspondence from the WEC: Michael Nedvidek v. Michelle Nelson et al (EL 24-120)**CAUTION: This email originated from outside the organization.****Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Here is my reason for withdrawing the Complaint. Since Courts have been reluctant to hear post election day cases involving machine issues I filed the Complaint based on the witnesses statements so that if there did become post-election issues because of the machines there would be a formal marker in place prior to election day.

Sincerely,

Michael D. Nedvidek

On Tue, Nov 12, 2024 at 3:20 PM Sharpe, Angela B - ELECTIONS <angela.sharpe@wisconsin.gov> wrote:

Dear Mr. Nedvidek, Clerk Nelson and Deputy Clerk Oppeneer:

Please see the attached letter for correspondence from the Wisconsin Elections Commission staff regarding the complaint of (EL 24-120) Michael Nedvidek v. Michelle Nelson et al.

Please let me know if you have questions.

Best,



Angela O'Brien Sharpe
Staff Attorney
 Wisconsin Elections Commission

Phone 608-264-6764 **Fax** 608-267-0500

Email angela.sharpe@wisconsin.gov

Web www.elections.wi.gov

[201 W Washington Ave, Madison, WI 53703](#)

PLEASE NOTE: While government records are generally subject to disclosure pursuant to the public records law, this email, including any attachments, may contain confidential and/or privileged information exempt from public disclosure. If you are not the intended recipient or believe that you received this email in error, please notify the sender immediately.

 **Extension Request - 11.14.24.pdf**
568K



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 March 7, 2025, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator

Prepared by:
Angela O'Brien Sharpe, Staff Attorney

SUBJECT: WEC Compliance with Judicial Privacy Protection Law
Wis. Stats. §§ 8.10(8) and 757.07

ATTACHMENTS: **Attachment A** – Wisconsin Legislative Council Summary of Law

Attachment B – Draft WEC Info Sheet for Judicial Officers

Attachment C – Draft Administrative Rule Language for Certifications of Residence for Judicial Candidates

Attachment D – Clerk Comments on Proposed Draft Rule Language

Introduction

2023 WI Act 235, codified in Wis. Stats. §§ 8.10(8) and 757.07, will go into effect on April 1, 2025, and will allow judicial officers to request that certain personal information be protected from public disclosure and removed from public display. A summary of the law's provisions and effects is included in **Attachment A**. In short, the new law allows judicial officers to request that certain personal information be protected from public disclosure and removed from public display.

Part One – Confirmation of Scope of Law

Commission staff seek the Commission's opinion on whether Wis. Stat. § 757.07 also applies to federal district court judges, magistrates, and other types of federal trial judges or arbiters. "Judicial officer" is defined as any person who currently is or who formerly was: a supreme court justice; a court of appeals judge; a circuit court judge; a municipal judge; a tribal judge; a temporary or permanent reserve judge; or a circuit, supplemental, or municipal court commissioner. Wis. Stat. § 757.07(1)(e).

Federal supreme court justices and federal circuit court of appeals judges appear to be fully covered by the first two enumerated classes of § 757.07(1)(e), but federal trial judges don't appear to fit into any of the definitions of "judicial officer." In Wisconsin, state trial court judges are called "circuit court judges," but in federal court, federal trial judges do not use that term, and are referred to as district court judges or

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

245

magistrates. An existing federal law protects federal judges and appears to be the law on which the new Wisconsin law is based.¹ However, it is not clear that the federal law applies to and is binding on state or local governments. It does clearly apply to federal agencies.

Commission legal counsel recommend that the Commission interpret the “circuit court judge” definition of judicial officer in Wis. Stat. § 757.07(1)(e)3. to include federal trial judges and arbiters. Without that commonsense interpretation, federal trial judges appear to fall into an unfortunate legal limbo between state and federal laws that were specifically designed to protect them.

Part Two – WEC Info Sheet for Judicial Officers

Commission staff also seek the Commission’s input and approval of the draft Info Sheet provided in **Attachment B**, which staff intend to provide to judicial officers who file requests with the Commission under Wis. Stat. § 757.07(4). This Info Sheet describes the steps staff will take to protect the judicial officers’ personal information and explains the types of documents and data sources within the Commission’s control. The Info Sheet also provides important information relating to the mechanics of voting with a protected status designation, including making sure the judicial officers understand that they cannot use the Commission’s MyVote Wisconsin website to register to vote or request an absentee ballot.

Part Three – Election Day Procedure for April 1, 2025

2023 WI Act 235 goes into effect on April 1, 2025, which is the same day as the Spring Election. It is possible that the Commission could receive judicial officer privacy requests on April 1. The law provides that government agencies have 10 business days to remove protected information from publicly available sources, but considering that many Wisconsin judges will be on the ballot on April 1, Commission staff believe that quicker compliance is warranted. Wis. Stat. § 757.07(2)(a).

If any requests are received on April 1, Commission staff will automatically grant them protected voter status within WisVote, and will also attempt to contact their municipal clerks to alert them that a request has been received so they can withhold the protected address on an absentee certificate envelope or poll book from public inspection. This procedure will only apply to complete requests that are received on April 1.

Recommended Motions for Parts One and Two: The Wisconsin Elections Commission (“the Commission”) interprets “circuit court judge” within the definition of judicial officer at Wis. Stat. § 757.07(1)(e)3. to include all federal judges, including trial judges and arbiters. The Commission approves the Info Sheet in Attachment B, subject to any revisions that received consensus during discussion, and directs staff to provide it to any judicial officer who makes a request pursuant to Wis. Stat. § 757.07(4).

No Recommended Motion for Part Three.

¹ See the Daniel Anderl Judicial Security and Privacy Act of 2021. Public Law 104-191, Public Law 106-102.

Part Four – Proposed Administrative Rule for Certification of Residence

2023 WI Act 235, codified in relevant part in Wis. Stat. § 8.10(8), directs the Commission to promulgate administrative rules to create a process, separate from the data privacy request, by which judicial officer candidates can certify their residence with the Commission to be exempt from including it on nomination papers and declarations of candidacy. On September 11, 2024, the Commission approved scope statement SS 096-24 relating to the proposed emergency and permanent rulemaking for judicial privacy protections, 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 for the Commission’s review and approval. The draft text is included as **Attachment C**.

The following legislative committee representatives for clerks’ organizations were given two chances to review the proposed draft text to provide comments or suggestions: Dane County Clerk Scott McDonnell, Rock County Clerk Lisa Tollefson, and City of Oconomowoc Clerk Diane Coenen. Commission staff received two comments from Clerk Tollefson, both of which staff agreed with. Clerk Tollefson recommended removing the word “proffered” from the rule text, and also provided a suggestion for how Commission staff can notify multiple clerks if the judicial officer indicates they are a multijurisdictional judicial candidate or judge. Clerk Tollefson’s comments are included as **Attachment D**. The Commission did not receive any other suggestions for changes or substantive comments.

Rule Format and Summary of Text

The proposed administrative rule is organized by topic in procedural order:

- **Application**
 - Specifies the information that should be provided when a judicial officer requests certification.
 - Requires the application to be filed before the circulation of nomination papers.
 - Provides certification language as well as a notarization or unsworn declaration requirement.
- **Verification of Address**
 - Requires judicial officers to submit proof of residence, as defined by Wis. Stat. § 6.34(3), so that Commission staff can verify their address. Proof of residence is sufficient to confirm eligibility to vote, and so staff propose using the same standard for verifying residence for judicial officers seeking certification of residence.
- **Certification of Residence, Procedure**
 - Initial review for sufficiency with a one business day notification for judicial officer to correct
 - Examination of proof of residence to ensure it meets § 6.34(3) requirements
 - If judicial officer intends to be a candidate, staff will confirm if their proof of residence satisfies the residence eligibility criteria for that office. Staff confirmation under this section will not exempt a judicial officer from a ballot access challenge, nor will it guarantee their placement on the ballot.
 - If everything is sufficient, staff will issue an acknowledgement of certification of residence which contains specific language that the judicial officer is exempt from providing their residential address on nomination papers and declarations of candidacy, and certifies that the officer resides in an eligible location for the office sought.

- The latter certification is included to forestall a primary concern from the public that it's difficult to verify residence requirements if judicial officers can withhold their residential addresses
- **Maintenance of Certification of Residence, Procedure**
 - Establishes how Commission staff will track judicial officers who have had their residences certified
 - Requires Commission staff to make certification of residence decision within one business day
 - Procedure for Nomination Papers and Declarations of Candidacy
 - Directs judicial officers who properly receive certification of residence to write “Exempt – Certification of Residence” on nomination papers and declaration of candidacy in lieu of address. Specifies that the omission of this language, however, does not invalidate the nomination paper or declaration of candidacy.
 - Directs staff to provide copy of application to municipal clerks if judicial officer indicates they are running as a local candidate.

Discussion

Emergency Rule Assessment:

The scope statement for the judicial privacy rule was approved as both a permanent rule and an emergency rule. The biggest benefit to an emergency rule is that it would allow the rule to go into effect much more quickly than a permanent rule. The biggest potential cost, however, is that if the emergency rule is suspended, the Commission likely cannot complete the final steps of the permanent rule as well. Wis. Stat. § 227.26(2)(L).

Given the possibility that the Joint Committee for the Review of Administrative Rules (JCRAR) will again suspend the Commission's emergency rule, staff recommend that the Commission vote to proceed with the permanent rule only. JCRAR has suspended every recent emergency rule the Commission has promulgated (four since 2022). It is true that JCRAR did not order the Commission to conduct a scope statement hearing—the first time they have not ordered this—but it does not necessarily follow that they will also permit the emergency rule to go into effect without suspending it.

In short, Commission staff believe that the risk of suspension, even if that risk is lower, outweighs the benefit of promulgating the judicial privacy rule as an emergency rule. An emergency rule would likely go into effect before the law goes into effect on April 1, but it is not critical to have the rule in place before that date. The Commission can develop guidance documents and policy to essentially follow the in-progress administrative rule while it waits for the permanent rule to officially go into effect.

Next Steps:

If the Commission agrees to proceed with the permanent rule only, and also has no further edits or revisions to the rule text, the next immediate step would be to vote to approve the final rule language. Then, staff can proceed with the next steps of the permanent rulemaking process:

- Staff will draft an Economic Impact Analysis (EIA) and notice a comment period for the EIA. The comment period will last for a little over 2 weeks. The EIA will be published on the Commission's website, published in the Administrative Register, and circulated to local clerks via a clerk communication in the Commission's clerk newsletter.

- The Commission will review any comments received for the EIA.
- Staff will prepare the final rule order for the Commission's approval before submission to the Rules Clearinghouse.
- The Commission will also approve and notice a public hearing and comment period for the text of the rule.
- The Legislative Council will provide comments on the text of the proposed permanent rule. The Commission can hold the public hearing after receiving those comments back, or 21 days after the rule order was submitted, whichever is sooner.
- The Commission will then consider a revised version of the rule text after staff have implemented feedback from the Legislative Council.

If the Commission desires significant changes to the proposed rulemaking draft - Possible Motion 1 for Part Four: The Wisconsin Elections Commission directs staff to implement edits to the proposed rulemaking draft for SS 096-24 for rulemaking relating to judicial privacy protections 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 the Commission does not have significant changes and does not desire to seek an Emergency Rule - Possible Motion 2 for Part Four: The Wisconsin Elections Commission approves the proposed rulemaking draft for SS 096-24 for permanent rulemaking relating to judicial privacy protection consistent with any edits made during this meeting. The Commission directs staff to proceed with the necessary permanent rulemaking steps for SS 096-24, as outlined in this memo. As of April 1, 2025, staff are directed to follow the procedure outlined in the proposed administrative rule for processing certification of residence requests from judicial officers.

If the Commission has no significant changes and desires Concurrent Rules - Possible Motion 3 for Part Four: The Wisconsin Elections Commission approves the proposed rulemaking draft for SS 096-24 for emergency and permanent rulemaking relating to judicial privacy protection consistent with any edits made during this meeting. The Commission directs staff to submit the final draft emergency rule, SS 096-24, 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 to be printed with the rule when published in the official state newspaper and with the Legislative Reference Bureau. Wis. Stat. § 227.24(1)(c), (d), (e) 1m., and (2). Finally, the Commission directs staff to proceed with the necessary permanent rulemaking steps for SS 093-23. As of April 1, 2025, staff are directed to follow the procedure outlined in the proposed administrative rule for processing certification of residence requests from judicial officers.

2023 Wisconsin Act 235 – Privacy Protections for Judicial Officers

Overview

2023 Wisconsin Act 235, <https://docs.legis.wisconsin.gov/2023/related/acts/235>, now codified as Wis. Stat. §757.07, allows judicial officers to request that certain personal information be protected from public disclosure and removed from public display. The law provides certain protection from public records disclosures, prohibits the sale and dissemination of certain private information, and limits the information that may be publicly posted on social media.

Judicial Officers

Under the law, a judicial officer means a person who currently is or who formerly was a Supreme Court justice; a court of appeals, circuit court, municipal, or tribal judge; temporary or permanent reserve judge; or a circuit, supplemental, or municipal court commissioner. The law establishes a procedure by which a judicial officer may submit a written request to protect private information relating to themselves or their immediate families from certain disclosures. A written request is valid for ten (10) years or until the judicial officer's death, whichever occurs first.

Personal Information Protected

Under the law, a judicial officer may identify the types of information they wish to protect. With regard to a judicial officer or an immediate family member of a judicial officer, "personal information" means any of the following:

- A home address, including identification of a particular document recorded by a register of deeds.
- A home or personal mobile telephone number.
- A personal email address.
- A Social Security number, driver's license number, federal tax identification number, or state tax identification number.
- Except as required under Ch. 11, bank account or credit or debit card information.
- A license plate number or other unique identifiers of a vehicle owned, leased, or regularly used by a judicial officer or an immediate family member of a judicial officer.
- The identification of children under the age of 18 of a judicial officer or an immediate family member of a judicial officer.
- The full date of birth.
- Marital status.

Government Agencies

The law requires that a government agency refrain from publicly posting or displaying publicly available content that includes a judicial officer's personal information, as defined in Wis. Stat. §757.07(1)(g), provided that the government agency has received a written request from the officer that the agency refrain from disclosing the personal information. Upon receipt of the written request, the agency must remove the personal information within ten (10) business days and may not publicly post or display the information. The personal information is also exempt from public records requests unless the agency has received consent to make the information available to the public.

Persons, Businesses, and Associations

Similarly, the law requires that all persons, businesses, and associations, upon receipt of a written request for privacy protections from a judicial officer, refrain from publicly posting or displaying on the internet publicly available content that includes the personal information of the judicial officer or the judicial officer's immediate family. The prohibition does not apply to personal information that the judicial officer or an immediate family member of the judicial officer voluntarily publishes on the internet after the law goes into effect or personal information lawfully received from a state or federal government source, including from an employee or agent of the state or federal government.

After a person, business, or association has received a written request from a judicial officer, the person, business, or association must, within ten (10) days of the request, remove the personal information from the internet; ensure that the judicial officer's personal information is not made available on any website or subsidiary website controlled by that person, business, or association; and identify any other instances of the identified information that should also be removed.

Once a written request is received, no person, business, or association may transfer the judicial officer's personal information to any other person, business, or association through any medium, except for personal information that the judicial officer or an immediate family member of the judicial officer voluntarily publishes on the internet after the law goes into effect, or if a transfer is made at the request of the judicial officer or is necessary to effectuate a request to the person, business, or association from the judicial officer.

Data Brokers

A data broker, as defined in Wis. Stat. § 757.07(1)(a), is prohibited from knowingly selling, licensing, trading, purchasing, or otherwise making available for consideration the personal information of a judicial officer or a judicial officer's immediate family, provided that the judicial officer has made a written request to the data broker. The data broker shall cease knowingly selling, licensing, trading, purchasing, or otherwise making available personal information for consideration pursuant to the written request within ten (10) business days of the written request.

Wisconsin Elections Commission

The Act creates a process for a candidate for a judicial office, instead of having his or her name and residential address listed on nomination papers, to file a certification of residence with the Elections Commission before circulating nomination papers. A judicial officer circulating nomination papers on behalf of a candidate for a nonpartisan office, or signing nomination papers supporting a candidate for a nonpartisan office, may similarly file a certification of residence with the Elections Commission before circulating or signing nomination papers. The law requires the Commission, by rule, to verify the address provided in the certification of residence.

Wisconsin Ethics Commission

If the Ethics Commission receives a written request from a judicial officer, the personal information of a judicial officer contained in statements of economic interests, reports of economic transactions, and campaign finance reports that are filed with the Commission by judicial officers or the candidate committees of judicial officers are not open to public inspection under Wis. Stat. § 19.55. The Ethics

Commission shall quarterly review the electronic campaign finance information system for the personal information of judicial officers and remove the personal information of judicial officers from the system. Before providing, upon a request, a statement of economic interests of a judicial officer, the Commission shall remove the personal information of the judicial officer.

Registers of Deeds and Land Record Websites

The law requires registers of deeds to shield from disclosure electronic images of certain documents covered by a judicial officer's written request for protection of personal information, if the documents to be protected are specifically identified by the judicial officer. The law also requires providers of public-facing land records websites to establish a process for judicial officers and immediate family members of judicial officers to opt-out from the display and search functions of their names.

Written Request Procedure

Written requests by judicial officers are required to be on a form prescribed by the Director of State Courts and must specify what personal information shall be maintained as private. The requests must also specify the immediate family members and secondary residences covered by the request. Written requests shall be treated confidentially and are valid for ten (10) years or until after the judicial officer's death, whichever occurs first.

A judicial officer or immediate family member of the judicial officer may consent to release personal information otherwise protected by a judicial officer's written request if the consent is made in writing on a form prescribed by the Director of State Courts. An immediate family member may only consent to the release of their own personal information. Supreme Court Justices, Court of Appeals Judges, Circuit Court Judges, and Reserve Judges may designate the Director of State Courts as their registered agent. If the Director of State Courts receives service of process, notice, or demand required or permitted by law to be served on a judicial officer who has so designated the Director of State Courts, the Director of State Courts shall forward the process, notice, or demand to the judicial officer's home address.

Enforcement

A judicial officer whose personal information is made public in violation of Act 235 may bring an action seeking injunctive or declaratory relief. Provided an employee of a government agency has complied with the conditions set forth in the Act, it is not a violation if an employee of a government agency publishes personal information, in good faith, on the website of the government agency in the ordinary course of carrying out public functions. A person commits a Class G felony if the person knowingly publicly posts or displays on the internet personal information of a judicial officer or a judicial officer's immediate family, the person intends the public posting or display to create or increase a threat to the health and safety of the judicial officer, and bodily injury or death of the judicial officer or a family member of the judicial officer is a natural and probable consequence.

This information is excerpted from Wisconsin Legislative Council and Wisconsin Legislative Reference Bureau materials.



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

Information for Judicial Officers Seeking § 757.07 Privacy Protection

You are receiving this information because you have submitted a written request to the Wisconsin Elections Commission (“the Commission”), pursuant to Wis. Stat. § 757.07(4), to remove your personal information from publicly available content. Please read this entire information sheet as it contains important information about how the Commission will take steps to protect your personal data.

How the Commission will remove and protect your personal data

Voter Record. Your voter record will be classified as a protected voter within the statewide voter registration system. This means that your address will no longer be publicly available as a voter record online through any of the Commission’s websites or systems.

Poll Book. A protected voter designation also means your name and address will appear in a separate, confidential portion of the poll book that is not open to public inspection and observation.

Candidate Records. If you filed nomination papers or a declaration of candidacy as a judicial candidate with the Commission after April 15, 2020, those records are currently publicly available online through Badger Voters. Badger Voters is a website maintained by the Commission that allows the public to access certain voter data and public records electronically. We will remove any copies of your previously-filed nomination papers or declarations of candidacy so they can no longer be accessed on demand by the public. Older nomination papers and declarations of candidacy are not publicly available online, and if we receive a public records request for them, we will redact your personal information.

You can no longer use the MyVote Wisconsin website (MyVote.wi.gov) to register to vote, update your voter record, or request an absentee ballot

Your voter record will be protected in MyVote in the same manner as voter records for confidential voters are protected. To fully protect your data, the Commission needs to ensure that your name or address cannot be returned as a search result when attempting to use MyVote to look up a voter record. Unfortunately, this means that you will not be able to use MyVote to register to vote or request an absentee ballot. You will need to contact your municipal clerk directly to update your voter record or request an absentee ballot.

The Commission strongly recommends that you do not attempt to register to vote online using MyVote. Doing so could inadvertently make your protected address a publicly available voter record. You should always contact your municipal clerk directly if you, or any protected immediate family members, need to register to vote.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

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You can still use MyVote to find your polling place or see your sample ballot, though you can also do this by contacting your municipal clerk.

Help us identify records which may contain your personal information

The Commission will take every possible step to identify any publicly available records in its possession that contain your personal protected data, but you can greatly assist us with this process. If you know or suspect that any of the following types of records contain your personal information, please contact the Commission directly at 608-266-8005 and ask for a member of the legal team.

Signatory Records: If you've ever signed nomination papers as a signatory, or circulated them on behalf of a candidate, please let us know.

Complaints: If you have ever filed an administrative complaint with the Commission, or were named as a Respondent, including ballot access challenges, please let us know.

Emails: If you have ever emailed any Commissioner, the Commission Administrator, any member of the Commission staff, or our general inbox at elections@wi.gov, from your personal email address, please let us know.

If you're a candidate, you'll need to separately request certification of residence for election paperwork

The new judicial officer privacy protection law also exempts you from needing to include your residence on certain election paperwork, but you need to request separate certification of residence from the Commission to be exempt. Wis. Stat. § 8.10(8). Requesting this exemption means you will not need to list your residential address on nomination papers or declarations of candidacy, but the Commission must certify your residence first.

If you are, or plan to be, a judicial candidate, please contact the Commission directly to request a certification of residence prior to circulating nomination papers or submitting your declaration of candidacy.

Absentee voting procedure

You will not be able to request an absentee ballot online using MyVote.wi.gov. You will need to contact your municipal clerk directly to request an absentee ballot.

Nothing in Wis. Stat. § 757.07 exempts you from the requirement of Wis. Stat. § 6.87(2) to include your residential address on your absentee certificate envelope when voting absentee. Commission staff plan to provide training to municipal clerks to instruct that observers and the public should not be permitted to inspect or see your certificate envelope containing your residential address.

Election officials are not required to state the residential address of absent electors out loud when processing absentee ballots at the polling place on election day, just the absent elector's name. Wis. Stat. §§ 6.88(3)(a), 7.52(3)(a). Accordingly, if you vote by absentee ballot, your residential address should not be read aloud by election inspectors.

Polling place voting procedure

If you choose to vote in person, nothing in Wis. Stat. § 757.07 exempts you from the requirement of Wis. Stat. § 6.79(2)(a) to state your full name and address to election officials before signing the poll book, nor are you exempt from the requirement of showing your photo identification.

All of the above also applies to any immediate family members included in your request

If you included any immediate family members in your request, the Commission will protect their protected information in the same way as it will protect yours. All of the information in this info sheet will apply equally to any family members you include in your protection request. This means your protected immediate family members will also be unable to use MyVote to request an absentee ballot, and we would also strongly recommend that they register to vote directly with their municipal clerk.

Remember to Contact Your Municipal and County Clerks

The Commission is the records custodian of a wide variety of public records that may contain your personal information. Your county clerk and municipal clerk likely also possess public records pertinent to elections, so you should also ensure that you have made a duplicate request under § 757.07(4) to both your municipal and county clerks.

Your request will expire automatically after 10 years unless you renew it with the Commission

The judicial privacy protection statute ensures that your request to protect your personal information is valid for 10 years. Wis. Stat. § 757.07(4)(e)1. The Commission will protect your voter record for 10 years from the date of your application, but you must notify the Commission prior to the expiration of 10 years if you wish to continue your protected status. If you do not let us know that you wish to renew your request, it will automatically expire after 10 years, and your voter record will once again become public.

EL 19 Judicial Privacy Protections

19.01 DEFINITIONS

19.01(a) “Certification of Residence” means a document authorized by s. 8.10(8)(a) and applied for pursuant to this chapter.

19.01(b) “Judicial officer” has the meaning given in s. 757.07(1)(e).

19.01(c) “Proof of residence” has the meaning given in s. 6.34(3).

19.01(e) “Residential address” means street name and number, apartment/unit number, municipality, state, and ZIP code.

19.02 APPLICATION

19.02(a) In order to file a lawful certification of residence from the commission, a judicial officer must complete a certification of residence form prescribed by the commission pursuant to this chapter. A request for protection of personal information made pursuant to s. 757.07(4)(b)1. is not sufficient by itself to file a certification of residence pursuant to s. 8.10(8)(a).

19.02(b) A judicial officer who wishes to be properly exempt from providing their residential address pursuant to s. 8.10(8) must file a certification of residence before circulating or signing nomination papers or submitting a declaration of candidacy.

19.02(c) A judicial officer seeking to maintain a private address under s. 8.10(8)(a), Stats., shall file the certification of residence form currently prescribed by the commission for that purpose. A sufficient form must contain all of the following:

19.02(c)(1) Full legal name of judicial officer.

- 19.02(c)(2) Name that will appear on the judicial officer's declaration of candidacy or nomination papers,
- 19.02(c)(3) Judicial officer designation category under s. 757.07(1)(e).
- 19.02(c)(4) If the judicial officer intends to be a candidate, they must indicate the office they seek.
- 19.02(c)(5) The address of the judicial officer's residence for voting purposes, as defined by s. 6.10(1) Stats., which must include the street name and number, apartment/unit number, municipality, state, and ZIP code.
- 19.02(c)(6) Mailing address.
- 19.02(c)(7) The following certification language: "I hereby certify that I am currently or formally a judicial officer, as defined by Wis. Stat. § 757.07(1)(e). I intend to be a candidate for judicial office, intend to circulate nomination papers on behalf of a candidate for nonpartisan office, or intend to sign nomination papers to support such a candidate. This form constitutes my written request to the Wisconsin Elections Commission to confidentially maintain my address unless I consent to disclosure under Wis. Stat. § 757.07(4)(e).

I certify that the residential address that I provided is the place where my habitation is fixed, without any present intent to move, and to which, when absent, I intend to return. I certify that the accompanying proof of residence submitted with this application accurately reflects my current legal name and residential address.

I certify that the information I provided in this application is true and correct. I understand that falsifying any portion of this application could result in prosecution and penalties, including, but not limited to, Wis. Stat. §§ 12.13(1)(b) and 12.13(3)(a).

I understand that I will need to submit a new request for certification of residence if there is any material change in the information presented on this application, including a change in address.

I understand that the Wisconsin Elections Commission will maintain the confidentiality of my certification of residence and share it only with my filing officer unless compelled to release the information pursuant to a court order, or unless I consent to its release.”

19.02(c)(8) A notarization or an unsworn declaration.

19.03 VERIFICATION OF ADDRESS

19.03(a) At the time of filing, a judicial officer shall submit proof of residence, as defined by s. 6.34(3), so that the commission can verify the judicial officer’s residential address. The proof of residence document may be submitted electronically.

19.03(b) The proof of residence submitted under sec. (x) is considered part of the certification of residence under this chapter and shall be kept confidential by the commission

19.04 CERTIFICATION OF RESIDENCE, PROCEDURE

19.04(a) Upon receipt of a certification of residence form under sec. (x), the commission shall first examine it for sufficiency. If the application is insufficient or does not include acceptable proof of residence under sec. (x), the commission shall contact the judicial officer within one (1) business day to notify them of the deficiency and provide instructions for how it can be corrected.

19.04(b) If the application is sufficient, the commission shall then examine the provided proof of residence document to ensure that it meets the requirements of s. 6.34(3)(a). If it does, the commission shall conclude that the judicial officer’s residential address is verified.

- 19.04(c) If the judicial officer has indicated on the form under sec. (x) that they intend to be a candidate for an identified office, the commission shall also determine whether the residence provided makes them eligible for the office sought. The eligibility determination pertains to residence only and is based upon the judicial officer's information and certifications on the form. Nothing in this section exempts a judicial officer from a ballot access challenge, or guarantees their placement on the ballot.
- 19.04(d) If both the certification of residence form and proof of residence are sufficient, the commission shall issue an acknowledgement of the filing of the certification of residence.
- 19.04(e) The acknowledgement of the certification of residence shall be issued on commission letterhead and shall state substantially the following: "The Wisconsin Elections Commission has verified the residential address of (Name of Judicial Officer) pursuant to Wis. Stat. § 8.10(8) and EL Chapter 19. (Name of Judicial Officer) is exempt from providing their residential address on nomination papers, circulator statements, and declarations of candidacy." If the judicial officer has indicated they intend to be a candidate, the commission shall also include the following: "The Commission has determined that (Name of Judicial Officer) has certified that they reside at a location that renders them eligible for the office they seek for residence purposes."

19.05 MAINTENANCE OF CERTIFICATION OF RESIDENCE, PROCEDURE

- 19.05(a) The commission shall create and confidentially maintain a database for sufficient certifications of residence.
- 19.05(b) The commission shall record that the judicial officer's address was verified, the date of filing, along with the judicial officer's name.

19.05(c) If the certification of residence is received by the commission, the commission shall notify the judicial officer within one (1) business day of the determination of sufficiency.

19.06 PROCEDURE FOR NOMINATION PAPERS AND DECLARATIONS OF CANDIDACY

19.06(a) A judicial officer who properly files a certification of residence and has been issued an acknowledgement by the commission shall, in lieu of providing their residential address on nomination papers or a declaration of candidacy, include the words “Exempt – Certification of Residence.”

19.06(a)(1) If a judicial officer does not include the words in sec. 19.06(a), that omission shall not invalidate the nomination paper, signature, line, circulator statement, or declaration of candidacy if the commission can determine that the judicial officer was properly issued a certification of residence.

19.07(b) If a judicial officer indicates on their application that they intend to run as a candidate for an office for which the commission is not the filing officer, the commission shall provide the appropriate filing officer with the information provided on the certification of residence, as well as the county clerks covering the applicable district(s).

19.07(c) Filing officers may also contact the commission directly to determine whether a certification of residence has been issued.

From: [Lisa Tollefson](#)
To: [Sharpe, Angela B - ELECTIONS](#); mcdonell@countyofdane.com; dcoenen@oconomowoc-wi.gov
Cc: [Wolfe, Meagan - ELECTIONS](#); [Willman, Riley P - ELECTIONS](#); [Witechka, James - ELECTIONS](#); [Hunzicker, Brandon L - ELECTIONS](#); [Kehoe, Robert Y - ELECTIONS](#)
Subject: RE: Input Requested: Judicial Officer Residence Exemption Admin Rule
Date: Saturday, January 25, 2025 4:36:06 PM
Attachments: [image001.png](#)
[image002.png](#)

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These are my thoughts on the rules:

Item 1

19.04 – Clerks don’t commonly use *proffered* in their daily language. Could the word be change to something more common like *presented*.

Item 2

19.07 (x) If a judicial officer indicates on their application that they intend to run as a candidate for an office for which the commission is not the filing officer, the commission shall provide the appropriate filing officer with the information provided on the certification of residence.

Instead of just providing the information to the appropriate filing officer, can it also be provided the county clerk(s) covering the district.

- We have a multi-jurisdictional judge that covers a part of Rock County and part of Dane County. Since the majority of the district is in Rock, I am the filing officer. Dane County may also need this information.
- If one of the municipal judges in my county files, I would also like the information sent to me as a county clerk. Even though, the municipal clerk is the filing officer, we often help guide our municipal clerks and collect candidate information/documents for ballot creation. I am often asked for candidate information for the entire county. I also don’t want to give out information in error.

Those are the only items I saw that gave me any concern.



Lisa Tollefson

Rock County Clerk

Phone 608-757-5660

Email lisa.tollefson@co.rock.wi.us

Web www.co.rock.wi.us

From: Sharpe, Angela B - ELECTIONS <angela.sharpe@wisconsin.gov>

Sent: Tuesday, January 21, 2025 2:01 PM

To: mcdonell@countyofdane.com; Lisa Tollefson <Lisa.Tollefson@co.rock.wi.us>;
dcoenen@oconomowoc-wi.gov

Cc: Wolfe, Meagan - ELECTIONS <Meagan.Wolfe@wisconsin.gov>; Willman, Riley P - ELECTIONS <Riley.Willman@wisconsin.gov>; Witecha, James - ELECTIONS <james.witecha@wisconsin.gov>; Hunzicker, Brandon L - ELECTIONS <brandon.hunzicker@wisconsin.gov>; Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>

Subject: RE: Input Requested: Judicial Officer Residence Exemption Admin Rule

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Why Risk it? Don't Click it!

Good afternoon!

The Commission will likely consider the text of the rule draft below at an upcoming meeting.

If you have thoughts or comments, I'd appreciate receiving them no later than **January 31, 2025**.

Thank you!

Angela

From: Sharpe, Angela B - ELECTIONS

Sent: Tuesday, December 17, 2024 10:20 AM

To: mcdonell@countyofdane.com; lisa.tollefson@co.rock.wi.us; dcoenen@oconomowoc-wi.gov

Cc: Wolfe, Meagan - ELECTIONS <Meagan.Wolfe@wisconsin.gov>; Willman, Riley P - ELECTIONS

<Riley.Willman@wisconsin.gov>; Witecha, James - ELECTIONS <james.witecha@wisconsin.gov>; Hunzicker, Brandon L - ELECTIONS <brandon.hunzicker@wisconsin.gov>; Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>

Subject: Input Requested: Judicial Officer Residence Exemption Admin Rule

Good morning, Scott, Lisa, and Diane:

I am reaching out because I understand that you are the legislative committee representatives for your respective clerks' organizations. If that is no longer the case, please let me know who would be best to contact.

The Commission is in the process of promulgating an administrative rule and developing internal policies for judicial officers to submit certifications of residence after the new law goes into effect on April 1, 2025. As I'm sure you recall, the new law will permit judicial officers to exclude their residence from nomination papers and declarations of candidacy as long as they first submit a request with the Commission for address verification. The new law is codified at [Wis. Stat. § 8.10\(8\)](#), though it is not yet in effect. This law will be in effect for the 2025-2026 filing period.

We wanted to request your input on a proposed first draft of the administrative rule that will govern this address verification process.

Please provide any comments or revisions no later than **Friday, January 10, 2025**.

I would be happy to set up time to discuss any aspect of the rule or policy in more detail.

Happy Holidays!

Angela

	Angela O'Brien Sharpe Staff Attorney Wisconsin Elections Commission
	Phone 608-264-6764 Fax 608-267-0500 Email angela.sharpe@wisconsin.gov Web www.elections.wi.gov
201 W Washington Ave, Madison, WI 53703	

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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 March 7, 2025, 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 2025 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, Communication, and Monitoring Activities).

WEC's 2025 Internal Control Plan includes an updated table of contents, an updated agency organizational chart, some updated or additional links, minor corrections, updates, and clarifications, and updated appendices.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

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Recommended Motion:

Approve WEC 2025 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: February 2025⁴

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Introduction

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

Control Environment

Mission Statement

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

Agency Description and Organization Chart

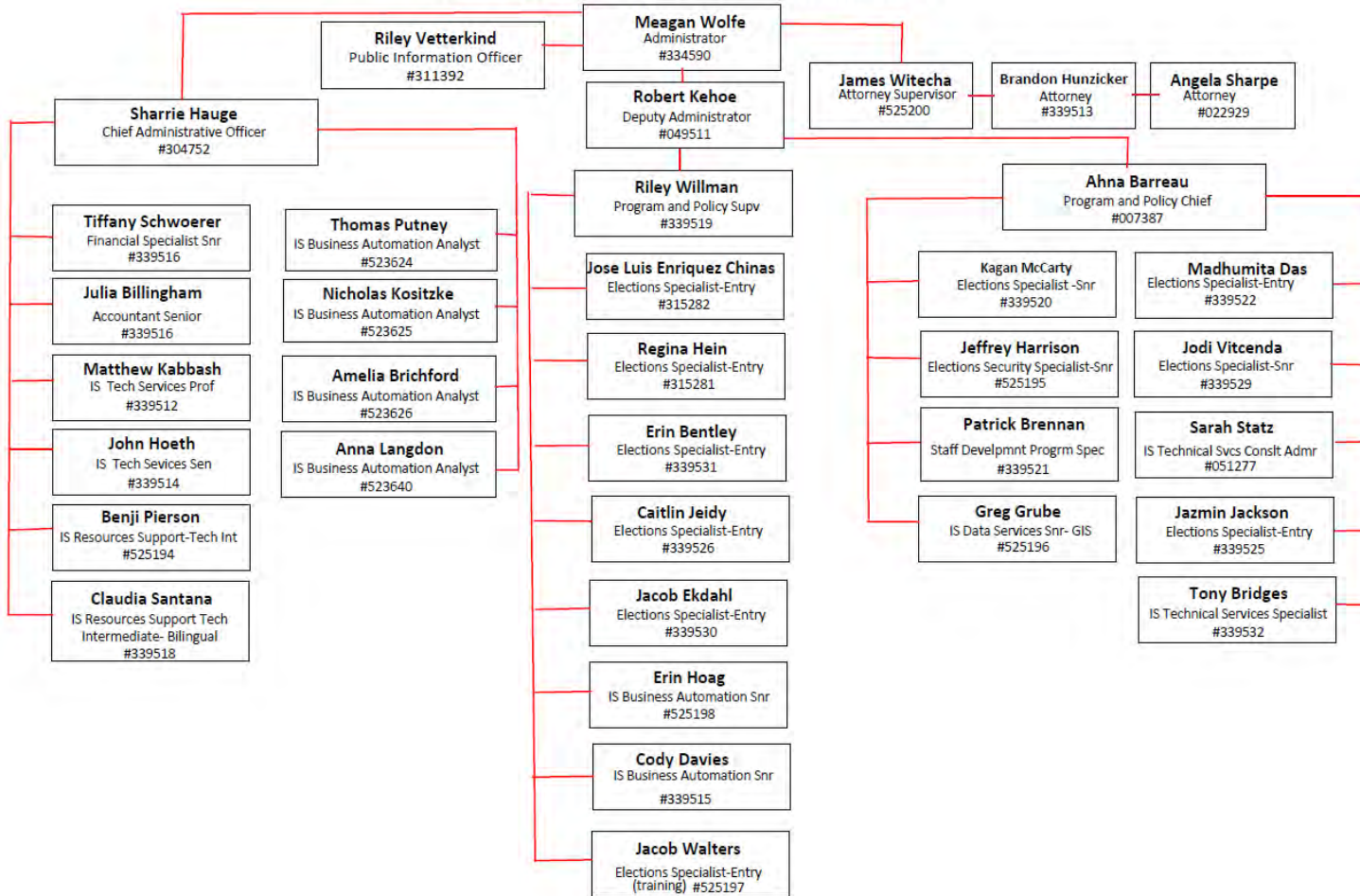
The Elections Commission is comprised of six members, who serve for 5-year terms. One member is appointed by the senate majority leader; one appointed by the senate minority leader; one appointed by the speaker of the assembly; one appointed by the assembly minority leader; and two are members who formerly 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.

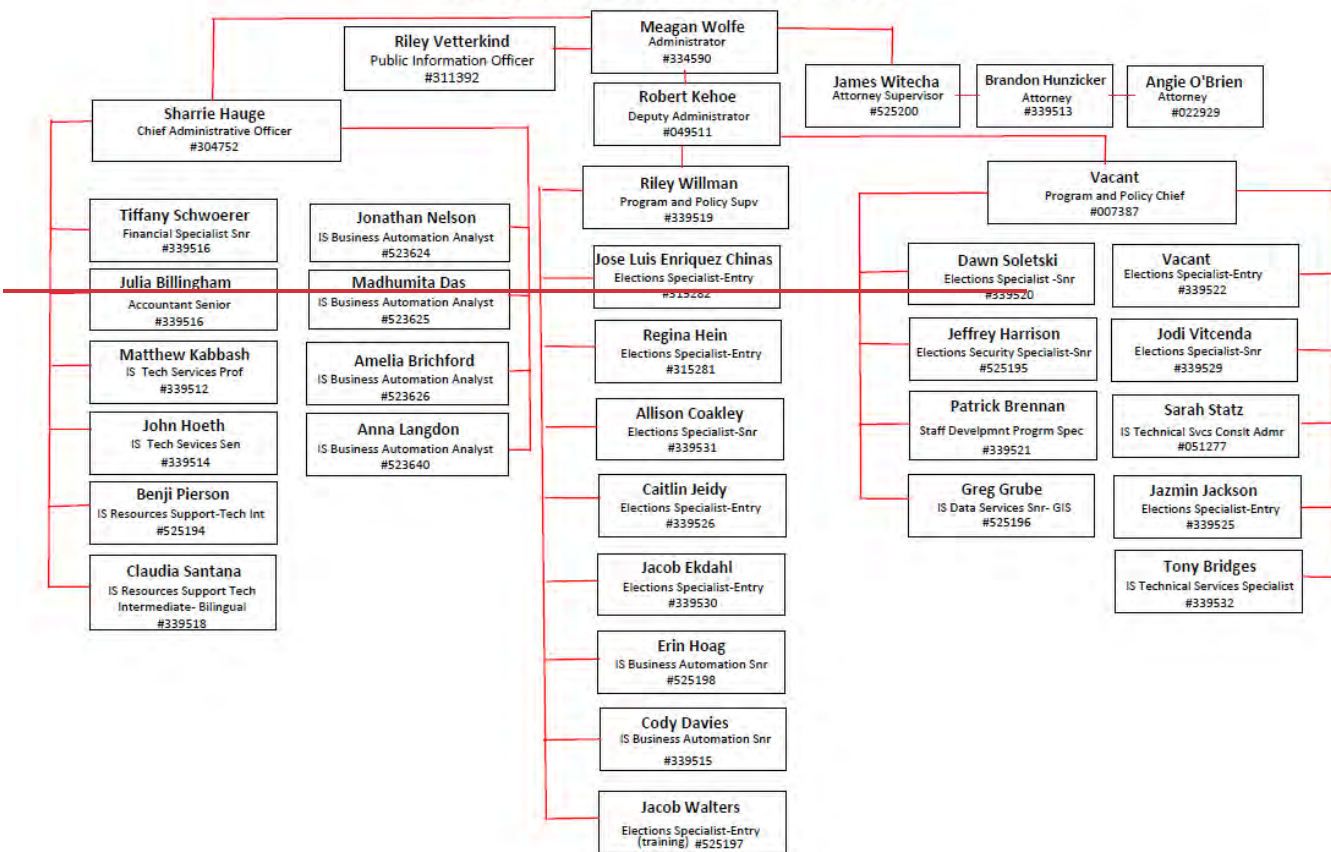
Commented [JB1]: Updated 2025 Org Chart

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WISCONSIN ELECTIONS COMMISSION



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, only accessible by staff (<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.

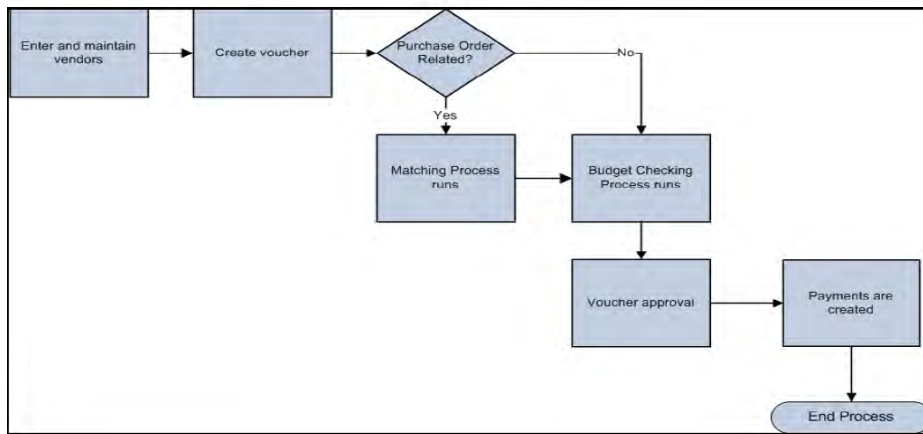
The STAR Payment Process is as follows:

: 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. If the recount results change the determination of the election, the fees initially collected from the petitioner will be fully returned to the petitioner and the counties and the WEC will bear the cost of the recount. [Wis. Stat. § 901\(1\)\(ag\)3m.](#)

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

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DATE: March xx, 2025

TO: Mr. Richard Champagne, Senate Chief Clerk
B20 Southeast, State Capitol
Madison, WI 53702

Mr. Edward A. Blazel, Assembly Chief Clerk
17 West Main Street, Room 401
Madison, WI 53703

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

SUBJECT: Wisconsin Elections Commission Policies and Procedures

Annually, the Wisconsin Elections Commission (WEC) is required to adopt written policies and procedures to govern its internal operations, pursuant to Wis. Stat. s. 5.05 (16) (a). The report was reviewed by the six-member commission as part of their March 7, 2025, public meeting. Attached is WEC's 2025 Internal Control Plan, which describes the agency's internal operations.

1. Control Environment (Mission Statement, Code of Conduct, Strategic Plans and Organizational Chart, Personnel Policies and Procedures, Position Descriptions and other Functional Guidance Materials Provided to Employees);
2. Risk Assessment (funding sources, system and tools and transaction cycles).
3. Control Activities (performance reviews, physical and electronic controls, information processing.
4. Information & Communication and Monitoring of the internal control structure.

Attachment (1)

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

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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 March 7, 2025 Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by Elections Commission Staff

SUBJECT: Commission Staff Update

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General Operations

1. Elections Team Report
2. Voters Team Report
3. Data Quality & Reporting
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Training & Equipment

7. Badger Book Report
8. Voting Technology Report

Communications

11. Public Outreach
12. Help Desk/Customer Service Report

Administration

13. Financial Services
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15. Agency Meetings & Presentations

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

GENERAL OPERATIONS

1. Elections

WEC Staff continue to prepare for the upcoming April 1, 2025 Spring Election.

The nomination paper filing deadline for the 2025 Spring Election was 5:00 p.m. on Tuesday, Jan. 7, 2025 for the following offices:

- State Superintendent of Public Instruction
- Justice of the Wisconsin Supreme Court
- Court of Appeals judge in Districts II, III and IV
- circuit court judge in various counties.

The circulation period for nomination papers began on Dec. 1, 2024.

A total of 59 candidates registered for state office contests in the Spring Election, 56 of whom filed nomination papers with the Wisconsin Elections Commission. There are three candidates for State Superintendent of Public Instruction, two candidates for Supreme Court, one candidate for Court of Appeals judge District II, one candidate for Court of Appeals judge District III, one candidate for District IV, and 48 candidates for 38 circuit court judge positions in 21 counties.

Staff reviewed over 45,000 signatures over the filing period and presented the Commission with the list of candidates who had met the necessary ballot requirements.

2. Voters

The MyVote site served voters through the 2024 Fall Election cycle with no major issues and handled the associated increase in voter usage and contacts as expected. MyVote usage has followed the standard patterns following a Presidential Election year, with daily usage reducing significantly in the weeks following the November Election. We are starting to see the usual increase in the run-up to the April Spring Election, with the traffic patterns following the lower anticipated numbers of an odd-year election cycle.

With this lower site usage level, comments directed to the Commission staff by users of the MyVote site are currently running at less than half of the number of comments submitted during the same period in 2024. The comment volume has also mirrored the small usage spikes relating to misdirected voters landing on the MyVote site by mistake, most likely directed to our site by third-party contacts or Google search results. These misdirected voters are identified by their submitting comments asking about non-Wisconsin addresses or elections. Aside from these out-of-state visitors, the remaining comments are common registration and absentee application questions from Wisconsin residents.

3. Data Quality & Reporting

Data quality queries are run every day in the months leading up to an election, allowing Commission staff to monitor potential data entry errors or missing information in WisVote. If errors or missing information are discovered, staff then contact and work with clerks to resolve the errors within records. This work is ongoing.

For a spring election, 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 the election, this work aids jurisdictions in reconciling their voter statistics. Reminders for past elections that are not completely reconciled are sent out to municipalities on a regular basis.

Commission staff work with individual clerks to make certain 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. Additionally, the WEC 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.

2024 Spring Election and Presidential Preference (as of February 11, 2025)

- 1,800 municipalities reconciled their voting statistics for all reporting units.
- 49 municipalities are outstanding to reconcile their voting statistics.

2024 Partisan Primary (as of February 11, 2025)

- 1791 municipalities reconciled their voting statistics for all reporting units.
- 58 municipalities are outstanding to reconcile their voting statistics.

2024 General Election (as of February 11, 2025)

- 1731 municipalities reconciled their voting statistics for all reporting units.
- 118 municipalities are outstanding to reconcile their voting statistics.

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

The Quarter 4 (Q4) 2024 Movers Mailing was sent out on December 31, 2024, to a total of 18,183 voters. The Quarter 3 (Q3) 2024 Movers Mailing was sent out on September 30, 2024 to a total of 38,037 voters. Data provided is current as of February 04, 2025.

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
2024 Q4	18,183	11,863	5213	1107	28	0.2%
2024 Q3	38,037	8327	25258	4452	571	1.5%
2024 Q2	32,884	5856	22825	4203	674	2.0%
2024 Q1	37,593	5550	26556	5487	666	1.8%
2023 Q4	52,333	7977	37179	7177	837	1.6%
2023 Q3	53,416	7643	37449	8324	759	1.4%
2023 Q2	29,721	5841	19086	4794	480	1.6%
2023 Q1	32,551	5668	20584	6299	446	1.4%
2022 Q4	31,187	6177	16831	8179	294	0.9%
2022 Q3	57,555	7906	38203	11446	637	1.1%
2022 Q2	61,012	7993	40588	12431	749	1.2%
2022 Q1	55,032	8168	38447	8417	967	1.8%

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.

Initial triage of the voter participation project, in which ERIC state members who opt-in to the project exchange potential cross state matches to determine if an individual may have voted in more than one state, has begun for the 2024 General Election. This project also reviews possible in state duplicate matches, which if found to be accurate, will be referred to DA’s office by clerks. For the cross-state portion, potential matches will start to be brought to the commission for review in the upcoming months.

Badger Voters Election Data Website

The Elections Commission Badger Voters website <https://badgervoters.wi.gov> provides a simple and automated way for the public to request voter lists, absentee records, and candidates’ nomination

papers. Data can be sorted by election, office, county, municipality, ward, aldermanic district, and many more options. This allows the customer to receive only the data they are seeking. The voter list shows election activity back to 2006, when Wisconsin began using a statewide voter registration system, with the participation description of “at polls” or “absentee”.

Absentee ballot data is available from 2016 to the present. Absentee data purchases provide customers with application and ballot activity and allow the customer the option to “subscribe” for future updates to data they received, as well as the ability to receive new files at the frequency they select twice per week, weekly, every other week, or monthly. With this add-on to the initial purchase, the \$25 base is waived for each subsequent file which costs \$5 per 1,000 new records.

Customers can also make custom requests for existing data that is not included in a standard request format or for statistics that are not posted to our Elections Commission website. The customer is provided with an estimate of costs (developer time) to create and run the query and total number of records in the data set. If they choose to purchase the file, our developer will then produce the file. Custom requests that take under a half-hour of developer time are only charged for the number of records requested.

Finally, customers can use Badger Voters to access nomination papers and declarations of candidacy for candidates who file those documents ahead of scheduled elections. This is particularly useful for customers who are considering bringing ballot access challenges due to the tight deadlines associated with that process.

Customer satisfaction is generally high with this program as there is no waiting time for accessing data needed, and the breadth of the data in standard files is very useful for many purposes. Most questions can be answered in our Frequently Asked questions (FAQ’s) link on the Badger Voters website. This section also includes data element documents outlining what fields are included as well as sample files. Badger Voters often sees an increase in activity during the spring and fall election cycles, but activity occurs steadily throughout the year.

The Badger Voters system provides media, campaigns, researchers, and others with quality data they can use to conduct analysis, conclude extensive research and voter outreach. Prior to the updates to Badger Voters, many of the data queries had to be run manually by WEC staff. WEC has invested in the automation of this statutorily required system. This allows the public access to data without diverting staff resources and time from other projects. This means WEC staff can spend additional time working with local election officials and voters preparing for upcoming elections while still meeting the expectations of our customers and providing transparency in election data.

Table 2: Badger Voters Revenue

Fiscal Year	Total Number of Voter Data Requests	Requested Files Purchased	Percentage of Requests Purchased	Total Revenue	Total Number of Nomination Paper Requests
FY2025	936	833	88.9%	\$688,357.00	402
FY2024	1067	954	85.6%	\$444,901.00	1735
FY2023	1126	998	88.6%	\$795,552.00	204
FY2022	1049	950	90.5%	\$422,970.00	1169
FY2021	368	328	89%	\$106,070.00	148
FY2020	1291	1134	88%	\$654,557.00	402
FY2019	617	473	76.6%	\$328,015.00	NA
FY2018	706	517	73.2%	\$182,341.00	NA
FY2017	643	368	57%	\$234,537.35	NA
FY2016	789	435	55%	\$235,820.00	NA
FY2015	679	418	61.56%	\$242,801.25	NA

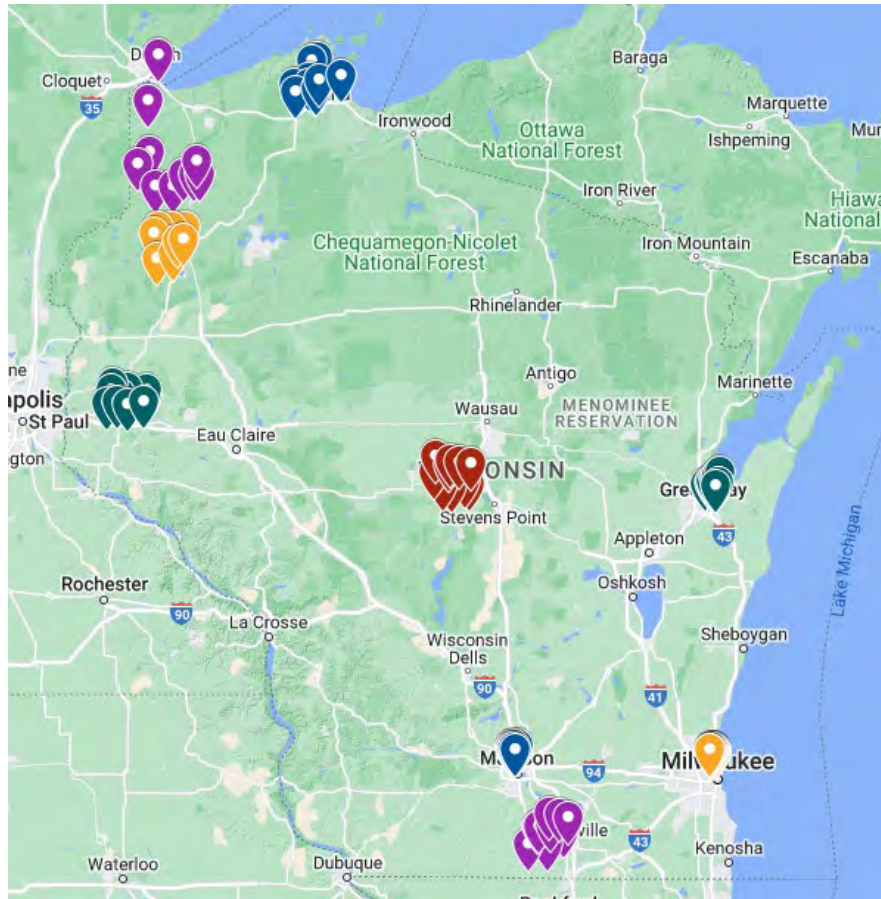
Note: The state fiscal year begins on July 1 and ends on June 30. Prior to FY2020 the Net Revenue figure is for gross sales and does not account for any refunds.

4. Accessibility

Polling Place Reviews:

Staff continue to partner with the eight independent living centers around the state to review polling places. 324 polling places across 214 municipalities and 35 counties were reviewed in 2024 during the four regularly scheduled elections and a Special Primary and Special Election for Racine County Executive. Another 90 polling places are expected to be reviewed at the Spring Primary; however, weather plays a significant role in the efficiency of reviews. Cold weather and precipitation make a touch screen less sensitive so it may take longer to record results, and bad road conditions lengthen driving time between polling places. See the map for polling places to be visited on February 18th.

Map 1: Polling Places Visited for Spring Primary



Supply Program:

Most municipalities requested supplies from the Accessibility Supply Program ahead of the General Election. Since then, 20 orders have been placed and fulfilled.

Accessibility Advisory Committee:

The Accessibility Advisory Committee continues to meet monthly to provide input on WEC activities. Recent focus has been on providing expertise about the experiences of voters with disabilities to incorporate in clerk and poll worker training.

Accessibility Concern Form Submissions:

At the Partisan Primary, a deaf voter who does not use their voice was asked repeatedly to state their name and address at the poll book. The voter had to write messages to the poll workers to inform them of Wis. Stat. [6.79\(8\)](#) which allows for a poll worker or another person to state a voter's name and address if they are unable to do so. It took 15-20 minutes of discussion for the poll workers to comply, read the voter's name and address from their ID, and let the voter sign the poll book. The voter reported this to the WEC after the Partisan Primary, and staff followed up with the clerk. The

clerk spoke to the poll workers involved and provided additional training. However, the voter had the same experience at the General Election with the same poll workers. The WEC contacted the clerk again and, with the voter's consent, gave the clerk the voter's email so they could communicate directly.

A voter reported that at their polling place, parking for electric vehicles was closer to the entrance than the accessible parking spaces. Staff reached out to the clerk and were told that the location the voter named does not have parking spaces designated for electric vehicles.

Another submission was related to difficulties registering at a new address and was forwarded to appropriate staff.

5. Absentee

Commission staff are working with clerks in municipalities holding a Primary Election to process absentee requests in WisVote. As of February 17th, municipal clerks issued 246,285 absentee ballots, with 120,475 being returned. Of those returned ballots, 22,951 were voted in-person at locations designated by their respective municipal governments. 18,592 ballots were issued using Special Voting Deputies, with 3,190 being refused by voters. 180 ballots were issued to military voters, with 33 delivered via email; 15 delivered via MyVote (online); 25 delivered via in-person absentee; and 107 delivered via standard mail. The cutoff date to request a ballot for this specific election was Thursday, February 13th at 5 P.M. (Wis. Stat. §6.86(1)(b)).

6. Security

The run-up to the November General Election brought several events nationwide that were monitored by agency security staff. These included bomb threats against public facilities, white powder mailings to state election agencies, and a thwarted distributed denial of service attack against another state's election systems. Although these events temporarily disrupted operations at some polling places in other states, no election operations were impacted in Wisconsin. The post-election period has so far seen a substantial decrease in these kinds of events. No new threats have been received, and cyber threat activity has returned to baseline levels.

Elections security staff intend to use this year to advance several enhancements to both agency security and the security of local officials. These include supporting the WisVote updates, implementing newly developed features of our existing security applications, revising the agency's network configuration to further reduce its attack surface, taking part in training events with clerks, and revisiting the agency's award-winning Security Awareness training module for new developments in security since it was last updated.

TRAINING & EQUIPMENT

7. Badger Book Program

Badger Books are Wisconsin's electronic poll books, developed and maintained by WEC staff. They are the only electronic poll books certified for use in Wisconsin. These poll books integrate directly with the statewide voter registration system, ensuring voter list security and increased efficiency for both voters and election officials. Badger Books are a voluntary option for municipal clerks. The software was developed by the WEC and is provided to clerks free of cost. Municipalities then purchase commercial off-the-shelf hardware to deploy the system for their voters. The Badger Book program was launched in 2017 and has experienced steady growth in jurisdictions opting into use.

After much preparation and training, 235 new municipalities have implemented Badger Books since 2020, bringing the total number of municipal owners that used the technology from 70 to 305 in fall 2024. In December 2024, staff trained election officials from an additional 35 municipalities who purchased Badger Books and intend to use them in the 2025 spring elections.

The Badger Book training team is also planning travel around the state in June 2025 to offer open houses for municipalities interested in learning more about Badger Books and a new tabletop exercise (TTX) for municipalities that use Badger Books.

Staff will be 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, elsewhere on this meeting's agenda.

8. Voting Technology

The voting equipment team has not received any new requests for certification of electronic voting systems since the most recent staff update. Following that report, the Commission did approve the Hart Verity Voting 2.7 electronic voting system for sale and use in Wisconsin. However, the primary focus of the team has been on administering the 2024 post-election voting equipment audit. This audit, required by statute to ensure that all electronic voting systems are accurately tabulating votes, occurs following every General Election. The final report on the 2024 post-election audit may be found as a standalone agenda item in these materials.

Staff members have also successfully rolled out a new WisVote functionality that will provide better information for future post-election audits and for the federal Election Administration and Voting Survey (EAVS). This update to the jurisdictional record for each municipality allows users to show each type of equipment used in each municipality, including optical scan tabulators, high-speed precinct tabulators, ballot marking devices, and direct recording electronic equipment. This data was previously maintained by staff with updates from clerks and vendors on an irregular basis. Ideally, this will improve data quality and reduce the likelihood of outdated information on this important aspect of election administration.

COMMUNICATIONS

9. Outreach

Last month, WEC Public Information Officer Riley Vetterkind took a new position with the Wisconsin Department of Justice. WEC is currently working to hire a full-time PIO. In the interim two Limited Term Employees - one a 20-hour a week staff member, the other a five to ten-hour per week employee – are putting in additional time and performing all PIO duties. Both were assisting the PIO prior to his departure and have been with the WEC Communications Team for a couple of years.

Recent media traffic was high due to the recent Assembly Committee hearing on the Observer Rule, the Wisconsin Supreme Court’s decision on Administrator Wolfe’s position, and the upcoming elections. The team produced Social Media calendars for clerks to use in both the Spring Primary and the April 1 Spring Election. They also continue to be involved in WEC’s Newsletter, as well as day-to-day internal and external communications.

10. Elections Help Desk & Customer Service

The Elections Help Desk staff support more than 2,691 active WisVote users while also answering calls and emails from the public and election officials. Staff monitor state enterprise network and data center changes and status, and process voter cancelations and voter address verification postcards. Help Desk staff have served on and assisted with various projects and development teams. Staff continue to maintain WisVote user and clerk listserv email lists and contact information and administer WEC’s O365 email system. The staff continue to administer and maintain security for the WisVote Active Directory system and the Elections Learning Center, ElectEd. Help Desk staff also provide critical support to the agency’s Public Records Request program and run attorney-directed searches of state electronic records.

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.

Table 3: Customer Service Call Volume

September 2024	4,300
October 2024	12,003
November 2024	6,538
December 2024	775
January 2025	1,471
February 2025 (1 st -4 th)	99
Total for Reporting Period	25,186

Table 4: Customer Service Email

<u>Volume</u> <u>elections@wi.gov</u>	
September 2024	6,659
October 2024	11,172
November 2024	8,058
December 2024	3,138
January 2025	3,623
February 2025 (1 st -4 th)	270
Total for Reporting Period	32,920

Table 5: Address Verification Postcards

<u>Mailed</u>	
September 2024	117,214
October 2024	116,455
November 2024	264,191
December 2024	67,170
January 2025	3,291
February 2025 (1 st -4 th)	622
Total for Reporting Period	568,943

Table 6: Voter Cancellations Received by Email

September 2024	132
October 2024	134
November 2024	144
December 2024	61
January 2025	87
February 2025 (1 st – 4 th)	4
Total for Reporting Period	562

ADMINISTRATION

11. Financial Services

The WEC financial staff have performed the following financial services activities since the October 4, 2024, Staff Update to the Commission:

- Staff continued to process the disbursement of federal Election Security grant funds through the renewed .gov municipal subgrant and the renewed Accessible Voting Equipment subgrant and follow up each disbursement with an email confirmation of expected funds and an award letter.
- On September 30, 2024, staff submitted to the Wisconsin State Controllers Office (SCO) our prompt payment report covering state fiscal year 2024 and reporting full adherence to the state prompt payment law.
- On September 30, 2024, staff reported to the SCO with no submissions of accrual entries for our 2024 ACFR GAAP Election Administration fund.
- On October 9, 2024, staff renewed our agency's registration in the federal System for Award Management (SAMS). Our renewal was approved on October 11, 2024.
- On October 23, 2024, staff submitted, via the e-grants system, our 3rd federal quarter 2024 fiscal report for our WEM/FEMA Election Cybersecurity subgrant.
- On October 29, 2024, staff attended the Records Disposition Authorization (RDA) support session for attachments in our financial software system, STAR FIN.
- On November 7, 2024, staff attended the National Association of State Auditors, Comptrollers and Treasurers (NASACT) webinar "Maintaining the Public's Trust: Ethics in State and Local Government," for which they earned Continuing Professional Education (CPE) credits.
- On November 13 & 14, 2024, staff attended the 2024 Wisconsin Statewide Procurement Conference facilitated by the Wisconsin State Bureau of Procurement.
- On November 20, 2024, staff reviewed, bundled, and approved for disposition of our agency's STAR FIN attachments up for RDA disposition.
- On November 26, 2024, staff submitted to the SCO our Schedule of Expenditures of Federal Award (SEFA) reporting workbook and agency SEFA certification.
- On December 3, 2024, staff submitted, via the e-grants system, our 4th federal quarter 2024 fiscal report and 3rd federal quarter Progress Report for our WEM/FEMA Election Cybersecurity subgrant.

- On December 17, 2024, staff reviewed our General Services Billing (GSB) transactions review process and adjusted our process to more thoroughly review each monthly transaction.
- On December 19, 2024, staff completed the annual Payment Card Industry (PCI) compliance training.
- On December 30, 2024, staff completed and submitted to the federal Election Assistance Commission (EAC) our annual Federal Financial Report (FFR) and fiscal year Progress Report for our Election Security federal grant funds, reporting on activity through September 30, 2024.
- On January 8, 2025, staff submitted to the SCO our 1099 reportable transactions review and adjustments.
- On January 14, 2025, staff met with Wisconsin's Department of Administration and Department of Enterprise Technology representatives to review our agency's monthly GSB charges.
- On January 23, 2025, staff attended a meeting to review the annual process for agency attestation of user roles in the STAR FIN software system.
- On January 29, 2025, staff attended the NASACT webinar "Cost Recovery Essentials: Billed Services and Indirect Costs," for which they earned Continuing Professional Education (CPE) credits.
- On January 29, 2025, staff submitted to the federal EAC our federal fiscal year 2025 first quarter FFR for our Election Security federal grant funds, reporting on cumulative activity through December 31, 2024.
- On February 5, 2025, staff received notification from the EAC that both our annual FFY2024 FFR and Progress Report had been approved.
- On February 12, 2025, staff finished the annual review and updates to our Internal Control Plan, a comprehensive assessment of risk and the prevention of mismanagement and fraud in our agency's business processes and financial transaction cycles.
- On February 14, 2025, staff received notification from the EAC that our 2025 first quarter FFR had been approved.

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 review and validate Wisconsin Department of Administration (DOA)'s monthly Diverse Spend Reports.
- Staff continued to review and process our agency's bi-weekly pension obligation bond allocations.
- 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 (FLC) meetings at SCO.

12. Procurements

The following sixteen Purchase Orders totaling \$646,977.05 have been processed since the October 4, 2024, Staff Update to the Commission:

- A \$60,000.00 Purchase Order was written to Vendi Advertising LLC for a voter registration marketing campaign.
- A \$3,273.59 Purchase Order was written to SHI International for LastPass Business password manager.
- A \$287,745.60 Purchase Order was written to SHI International for Dynamics 365 Team CRM software assurance.
- A \$2,037.86 Purchase Order was written to Vanguard Computers for two HP Elitebook 660 G11 staff computers.
- A \$265.00 Purchase Order was written to Paragon Development Systems for five USB-C laptop chargers.
- A \$95,429.19 Purchase Order was written to Carahsoft Technology Corp for annual elections.wi.gov and electiontraining.wi.gov website support and development services by Northern.
- A \$15,900.00 Purchase Order was written to SHI International for US Address Verification, Core Edition to verify and correct voting districts.
- A \$36,004.50 Purchase Order was written to WI Coalition Independent Living Centers for accessibility auditors for the Fall General, Spring Primary, and Spring General elections.

- A \$6,756.37 Purchase Order was written to SHI International for Visual Studio for use by our IT Development team.
- A \$42,444.00 Purchase Order was written to CDW Government Inc. for RSA SecurID Access Enterprise.
- A \$7,495.00 Purchase Order was written to Articulate Global for Articulate 360 Teams for editing clerk training videos.
- A \$49,591.68 Purchase Order was written to CDW Government Inc. for additional expense of cloud-based RSA SecurID Access Enterprise.
- A \$2,599.00 Purchase Order was written to the Department of Corrections for accessibility signs for polling places.
- A \$18,516.50 Purchase Order was written to Beyond Vision for call center assistance around the Spring Primary and Spring General elections.
- A \$18,550.00 Purchase Order was written to Central WI Convention & Expo Center for space and equipment rental and meal catering for the fall WEC Conference.
- A \$368.76 Purchase Order was written to Cenveo Worldwide Limited for printed office envelopes.

All purchases accurately followed the Wisconsin State Procurement Process.

13. Meetings and Presentations

WEC staff attended the following events since the last quarterly meeting of the Wisconsin Elections Commission.

October 7, 2024	City of Madison Elections Security TTX
October 8, 2024	Wisconsin Towns Association Conference
October 9, 2024	Wisconsin Emergency Management TTX
October 15, 2024	WEC Staff Training Exercise
October 16, 2024	EI-ISAC Quarterly Meeting
October 22, 2024	Election Crimes Working Group Meeting Pillars of the Community Presentation Meeting with USPS
October 23, 2024	Wisconsin VFW Presentation

October 28-30, 2024	Wisconsin Governor's Cybersecurity Summit
October 31, 2024	Homeland Security Council Meeting
November 6, 2024	State IT Director's Council Meeting
November 12, 2024	WI-ISAC Meeting
December 3, 2024	Meeting with USPS Badger Book Training Sessions
December 4, 2024	State IT Director's Council Meeting
December 10, 2024	EI-ISAC Quarterly Meeting
January 8, 2025	Disability Vote Coalition Meeting
January 9, 2025	Pre-Election Preparation Webinar
January 14, 2025	Homeland Security Council Meeting
January 21, 2025	Meeting with USPS
February 2-5, 2025	National Association of State Elections Directors Conference
February 5, 2025	Disability Vote Coalition Meeting
February 11, 2025	Accessibility Advisory Committee Meeting WI-ISAC Meeting
February 18, 2025	ERIC Board of Directors Meeting
February 26, 2025	Enterprise IT Meeting
February 27-28, 2025	Wisconsin Land Information Association Conference
March 4, 2025	WI-ISAC Meeting
March 5, 2025	Disability Vote Coalition Meeting State IT Director's Council Meeting Safe at Home Program Webinar
March 6, 2025	Wisconsin Municipal Clerk's Association District 4 Meeting