

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Elections Commission Meeting Notice

Regular Meeting
Friday, October 4, 2024
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/october-2024-quarterly-meeting> 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/october-2024-quarterly-meeting>. 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, October 3, 2024. **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. September 11, 2024** 1
 - 2. September 18, 2024** 11
- F. Discussion, Review, and Possible Action Pertaining to the 2024 Voting Equipment Audit Guidelines Proposal** 14
- G. Discussion, Review, and Possible Action Pertaining to the 2024 Revised Public Records Policy** 26
- H. Discussion, Review, and Possible Action Pertaining to the 2024 Annual Report** 32
- I. Discussion, Review, and Possible Action Pertaining to the 2024 “Report of Suspected Election Fraud, Irregularities, or Violations” (§ 7.15(1)(g) Report)** 37
- J. Administrative Rulemaking**
 - 1) Update on the Status of the Permanent and Emergency Rulemaking pertaining to Election Observers** 42
- K. Discussion, Review, and Possible Action Pertaining to Clerk Communication: Elector Challenges** 56
- L. Discussion, Review, and Possible Action Pertaining to Agency Intellectual Property and Logo Usage Policy** 58
- M. Staff Update & Preparations Status Report** 61

NOTICE OF OPEN AND CLOSED MEETING

N. Closed Session*

- 1. Litigation Update and Consideration of Potential Litigation**
- 2. Advisory Opinion Consideration and Potential Action**
- 3. Wis. Stat. § 5.05 Complaint**

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

§ 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.

O. 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

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Wisconsin Elections Commission

Quarterly Meeting

Wisconsin Capitol Building, Room 412E

Madison, Wisconsin

10:00 a.m. September 11, 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, Benji Pierson, 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 10:11 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.

Chair Jacobs acknowledged the impact of the events of September 11, 2001.

C. Public Comment

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

Julie Seegers

Julie Seegers provided comments opposing the promulgation of the EL Chapter 4 Observer Rule Emergency Scope Statement. She also expressed dissatisfaction with associated aspects of the Election Day "Pocket Guide."

Commissioner Millis and Commissioner Spindell followed up with questions.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Eileen Newcomer

Eileen Newcomer appeared on behalf of the League of Women Voters Wisconsin and provided comments in support of the EL Chapter 4 Observer Rule Emergency Scope Statement. She noted that she also submitted written comments.

Chrissa LaPorte

Chrissa LaPorte appeared on behalf of Verified Voting and provided comments in support of the post-election voting equipment audit procedures outlined in the “November General Election Status Update” Report. She noted that she also submitted written comments.

Sam Liebert

Sam Liebert appeared on behalf of All Voting is Local and presented comments in support of the EL Chapter 4 Observer Rule Emergency Scope Statement.

Chair Jacobs noted that apparent issues with the Zoom recording were not intentional.

Bianca Shaw

Bianca Shaw appeared on behalf of All Voting is Local and called for Commissioner Spindell’s resignation.

Commissioner Spindell followed up with questions.

D. Written Comments

Chair Jacobs noted that the Commission had received numerous written comments.

E. Approval of Previous Meeting Minutes **1. August 27, 2024**

MOTION: Approve the August 27, 2024, minutes.

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

Motion carried 6-0.

F. Presentation of “November General Election Status Update” Report

The Commission took up this item after Item N.

Administrator Meagan Wolfe presented the report. She noted its draft status and sought feedback from the Commission.

Discussion.

G. Review and Potential Action Relating to the 2025-2027 WEC Biennial Budget

Chief Administrative Officer Sharrie Hauge presented a broad overview of the budget process and outlined the thirteen decision items the Commission had approved for inclusion at its June 27, 2024, meeting.

Discussion.

MOTION: Approve submitting the 2025-2027 biennial budget request which will continue current agency operations and add thirteen-decision items.

Moved by Commissioner Thomsen. Seconded by Commissioner Millis.

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

Motion carried 5-1.

H. CRM Licensing Renewal

Technology Director Ahna Barreau outlined the memo regarding the renewal of Microsoft Dynamics CRM.

Discussion.

MOTION: The Wisconsin Elections Commission approves the purchase of licensing renewal and software assurance for Microsoft Dynamics CRM 364 through September 30, 2027, for 3,020 users at a total cost of \$287,745.60.

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

Motion carried 6-0.

I. Discussion, Review, and Possible Action Pertaining to Clerk Communications **1. Best Practices for Polling Place Challenges and Election Day “Pocket Guide”**

The Commission took up this item after they returned from closed session.

Chief Legal Counsel Jim Witecha acknowledged feedback on the pocket guide submitted by members of the public prior to the meeting and welcomed feedback from the Commission.

Discussion.

The Commission agreed that the guide should be rewritten to focus on challenge procedures. They also noted that if the permanent observer rule moved ahead, staff should create an updated “Observer Rules at a Glance” document. Chair Jacobs directed staff to bring a draft brochure outlining challenge procedures to the Commission at the October 4, 2024, meeting.

2. Best Practices for Planning for Polling Place Emergencies Related to New Statute 5.25(3)

The Commission took up this item after Item H.

Attorney Witecha presented the agenda item.

Chair Jacobs suggested including law enforcement officers and emergency services personnel in the definition of a “proper person.”

MOTION: Approve the clerk communication and attachments. Amend definition of “proper person” to include law enforcement and emergency personnel.

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.

3. Supplement to Election Day and Election Administration Manuals Pertaining to Military and Overseas Voters

Staff Attorney Angela Sharpe presented the agenda item. She clarified that the clerk communication before the Commission would have the same effect as manual guidance but would not be incorporated into the manuals until after the November election, as many clerks had already printed manuals with the August, 2024, updates.

Discussion.

MOTION: The Wisconsin Elections Commission approves the changes to the Election Day and Election Administration manuals that are described by this memo as a supplement to those manuals and directs staff to communicate the changes with all clerks. After the November 2024 election, staff are directed to implement these updates, which can include formatting, numbering, and other scrivener’s edits, and to revise the edition dates on each manual.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 5-1.

J. Consideration and Potential Action of Hart Voting Equipment Certification

The Commission took up this item after Item K.

Elections Specialist Cody Davies reviewed the memo associated with the agenda item.

Hart representatives Elisabeth Spring, Krista Terry, and Lawrence Leach appeared. Chair Jacobs noted that Commissioners had the opportunity to observe the equipment prior to the meeting.

Discussion.

Commissioner Spindell clarified with staff that the recommended certification did not include the results transmission component, as Hart InterCivic could not coordinate its testing.

Discussion.

MOTION: The Wisconsin Elections Commission adopts the recommendations for approval of Hart InterCivic Group, Inc.'s Application for Approval of Verity Voting 2.7 voting system in compliance with US EAC certification number HRT-Verity-2.7, including the conditions described above.

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.

K. Presentation of Voter Registration Outreach Efforts following Approved Exception to ERIC Eligible But Unregistered (EBU) Mailers

Public Information Officer Riley Vetterkind presented the agenda item.

Discussion.

MOTION: For those Elections Commissioners who are interested, that a final presentation be made by the agency prior to the implementation of the program.

Moved by Commissioner Spindell.

Commissioner Millis seconded the motion with the understanding that time is of the essence and a request that the Commissioners be exempt from the informal rule that all Commissioners be available for the meeting. Chair Jacobs objected to this request and stated she would never approve exemptions to that rule.

Discussion.

Commissioner Spindell stated he would not accept Commissioner Millis’s stipulations as a friendly amendment.

Commissioner Millis withdrew his second.

Motion failed for want of a second.

L. Administrative Rulemaking:

1. EL Chapter 4 Observer Rule – Consideration of Final Draft Language for Permanent Rule

Staff Attorney Brandon Hunzicker provided an overview of changes made to the rule language based on public comment and comments from the Legislative Council’s Rules Clearinghouse.

Commissioner Millis clarified with Attorney Hunzicker that the recommended motion assumed agreement with the changes made by the Legislative Council’s Rules Clearinghouse and would approve all subsequent steps in the rule promulgation process.

MOTION: Staff shall finalize the rule order and text in Appendix B and finalize the report to the legislature in Appendix A according to the discussion during today’s meeting. Staff shall then submit the proposed report, rule, and associated documents to the governor for approval and notify the JCRAR of the submission. If the rule is approved, staff shall submit the rule and all necessary documents to the Legislature, the Rules Clearinghouse, and with a notice of submission to the LRB for publication. Upon completion of the legislative review process under § 227.19, staff shall file the final rule with LRB under § 227.20.

Moved by Commissioner Thomsen. Seconded by Commissioner Millis.

Discussion.

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

Motion carried 5-1.

2. EL Chapter 4 Observer Rule Emergency Scope Statement Discussion of Possible Approval

Attorney Hunzicker briefed Commissioners on where matters stand with respect to an emergency scope statement concerning election observers.

Discussion.

Commissioner Millis clarified with Attorney Hunzicker that the recommended motion would not commit the Commission to further action, and that JCRAR could only suspend a rule once it was published and had taken effect.

Discussion.

MOTION: The Wisconsin Elections Commission has received and reviewed all public commentary for scope statement SS 072–24, relating to an emergency rule for election observers. As the body with policymaking powers over the subject matter of the proposed rule, the Commission hereby approves the statement of scope under Wis. Stat. 227.135(2).

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.

3. EL Chapter 19 Judicial Privacy Protection Rule – Review and Approval of Public Hearing and Comment Period on Scope Statement

Attorney Sharpe briefed Commissioners on where matters stand with respect to a scope statement regarding judicial privacy protection.

Discussion.

MOTION: As the body with policy-making powers over the subject matter of the proposed rule, the Commission accordingly approves the scope statement as written. The Commission further directs staff to begin drafting proposed rule language for this scope statement to be reviewed and approved by the Commission at an upcoming meeting.

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.

4. EL Chapter 7 Voting Equipment Rule Order, Economic Impact Analysis, and Draft Public Hearing Notice

5. EL Chapter 13 Election Inspector / Special Voting Deputy Training Rule Order, Economic Impact Analysis, and Draft Public Hearing Notice

Attorney Sharpe presented agenda items L.4. and L.5. together.

MOTION: Staff shall update the draft Rule Orders and finalize the EIAs as directed by the Commission during this meeting, if necessary. Staff shall finalize the draft notices for the hearings and comment periods and the draft notices of submission to the rules clearinghouse as directed by the Commission during this meeting, and take all necessary steps to publish those notices in the administrative register and as needed to provide the public with notice of the hearings as directed during this meeting. Staff shall send the notices of hearing to the secretary of administration. Staff shall submit the EIAs to the

Department of Administration, the governor, and to the chief clerks of each house of the Legislature. Staff shall submit the Draft Rule Orders and EIAs and Fiscal Estimates to the Legislative Council’s Rules Clearinghouse. Since the Commission will not be able to submit the rules to the Legislature pursuant to Wis. Stat. § 227.19 before the scope statement expires on October 4, 2024, the Commission reauthorizes the rulemaking on these topics and directs staff to bring new scope statements and notices of public hearing and comment periods for Commission review at the next available meeting.

Moved by Commissioner Millis. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

M. Review and Potential Action Relating to Administrative Complaint Forms

Attorney Hunzicker presented the agenda item.

Commissioner Millis suggested changing the formatting of “5.06 (Violations of or Appeals of Decisions of Election Officials)” to “5.06 (Violations by Election Officials or Appeals of Decisions of Election Officials).” Chair Jacobs agreed with this change.

Discussion.

MOTION: The Commission approves the attached complaint form as edited by staff in a manner consistent with the discussion during today’s meeting. Staff shall make the form available on the Commission website and update the instructions to facilitate proper use of the form.

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.

N. Voter Felon Audit

Technology Director Ahna Barreau presented the agenda item.

Chair Jacobs noted there was no action item.

Discussion.

O. Staff Update

The Commission scheduled two meetings:
- Wednesday, September 18th at 8:30 a.m.

- Tuesday, September 24th at 1:30 p.m.

Administrator Wolfe noted that most of the updates in this item were detailed in Item F, “Presentation of ‘November General Election Status Update’ Report”

Discussion.

P. Closed Session

The Commission took up this item after Item J.

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

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.

The Commission left open session at 12:32 p.m. and returned at 2:00 p.m. They then moved on to Item I.1.

Q. Adjourn

MOTION: To adjourn.

Moved by Commissioner Spindell. 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 adjourned at 4:24 p.m.

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September 11, 2024, Wisconsin Election Commission meeting minutes prepared by:

September 11, 2024, Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

October 4, 2024

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
8:30 A.M. Sept. 18, 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, Amelia Brichford, Sharrie Hauge, Robert Kehoe, Angela Sharpe, Riley Vetterkind, Riley Willman, Jim Witecha, and Meagan Wolfe, all by teleconference.

A. Call to Order

Commission Chair Jacobs called the virtual meeting to order at 8:30 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Consideration and Resolution of Wis. Stat § 5.06 Complaints

1. EL 23-24 – Junior Gurgel v. Sandra Swanson

Original Motion: 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.

Moved by Commissioner Bostelmann. Seconded by Commissioner Riepl.

Commissioner Millis stated that he would prefer to remove the word “summarily” from all recommended motions today. All commissioners agreed.

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 Bostelmann. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

2. EL 24-69 – Katherine Thomas v. Brian Neumann

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 Millis. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

3. EL 24-88 – Sharon Galonski v. Brenda Petersen

Motion: The Commission has reviewed the proposed draft decision letter in **Appendix 3**, 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 Riepl.

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

Motion carried 6-0.

4. EL 24-86 – Terry Johnson v. Town Board, Westfield

Motion: The Commission has reviewed the proposed draft decision letter in **Appendix 4**, 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 Spindell.

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

Motion carried 6-0.

D. Adjourn

MOTION: To adjourn.

Moved by Commissioner Bostelmann. Seconded by Commissioner Millis.

The Commission adjourned at 8:35 a.m.

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September 18, 2004 Wisconsin Election Commission meeting minutes prepared by:

Amelia Brichford, Help Desk Staff

September 18, 2024

March 18, 2020 Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

April 15, 2020



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 October 4, 2024, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared and presented by:
Cody Davies
Wisconsin Elections Commission Staff

SUBJECT: 2024 Post-Election Electronic Voting Equipment Proposed Guidelines and Procedures

Introduction

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

(6) 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.

This law was passed in 2005 and came into effect on January 1, 2006. Following the November 2006 General Election, the first post-election audit was conducted in the State of Wisconsin. Wisconsin has required a “complete, permanent paper record showing all votes cast by each elector, that is verifiable by the elector, by either visual or nonvisual means as appropriate, before the elector leaves the voting area” since April 2004, per Wis. Stat. § 5.91(18).

While both are crucial to ensuring the accuracy and security of voting equipment used in Wisconsin, it is important to distinguish between the post-election voting equipment audit and the pre-election tests that are completed by municipal clerks prior to each election. As required by Wis. Stat. § 5.84, municipalities must publicly test all electronic voting systems that utilize automatic tabulating equipment prior to the election in which it will be used to ascertain that it will correctly count the votes cast for all offices and on all measures. These tests are completed using a pre-determined and pre-marked test deck of ballots. If the municipal clerk detects any errors throughout the test, the error must be further explained and identified. No equipment may be used without first tabulating an errorless count and matching the pre-determined results during the pre-election test.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Conversely, the post-election voting equipment audit is intended to assess the electronic voting system's Election Day performance by reviewing the actual ballots cast by electors on the equipment. This provides additional layers of security and transparency by ensuring the equipment was accurate and tabulated votes in accordance with its programming and applicable certification standards. These audits are an important tool to deter voting system fraud and to detect any large-scale discrepancies or programming issues with the systems. Information obtained from municipal clerks and auditors throughout the process also offers a chance for examining general election administration procedures at work in the polling place and allows for a meaningful opportunity to provide feedback on those procedures.

As with pre-election tests, post-election voting equipment audits are conducted in public meetings and members of the public are encouraged to attend the proceedings.

Background

As detailed above, the first post-election voting equipment audit was conducted in Wisconsin following the 2006 General Election. This first audit was conducted by staff of the Wisconsin State Elections Board (SEB) and audits were completed on-site in municipalities by SEB staff. Following this initial round of audits, staff of the Government Accountability Board (GAB) reconfigured the audit program to address the unsustainably high personnel and financial costs of staff conducting audits on-site. The 2008 post-election audit was the first in which staff began asking municipalities to conduct audits themselves, with all materials related to the audit to be sent to GAB staff for review.

The same administrative structure was used for the 2010 audit. The 2012 audit saw the GAB double the number of reporting units selected to participate in the audit, which brought the total number to 100 reporting units. The same minimum threshold was applied to the 2014 and 2016 audits with a separate capped maximum number of two reporting units per municipality being introduced for the 2016 audit under what had become the Wisconsin Elections Commission (WEC or Commission). The 2016 audit was also notable in that it occurred concurrently with a statewide recount for the Presidential contest. The WEC later determined that any reporting units that had been selected for the audit in which the ballots had been hand-counted during the recount were no longer required to conduct the post-election audit. All selected reporting units in which the ballots were recounted by tabulation equipment were still required to complete the audit, bringing the total number of audited reporting units to 42.

In advance of the 2018 General Election, staff proposed several changes to the audit process which were later approved by the WEC. These changes included adjustments to the selection process and the municipal reimbursement process, but the major change was to the deadline for completing the audit. Prior post-election audits were primarily completed after the results of the General Election had already been certified. Beginning in 2018, all audits were required to be completed prior to official certification of results. This adjustment allowed staff to report on the initial findings of the audit and highlight any areas of concern to inform the WEC's decision to certify results. This truncated deadline was used in the 2020 and 2022 audits as well, and staff recommends no changes to the deadline for the 2024 audit.

The 2018 post-election audit also increased the sample size of reporting units from a flat 100 to 5% of all reporting units throughout the state. For 2018, this totaled 186 reporting units. In addition to the sample size change, the WEC also approved changes to the reimbursement process. Prior audits had allowed up to a \$300 maximum reimbursement with an hourly rate maximum of \$10 per hour. The 2018 audit kept the \$300 maximum in place, removed the \$10 hourly rate maximum, and allowed municipalities to submit supplemental documentation to substantiate requests over the maximum allowable amount.

In 2020, staff once again recommended several changes to the post-election process. The major changes this time were once again to the reporting unit selection and municipal reimbursement processes. In an attempt to capture a more representative picture of reporting units throughout the state, a more proportional approach was recommended and approved by the Commission. The new selection process allows for up to four reporting units to be selected from Milwaukee and Madison, the largest municipalities in the state, up to three reporting units in the next 20 largest municipalities by voting population, and no more than one reporting unit for all other municipalities in the state for a total of 5% of all reporting units statewide. More information on this selection process is described in another section of this report. The other major change, which staff recommends no changes to, was the implementation of a streamlined reimbursement process in which selected reporting units were eligible to claim a flat \$50 fee for setup costs and an additional \$.35 per ballot audited.

The 2022 post-election audit featured the latest round of changes, the largest of which were the doubling of the reporting unit sample size from 5% to 10% and the inclusion of a more detailed error rate calculation for both equipment errors and other issues attributable to human error or incorrect election administration. Staff recommend that the current model adopted for the 2022 audit, explained in greater detail below, also be used for the 2024 post-election voting equipment audit.

Recommendations for the 2024 Post-Election Voting Equipment Audit

For 2024, staff do not recommend a departure from the framework and procedures established for the 2022 post-election voting equipment audit. As in 2020 and 2022, WEC election administration and IT development staff have worked to maintain the computerized random selection tool to pick the reporting units subject for audit. This selection tool contains a list of every active reporting unit in the State of Wisconsin for the General Election, as well as the voting system used in each reporting unit. The tool functions based on a random seed, which is picked by staff in a public meeting the morning following the General Election by rolling 20 10-sided dice. This process ensures that the outcome of the selection is randomly repeatable in that, given the exact same 20-digit random seed, the same results would be generated every time. Accordingly, a different seed would generate an entirely different set of reporting units.

While the selection tool is intended to randomly select reporting units to participate in the audit, this is not a truly random selection in that the Commission has approved various minimum thresholds and constraints on the selection in the past. Staff recommend maintaining the following for the 2024 audit:

Reporting Units Eligible for Selection*

<u>Milwaukee and Madison</u>	<u>Next 20 largest municipalities by registered voter population</u>	<u>All other municipalities</u>
No more than four reporting units	No more than three reporting units	No more than one reporting unit
*All selected reporting units to total 10% of all active reporting units in use for the 2024 General Election.		

Additional Constraints

At least one reporting unit in each of Wisconsin’s 72 counties.	At least five reporting units for each type of electronic voting equipment capable of tabulating or recording votes certified for use in Wisconsin.
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Staff utilized the above criteria in the selection of reporting units to participate in the 2022 post-election voting equipment audit. The random selection for 2022 resulted in 369 reporting units subject to audit. In total, these 369 reporting units audited over 220,000 ballots. Staff do not recommend a decrease in the fixed percentage of reporting units selected for audit, nor do they recommend an increase. While doubling the random selection to 20% of all reporting units will certainly provide more data, it is unclear if, given the relatively small number of systems approved for use in Wisconsin, that data would prove to be redundant. It is also unclear if WEC would be able to administer the audit effectively within the shortened timeline were the selection to be doubled again.

Staff also recommend maintaining the number of maximum reporting units eligible to be selected based on the municipality in question. Allowing for up to four reporting units to be selected in Milwaukee and Madison, as well as up to three in the next 20 largest municipalities by registered voter population ensures that several of the selected reporting units will be in larger municipalities where a greater number of ballots is likely to be cast. Additionally, allowing for a single reporting unit to be selected in all other municipalities also provides for a larger geographical representation of reporting units across the state.

In every post-election audit, there is a chance that a reporting unit selected for audit does not have any registered voters living in it. These cases, typically referred to by staff as “zero population reporting units,” do not contribute to the overall goal of the audit in that there are no ballots to count and, accordingly, no means by which to judge the effectiveness of the voting equipment. Should the number of zero population reporting units selected for audit cause the total number of reporting units to fall below the minimum threshold as directed by the Commission, staff reserve the right to randomly select additional reporting units to adhere to the minimum fixed percentage threshold.

In addition to the reporting units that will participate in the audit, staff will also randomly select the contests to be audited at the same public meeting the day following the General Election. As in the past, staff is recommending a total of four contests to be audited on each ballot, with statewide and legislative contests being eligible as possible selections. Staff also recommends maintaining the automatic selection of the top-of-ticket contest as has been done for the past several audits. While the Presidential/Vice Presidential contest will automatically be subject to audit, this leaves the following as possible auditable contests for 2024:

- United States Senator
- Representative in Congress
- State Senator
- Representative to the Assembly

In Wisconsin General Elections, approximately half of the 33 State Senate seats are up for election every two years, with the even-numbered seats being on the ballot in 2024. Should State Senate be randomly chosen as a contest subject to audit, there is a reasonable chance that the selected reporting units will not have that contest on their ballot. In those instances, as in 2020, staff recommend that the County Clerk contest be audited instead of the State Senate contest to ensure all selected reporting units will still be auditing four contests.

Following the selection of reporting units and contests subject to audit, which will occur as part of a hybrid public meeting in the WEC offices the morning of November 6, 2024, all municipal clerks with a reporting unit selected for the audit will be notified immediately. This email will be drafted in advance of the selection and will include a link to the WEC website where a separate page will be created that includes all materials necessary to conduct the audit, e.g., tally sheets and reporting forms, a training webinar to be recorded by WEC staff, and information on municipal reimbursement. Notification of selection will be transmitted to both municipal clerks and their respective county clerks.

Audit Completion Timeline and Recount Considerations

As previously detailed, the standard practice for the past several rounds of post-election voting equipment audits has been to conduct and complete the audit in advance of the final state deadline to certify election results. As per Wis. Stat. § 7.70(3)(a), the chair of the WEC is required to certify the election no later than December 1, 2024. Federal and state law require the Commission Chair to certify and sign all canvass statements by this deadline, irrespective of a potential recount in any contest or referendum question. However, statute does not explicitly provide a deadline by which all audit materials must be received by WEC staff with enough lead time for staff to review all submitted materials and prepare a preliminary report for the Commission prior to certification. As such, the Commission has set the material submission deadline in the past. In 2022, the primary deadline was set at November 25, 2022, which allowed staff enough time to finalize review and prepare a report. Staff requests that the Commission consider setting the 2024 deadline to allow enough time for staff to compile all necessary data and prepare a brief analysis ahead of the certification deadline.

As with any election, there is a possibility of a recount occurring for a contest on the General Election ballot. Partial or statewide recounts have happened in Wisconsin, and each situation has led to some confusion regarding completion of the post-election voting equipment audit. In past elections, the Commission has approached the question of recounts in a few ways, including a temporary postponement of the audit until any applicable recount deadlines have passed or allowing a full hand recount to satisfy the requirement of a municipality to participate in the audit. While completing all audits prior to the certification deadline on December 1, 2024 remains the staff recommendation for this audit, such a tight timeline can fall victim to outsized effects if a full or partial recount must be conducted.

Staff have prepared a brief calendar and a number of possible scenarios below based on audits in prior elections. While the Commission is ultimately responsible for setting the materials deadline for the audit, staff has used November 25 (the 2022 deadline) as a sample date for these scenarios.

General Election:	November 5, 2024
Selection of reporting units and contests by WEC staff:	November 6, 2024
Deadline for County Board of Canvass to convene:	November 12, 2024; 9:00 a.m.
Deadline for county clerks to deliver statements of canvass to WEC (receipt of final statement starts potential recount clock):	14 days after election; November 19, 2024
Possible final recount deadline:	November 22, 2024
Suggested deadline for materials (assuming no recount):	November 25, 2024
Deadline to certify election per Wis. Stat. § 7.70(3)(a)	December 1, 2024

For purposes of the audit, prospective timelines are based on recount deadlines as set by receipt by WEC of the final statement of county canvass. While the final deadline for counties to provide this documentation is set at 14 days following the election, November 19, 2024 in this case, statements may be received earlier. Consequently, the recount deadline may also require adjustment based on when the final statement is received.

In past audits, the WEC has approved temporary postponements for municipalities with reporting units selected for the audit that also have a contest within the margin for a recount. As the latest the final county canvass statement may be received is November 19, 2024, which would set the deadline to petition for recount at November 22, 2024, and given that each audit must be publicly noticed, materials must be gathered, and auditors must be convened, there is very little chance that all selected municipalities would be able to complete the audit by the tentative deadline of November 25, 2024 should no recount be requested.

As in 2022, staff recommend a multifaceted approach to the completion deadline based on the date of receipt of the final county canvass statement and any applicable recount deadlines. To that end, staff has prepared a number of sample timelines. Each scenario assumes that at least one contest subject to audit is within the margin for an aggrieved candidate to request a recall and grants selected municipalities at least one week following a recount deadline to complete their audit and submit all materials to staff for review. In the event that no statewide or legislative contests are within the margin for a recount, staff recommend that the audit be completed as normal and all materials be submitted to staff by the original deadline to be set by the Commission.

No statewide contests within recount margin:	No changes. Original materials deadline of 11/25/2024 stands.
At least one statewide contest within recount margin, recount deadline falls <u>on or before</u> November 18, 2024, and no recount petition is received:	No changes. Original materials deadline of 11/25/2024 stands.
At least one statewide contest within recount margin, recount deadline falls <u>after</u> November 18, 2024, and no recount petition is received:	Selected municipalities are granted an additional week to complete their audits. New materials deadline set to 12/2/2024
At least one statewide contest within recount margin, <u>and valid recount petition is received:</u>	Audit deadline postponed until completion of recount. Given the statutory 13-day period to conduct a recount, staff recommend additional time for clerks to complete audit. In 2022, this contingency deadline was set at December 22, 2022.

A large responsibility of election administrators is securing the chain of custody of all election materials, not least ballots. As ballot protection and security best practices dictate that sealed ballot bags should be opened as few times as possible, opening ballot bags to complete a voting equipment audit prior to conducting a recount is not advisable. In the event of a statewide or legislative contests within the recount margins, it is possible that there would not be enough time for the selected municipalities to complete their audit prior to the statutory deadline to certify the election on December 1, 2024. If a recount is undertaken, and should the Commission approve of these approaches, affected municipalities subject to the audit have a few options.

The first option, as was employed by a number of Dane and Milwaukee County municipalities in 2020, is to audit the ballots immediately following the recount. After recounting all their ballots, election officials would reseal the ballot bags, ensure the audit was appropriately noticed, and convene elsewhere to conduct the actual audit. A separate option to consider, as seen in 2016, is to exempt any municipality from the audit if the reporting unit in question was subject to recount **and** the ballots were recounted by hand instead of by an electronic voting system.

Error Rate Calculation

The error rate calculation prepared by staff following each post-election voting equipment audit is based on the 2005 Voluntary Voting System Guidelines (VVSG 1.0). This is also the standard referenced in Wis. Stat. § 7.08(6): “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.” The maximum allowable error rate for any voting system is 1 in 500,000 ballot positions.

As in past audits, staff recommend the inclusion of two separate error rates, both of which will be calculated upon receipt of all audit materials. The first error rate concerns actual tabulation issues that affect the voting system's ability to tabulate votes accurately. The second error rate is an attempt to calculate human error in the administration of the audit.

While calculating both error rates is a crucial part of the audit, it is important to clarify that only equipment errors or discrepancies that were caused by the voting system itself are applicable to the 1 in 500,000 ballot position standard. Any unexplainable discrepancy that is even potentially attributable to the programming or performance of the voting system is to be reported to WEC staff who, at their discretion, may request all materials used in conducting the audit be sent to the WEC offices for further review. Depending on the outcome of that review, the Commission also reserves the right to re-test a voting system currently certified for use in Wisconsin.

The equipment error rate for 2022, which was calculated to be .000675%, was based on six discrepancies reported by municipalities conducting the audit. While this error rate technically higher than the 1 in 500,000 ballot position threshold, all of the reported errors, e.g., heavy creases on absentee ballots being read as false overvotes, ballots completed with green ink not being read appropriately by certain tabulators, etc., were known issues with certified voting systems. Accordingly, staff recommendations and Commission approvals have addressed these matters in subsequent certifications for the systems in question.

The simplest way to define an equipment error is any unexplained discrepancy or issue not otherwise attributable to human error that leads to a mismatch between the Election Day tabulation results and the hand count tally created during the audit. Staff recommend using the following in the 2024 equipment error rate calculation:

- Extraneous perforations, smudges, and folds
- Marking pen bleed-through
- Dirty scan heads
- Votes attributed to another candidate by tabulator
- Votes not counting due to a certain color of ink being used
- Foreign bodies, such as ink flakes or dust, affecting tabulation of a ballot
- Programming issues not present at the time of public testing
- Anything not mentioned above that would otherwise cause an empty oval to read as a valid vote or a validly voted oval to not count

In addition to equipment errors, there are also several ways human error may lead to a discrepancy in the final audit reports submitted by municipalities. Human error is the source of almost all issues reported by individuals conducting the audit, and those errors can happen on Election Day or at any point throughout the course of conducting the audit. Most of these errors are investigated and resolved by staff prior to calculation of the final error rate. In some cases, staff has asked a municipality to either reconduct an audit one or more times or send the materials to the WEC office so the audit can be reconducted by staff. The following is an inexhaustive list of possible human errors that will be resolved by staff or calculated in a separate error rate:

- Consideration of voter intent when conducting the audit instead of tallying the ballot as the voting system would have tabulated it
- Errors in tallying votes during the audit
- Improperly cleared paper jams on Election Day, which may lead to an election official reinserting a ballot that was already counted by the voting system

- Auditors are sometimes unclear of how a tabulator treats an ambiguous or marginal mark in an oval when reading a ballot
- Ballots from a separate reporting unit inadvertently being sealed in the same ballot bag and counted in the reporting unit selected for audit

As discussed, clerks are required to complete a final reporting form following their respective audits. This reporting form includes a separate section for each contest subject to audit in which clerks/auditors must list the total number of votes as recorded by the voting system, the total number of votes tallied in the audit, and an appropriate explanation of the discrepancy in the event those numbers do not match. Staff review of submitted materials is a huge step in this process, as several discrepancies in each round of audits can be attributed to improper tallying or miscounting totals.

General Audit Procedures

Pre-Audit Preparations

Upon notification from WEC staff that a reporting unit in their municipality was selected for audit, the municipal clerk shall make arrangements with the county clerk to preserve and retain all election materials that will be needed to conduct the audit. This includes ballots, voter lists, the Inspectors' Statement (EL-104), tally sheets, reports and results tapes generated by the voting system, and any other physical material that may be necessary to consult throughout the audit process. The use of a chain of custody log of some kind to document who had access to all election materials and when they had access to them is recommended.

The municipal clerk must then make any necessary staffing preparations. In several municipalities, the audit is conducted by the clerk and deputy clerk, while others may include other election officials, such as election inspectors or members of the county clerk staff. Another option, one which requires agreement by both the municipality and county in question, is to allow the county clerk or county board of canvassers to complete the audit on behalf of the municipality. In such cases, any eligible reimbursement amount claimed for the audit would be payable to the county instead of the municipality.

Another crucial step in preparing for the audit is ensuring that all audits have been publicly noticed appropriately in accordance with public meeting laws. The time and location of the audit must be appropriately posted at least 48 hours prior to the audit. All proceedings are open to the public, but individuals observing the audit may not interfere with the orderly process of conducting the audit. Municipalities selected for the audit are required to submit a copy of their public notice with the rest of their materials upon completion of the audit. While the municipal clerk has some leeway in scheduling the audit, scheduling efforts must remain cognizant of any potential recounts that may delay the audit proceedings and the final deadline to submit all audit materials to be set by the Commission.

General Procedures

1. Any municipality selected for audit shall acknowledge receipt of selection and confirm with WEC staff the following information for each reporting unit selected:
 - a. Voting System Type
 - b. Voting Equipment Model
 - c. Accessible Voting Equipment Model
2. The municipal clerk will work with the county clerk to ensure all materials necessary to conduct the audit are retained and secured appropriately.

3. The municipal clerk shall publicly post notice of the time and location of the audit at least 48 hours prior to the scheduled start. Clerks will provide a copy of their public notice to WEC staff.
4. Four contests will be audited, including three contests chosen at random by WEC staff and the Presidential/Vice Presidential contest.
5. A minimum of two individuals shall participate in the audit.
 - a. Votes for each of the four chosen contests are to be tallied by hand.
 - b. For certain voting systems, this will require tallying the votes listed on the voter-verifiable paper audit trail roll generated by the voting system on Election Day.
 - c. At least two auditors will review and tally the votes on each ballot. Each auditor will determine a vote total in each contest.
 - d. When tallying, auditors must keep the following in mind:
 - i. If any ballots contain an overvote or an undervote, these are tallied in the Overvote/Undervote column. In either case, no vote is counted for the office in question.
 - ii. All write-in votes and votes otherwise attributable to scattering should be tallied in the Write-ins/Scattering column. Individual write-in candidates are not required to be tallied or listed separately for the purposes of the audit.
 - iii. Auditors must only count votes in the same way the equipment would have tabulated them. Examples:
 1. A voter circles a candidate's name on a ballot instead of filling in the oval next to the candidate's name. While typically a valid vote when viewed from the perspective of voter intent, the equipment would not have counted this as a vote and neither should the auditors.
 2. A voter writes in a name under a contest but does not fill in the oval in the applicable write-in section. If otherwise valid, this would be counted by election inspectors at the end of the night. However, the equipment would not have counted or reported this vote as a write-in.
 3. If auditors are unable to come to a consensus as to how a particular mark or ballot was read by the machine, they may report the matter to WEC staff, who will then work the respective system vendor to obtain additional information on the disposition of the ballot, i.e., cast vote records and ballot images.
 - e. Auditors will compare totals in each contest. If totals concur, they will then be compared to the totals generated by the voting system. If the totals do not concur, auditors are encouraged to check their work and, if necessary, re-audit the contests in question before reporting the discrepancy to WEC.
6. Detailed minutes should be kept by those conducting the audit. Any discrepancies in vote totals should be itemized and summarized in the minutes. This information should be used when completing the final reporting form and minutes should be submitted to WEC staff with the rest of the audit materials.
7. The reporting form must be a complete record of the audit. All equipment totals must be reported (with results tapes from the equipment included to substantiate the numbers) and any discrepancies between the equipment totals and the auditors' tallied totals must either be explained, or enough context/additional information must be provided to WEC staff to further investigate the issue.

Post-Audit Procedures

Following completion of an audit, the municipality must submit all necessary documentation to WEC staff for final review. As detailed above, this includes the reporting form, tally sheets, zero and results tapes from the voting system, minutes, reimbursement requests, etc. If a municipality has reported a discrepancy on their reporting form that cannot be explained, staff reserve the right to request additional materials, such as Inspectors' Statements, poll lists, or the ballots themselves. Should this step become necessary, the WEC will reimburse the municipality for any associated postage or shipping costs. In most cases, where no discrepancies exist, electronic submission of all audit materials is sufficient. WEC staff maintains a separate email inbox specifically for audits. All materials are to be submitted to wecaudits@wec.gov.

WEC staff review submitted audit materials on a rolling basis, and submissions from municipalities are reviewed in the order in which they are received. Upon receipt of all audit materials, staff will work to prepare a preliminary assessment of all audits and any potential issues that were uncovered in the process of conducting them. Barring no recounts or other delays, this preliminary report is to be prepared and presented to the Commission ahead of the certification deadline on December 1, 2024. A much more detailed final report will be prepared and presented to the Commission at a later meeting (to be set by the Commission). Both reports will contain details on number of ballots audited, total number of each type of equipment audited, reimbursement request totals, error rate calculations, a discussion of any discrepancy or issue, and any other information requested by the Commission.

In the event that a discrepancy between the machine tally and the paper record tally cannot be reasonably explained, WEC staff may request that the voting equipment manufacturer investigate and explain the reasons for any differences between the machine tally and the paper record tally. Should the vendor fail to provide a sufficient written explanation, including recommendations for preventing future occurrences, within 30 days of notification, the WEC may suspend approval of the affected voting system in Wisconsin. This suspension will be implemented immediately, pending an appeal by the vendor to the Commission, which must be filed within 30 days of the suspension.

Based upon the results of the audit, the Wisconsin Elections Commission may, at its sole discretion, choose to re-test a voting system per Wis. Adm. Code EL Chapter 7. Such test would be a condition of continuing approval of said voting system.

Municipal Reimbursement

Staff do not have any recommendations for changing the reimbursement calculation used for both the 2020 and 2022 post-election audits. Prior methods of reimbursement lead to a series of unintended downstream effects. Namely, the imposition of a maximum reimbursement cap and an accompanying process that allowed municipalities to submit overage requests to the WEC Chair and Administrator for review resulted in a wild variety of reimbursement amounts being received, some of which seemed to not accurately reflect the time and resources that were used to conduct the audit. These overages led to a skewed cost-per-ballot calculation and made it complicated to provide additional cost data to the Commission in later reports.

To avoid these issues, staff recommend a continuation of the reimbursement structure in which selected municipalities receive a flat \$50 setup fee per each reporting unit selected and then an additional \$.35 per ballot audited. Staff found this method to be more equitable for municipalities completing the audit, as municipalities with very few ballots in a selected reporting unit and municipalities with a very high ballot count in a selected reporting unit are no longer subject to the same maximum reimbursement cap and will be reimbursed in a

manner more aligned to the amount of work they had to undertake to complete the audit. For additional context, the total amount of reimbursements paid out following the 2022 post-election audit was \$89,645.75.

Two sample reimbursement calculations appear below:

		Base Setup Fee	Ballots Counted	Subtotal	Total Reimbursement
Municipality 1	Reporting Unit 1	\$50.00	250	\$137.50	\$137.50
Municipality 2	Reporting Unit 1	\$50.00	1,750	\$662.50	\$1,850.00
	Reporting Unit 2	\$50.00	3,250	\$1,187.50	

Voluntary Canvass Audits

Staff would also like to take the opportunity to discuss optional post-election audits conducted by counties as part of their canvass process. Multiple counties have opted to audit a random contest as part of their board of canvass following past elections.

Unlike participation in the post-election voting equipment audit, participation in a county-level canvass audit is voluntary. Additionally, as these audits are not bound to the goal of confirming voting equipment accuracy in the same way as the statutory post-election audit, they may also be conducted in jurisdictions that hand count ballots in lieu of using an electronic voting system. As these audits are entirely separate processes and participation is not mandatory, it is the opinion of staff that participation in a voluntary canvass audit would not preclude a municipality from participating in the post-election voting equipment audit should one of their reporting units be selected.

That said, it has been a standard practice in the latest rounds of audit to reimburse counties who conduct audits in line with the reimbursement method used for the post-election voting equipment audit. If the Commission wishes this practice to continue, staff recommend using the same general rules as have been approved in the past:

- To be eligible for reimbursement, an audit must be conducted in the same manner as the standard post-election voting equipment audit, i.e., auditors must use tally sheets, compare their totals to the results generated by the voting machine.
- Any audits conducted on ballots that were hand counted in jurisdictions that do not use electronic voting equipment would not be eligible for reimbursement.
- Reimbursement calculations will be done the same way for these audits as they would be for a standard audit. Jurisdictions would receive a flat \$50 setup fee and an additional \$.35 per ballot audited.
- As this is voluntary and otherwise outside the auspices of the voting equipment audit, counties may only request reimbursement for voluntary audits conducted on a maximum of **two** reporting units in the county.

Summary of Recommendations

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. 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 units 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.

Recommended 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.



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 October 4, 2024, Commission Meeting

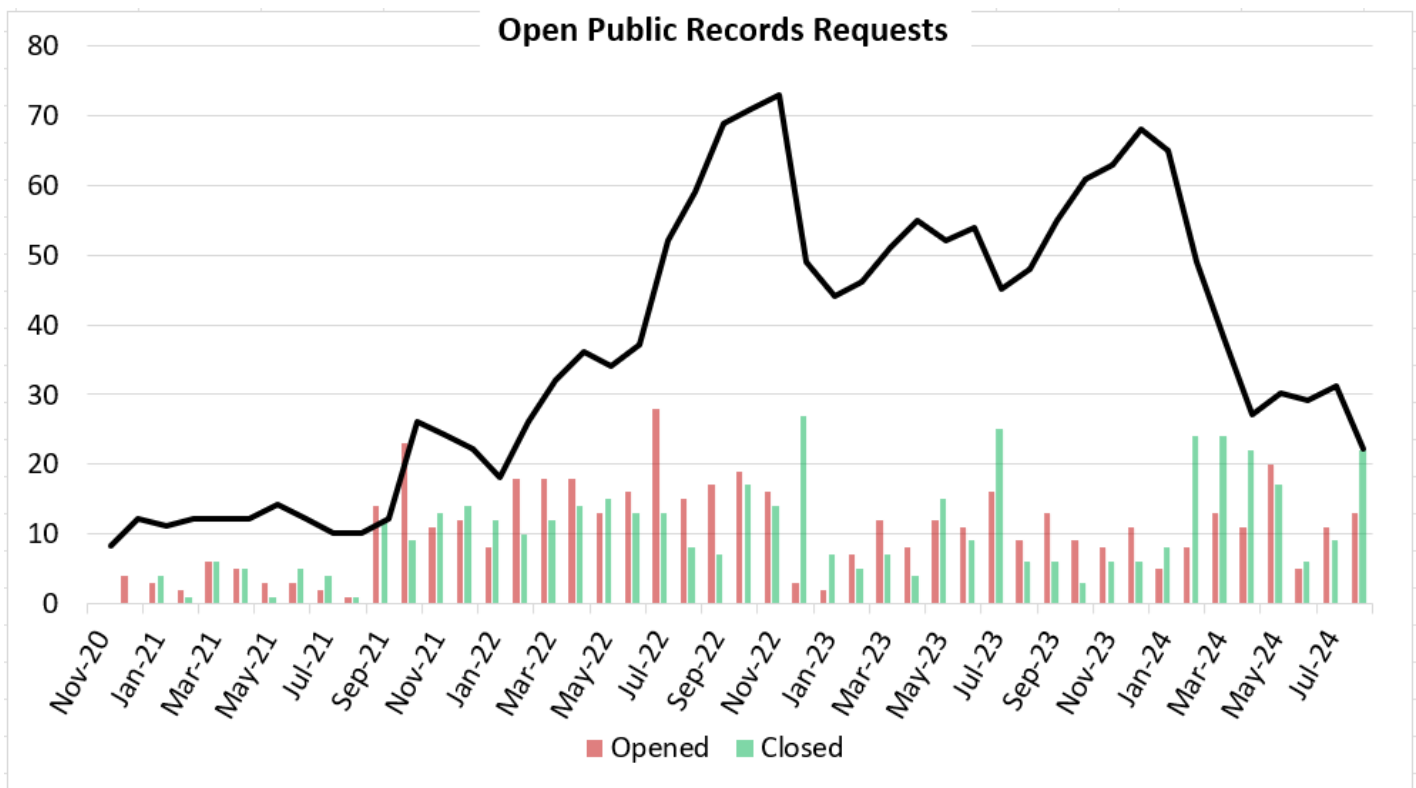
TO: Members, Wisconsin Elections Commission

FROM: Angela O’Brien Sharpe, Staff Attorney

SUBJECT: Revised Public Records Policy for Commissioner Requests

ATTACHMENT: **Attachment A:** Revised Public Records Policy for Commissioner Requests

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 year, 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.



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

Administrator
Meagan Wolfe

Staff expect to receive an increase in public records requests up to and following the November 5 General Election. 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).

Recommended Motion:

The Wisconsin Elections Commission (“the Commission”) approves the ~~Revised~~ “Public Records Policy: [Revised October 2024](#)” for Commissioner Requests included in Attachment A₇ and directs staff to make a copy of the policy readily available on the Commission’s website.



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: October 4, 2024

TO: Wisconsin Elections Commission

FROM: Angela O'Brien Sharpe
Staff Attorney

SUBJECT: **Public Records Policy for Commissioner Requests: Revised October 2024**

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 year, 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.

Staff expect to receive an increase in public records requests up to and following the November 5 General Election. 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).

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.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

- 3) **Confirm Scope** - When a request seeks “WEC” or “Commission” communication records, clarification will be sought if that should include current or former Commissioners, Administrators, or staff.
- 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 must copy their public @wisconsin.gov email account on any email sent from a private account. For incoming messages, including texts and emails, Commissioners must forward any messages pertinent to their work on the Commission to their public @wisconsin.gov account.** Failure to copy or forward to the public @wisconsin.gov account will result in direction from staff to conduct searches of privately controlled accounts and devices.

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.

III. 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.

IV. 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.

V. 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.

VI. 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

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

DATE: October 15, 2024

TO: The Honorable Tony Evers, Governor of Wisconsin

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

FROM: Wisconsin Elections Commission

SUBJECT: Fiscal Year 2024 Annual Report

A. Introduction

The Wisconsin Elections Commission is pleased to submit its Fiscal Year 2024 annual report to the Governor and the chief clerk of each house of the Legislature, in accordance with Wis. Stat. §§ 15.04(1)(d) and 5.05(5e). This report provides the names and duties of all individuals employed by the WEC. This report also includes a summary of advisory opinions issued and investigations conducted during Fiscal Year 2024 (July 1, 2023 – June 30, 2024).

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

Names and Duties of All Individuals Employed by the Commission

Wisconsin Elections Commission staff members are required to be nonpartisan, in accordance with [Wis. Stat. § 5.05\(4\)](#).

Administrator – Meagan Wolfe

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

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

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Administrator
Meagan Wolfe

special reports; administration of contracts and federal grants; preparation for Commission meetings; and any other areas the Commission may assign.

Please see Appendix A for a full list of the Administrator's duties.

Deputy Administrator – Robert Kehoe

Under the general supervision the Administrator, the Deputy Administrator provides an array of executive-level policy, administrative, and professional services for the Commission and to the Administrator. This position serves as the second-in-command in the absence of the Administrator. This position develops policy and procedures, as well as goals and objectives for technical and administrative election support functions. This position supervises the managers responsible for the information technology and election administration teams. Finally, this position supervises the staff fulfilling public records requests and responding to legislative inquiries.

Legal Counsel Supervisor – James Witecha

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

Legal Counsel – Brandon Hunzicker, Angela Sharpe

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

Technology Director – Ahna Barreau

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

Chief Administrative Officer – Sharrie Hauge

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

Webmaster/Public Information Officer – Riley Vetterkind

Under the general supervision of the Administrator of the Commission, this position provides a wide variety of support for Commission operations. This position serves as the agency’s webmaster, ensuring it remains updated, functional, and accessible to the public. As the media spokesperson, this position handles all media inquiries, prepares press releases, and represents the agency in public communications

Elections Supervisor – Riley Willman

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

Elections Administration Specialists — multiple incumbents

Seven positions under the Elections Commission are classified as Elections Specialists. Elections Specialists’ responsibilities are mostly related to election administration. Staff in this classification are Erin Bentley, Jose Luis Enriquez Chinas, Jacob Ekdahl, Regina Hein, Caitlin Jeidy, Jacob Walters and Vacant.

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

WisVote Specialists — multiple incumbents

Six positions under the Elections Commission are classified as WisVote Specialists or have responsibilities for supporting Wisconsin’s statewide voter registration system, known as WisVote. This support includes IT development and WisVote user support and training to local election elections officials who use the system. Staff in this category include Patrick Brennan, Training Officer; and Madhumita Das, Jeffrey Harrison, Jazmin Jackson, Kagan McCarty, and Jodi Vitcenda.

Training Technology Specialists – Cody Davies and Erin Hoag

Under the general supervision of the Elections Supervisor, these positions are responsible for the oversight, coordination, and implementation of the agency’s training technology initiatives. These positions manage training programs and project activities, such as development, promotion, execution, and evaluation of training initiatives led by the Commission. These positions are also responsible for training clerks on election applications, policies and procedures required by the Commission.

Help Desk Support — multiple incumbents

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

Accountant – Julia Billingham

Under the general supervision of the Chief Administrative Officer, this position is responsible for creating and maintaining the financial statements and the general ledger using the Statewide PeopleSoft STAR ERP system. Additionally, this position manages expenditures in relation to the biennial and annual operating budgets, manages GPR and Federal Grants reporting, implements procurement activities and prepares financial reporting and audits.

Financial Specialist – Tiffany Schwoerer

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

IT Project Manager – Sarah Statz

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

Election Security Lead – Tony Bridges

Under the general supervision of the Technology Director, this position serves as the point person for developing and implementing the agency’s overall elections security plan. This position is responsible for ensuring the integration of cyber security best practices in the Commission’s technology applications and maintaining the agency’s up-to-date knowledge of cyber security tools and risks.

Geographic Information Services (GIS) Lead - Greg Grube

Under the general supervision of the IT Technology Director, this position serves as the coordinator for the Wisconsin Election Commission's geographic information systems for the state's voter registration system, database, and associated applications. This position serves as the agency representative for addressing and GIS purposes on internal and enterprise teams.

C. Summary of Determinations and Advisory Opinions Issued Under [Wis. Stat. § 5.05\(6a\)](#)

The Elections Commission issued two formal advisory opinions during the 2024 fiscal year.

1. On November 2, 2023, the Wisconsin Elections Commission issued an advisory opinion on Electronic Signatures on Voter Registration forms and determined that e-signatures must be accepted as valid signatures on otherwise valid voter registration forms unless and until directed by a court of law, or a reevaluation of this opinion becomes necessary due to a legislative change.
<https://elections.wi.gov/sites/default/files/documents/Electronic%20Signatures%20on%20Voter%20Registration%20Forms.pdf>
2. On December 19, 2023, the Wisconsin Elections Commission issued an advisory opinion on Changes to and printing on Commission prescribed EL-122 Forms. The Commission found that while changes to the size of an EL-122 form and to ballot forms cannot be made by a municipality, a municipality can affix labels printed from WisVote into Step 1 of the EL-122 forms or print directly onto the Step 1 box, as discussed in the opinion, the information that would have either been written by hand or printed on the WisVote label.
<https://elections.wi.gov/sites/default/files/documents/Changes%20to%2C%20and%20Printing%20on%20Commission%20Prescribed%20EL-122%20Forms.pdf>

D. Summary of Investigations Conducted

The Elections Commission did not authorize any investigations during the 2024 fiscal year.



Wisconsin Elections Commission

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

DATE: For the October 4, 2024, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Brandon Hunzicker, Staff Attorney

SUBJECT: Report of Suspected Election Fraud, Irregularities or Violations

Wis. Stat. § 7.15(1)(g) requires municipal clerks to “report suspected elections frauds, irregularities, or violations of which the clerk has knowledge to the district attorney for the county where the suspected activity occurs and to the commission.” The Commission is then required to “annually report the information obtained ... to the legislature under s. 13.172(2).” Wis. Stat. § 13.172(2) directs state agencies to submit reports to the chief clerks of each house of the Legislature who in turn publish notice of the report in the journals of the respective houses and then distribute the report to members of the Legislature upon request.

Municipal clerks typically provide reports of suspected election fraud or irregularities to the Commission by email or letter, and in most cases the report is a copy of the referral they have made to the District Attorney under Wis. Stat. § 7.15(1)(g). Attached to this memorandum is the proposed cover letter and report to be submitted to the Legislature which summarizes the information received from local election officials. This report is limited in that it only reports District Attorney referrals made by municipal clerks that the Commission has been made aware of. It is possible that other suspected election frauds, irregularities or violations have been referred by municipal clerks without the Commission’s knowledge. It is also possible that citizens or organizations may have filed complaints directly with a District Attorney which the Commission has no way of knowing or tracking.

The timeframe for this report picks up from the last report and covers July 1, 2023 through September 12, 2024. The report provides the Legislature with four key pieces of information: date on which the Commission received information from the municipal clerk about the referral, the county in which the referral was made, a brief description of the suspected election fraud, irregularity or violation, and the election during which the event occurred. Where the referral was specific or contained multiple instances of the same type of activity that was referred, the report notes the multiple activity referred in parentheses. In some cases, the activity does not pertain to a particular election or pertains to multiple elections.

For most types of referrals, the Commission has no information about whether the District Attorney found enough evidence to file charges or whether any charges resulted in a conviction.

Recommended 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).

Wisconsin Elections Commissioners

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Administrator
Meagan Wolfe



Wisconsin Elections Commission

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

DATE, 2024

Edward Blazel
State Assembly Chief Clerk
17 W. Main St., Room 401
Madison, WI 53703
Ted.Blazel@legis.wisconsin.gov

Erin Gillitzer
Legislative Operations Manager
P.O. Box 7882
Madison, WI 53707
erin.gillitzer@legis.wisconsin.gov

Re: Submission of Report to Legislature – Report of Suspected Election Fraud, Irregularities, or Violations pursuant to Wis. Stat. § 7.15(1)(g)

Chief Clerks Blazel and Legislative Operations Manager Gillitzer:

Attached to the email transmitting this letter, please find the Wisconsin Election Commission’s report to the Legislature of suspected election fraud, irregularities, or violations as reported to the Commission by municipal clerks pursuant to Wis. Stat. § 7.15(1)(g). This report is submitted to your offices pursuant to Wis. Stat. § 13.172(2) and notice of this report is to be included in the journals of each respective house, with distribution of the report to members of the Legislature upon request.

Report Notes

The report provides the Legislature with four key pieces of information: date on which the Commission received information from the municipal clerk about the referral, the county in which the referral was made, a brief description of the suspected election fraud, irregularity or violation, and the election during which the event occurred. Additional details concerning the type of activity reported or multiple instances of the same type of activity are noted in parentheses. In some cases, the activity did not pertain to a particular election or pertained to multiple elections.

This report includes notices of referrals received from municipal clerks between July 1, 2023, and September 12, 2024. The report is limited to information sent to the Commission by Wisconsin’s municipal clerks, and it is possible that other suspected election frauds, irregularities or violations were referred by municipal clerks who did not also notify the Commission. It is also possible that citizens or organizations have filed complaints directly with a District Attorney, which the Commission has no way of knowing or tracking. For most types of referrals,

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the Commission has no information about whether the District Attorney found enough evidence to file charges or whether any charges resulted in a conviction.

If you have any questions regarding this report, please contact the Elections Helpdesk at 608-261-2028 or elections@wi.gov.

Sincerely,

WISCONSIN ELECTIONS COMMISSION

A handwritten signature in black ink that reads "Megan Wolfe". The signature is written in a cursive, flowing style.

Meagan Wolfe
Administrator

Cc: Wisconsin Elections Commission

Enclosure



Wisconsin Elections Commission

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

Report of Suspected Election Fraud, Irregularities, or Violations

Pursuant to Wis. Stat. § 7.15(1)(g), the Wisconsin Elections Commission (WEC) submits to the Wisconsin Legislature the following report of “suspected election fraud, irregularities or violations” based on information submitted to the WEC by municipal clerks. This report is submitted to the chief clerks of each house of the Legislature per Wis. Stat. § 13.172(2).

The WEC received the information in this report between July 1, 2023 and September 12, 2024. Please see the transmittal letter to the chief clerks which accompanies this report that describes the contents and limitations of this report.

Date	County	Suspected Election Fraud, Irregularity or Violation	Related Election
8/18/23	Polk	Voting in Wisconsin after subsequently registering to vote in another state	2023 Spring Election
1/22/24	Pepin	Felon signing a declaration of candidacy stating that they have not been convicted of a felony	2024 Spring Election
3/13/24	Ozaukee	Distributing election fliers to mailboxes while allegedly impersonating another person	2023 Spring Primary
4/19/24	Douglas	Voting twice in same election (in-person and in-person absentee)	2024 Spring Election
4/19/24	Douglas	Discrepancy between write-in candidate totals between municipal and county election results, incorrect grouping of un-registered write-ins in a group of “All Others” instead of counting each individually by name	2024 Spring Election
5/15/24	Milwaukee	Voting twice in same election (in-person and absentee by mail or in-person absentee) (7 instances)	2024 Spring Election
7/3/24	Columbia	Voting while registered at an address the voter no longer lives at	2024 Spring Election
8/5/24	La Crosse	Felon registration	2022 General Election
8/6/24	Calumet	Voting twice in same election (in-person absentee twice)	2024 Partisan Primary
8/9/24	Kenosha	Felon registration (6 instances)	2024 Spring Election
8/26/24	Milwaukee	Voting twice in same election (in-person and absentee by mail or in-person absentee) (7 instances)	2023 Spring Election

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8/26/24	Milwaukee	Voting twice in same election (in-person and absentee by mail)	2023 Spring Election
9/6/24	Kenosha	Voting twice in same election (in-person in different municipalities)	2024 Spring Election



Wisconsin Elections Commission

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

DATE: For the October 4, 2024, Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Brandon Hunzicker, Staff Attorney

SUBJECT: EL 4 Election Observer Rule

ATTACHMENTS: **Appendix A** – Emergency Rule Draft Rule Language

Introduction:

At the September 11, 2024, meeting, the Wisconsin Elections Commission (“the Commission”) considered and took action on several necessary steps relating to the administrative rulemaking for the election observer rule. The purpose of this memo is twofold: 1) to provide a brief update on the status of the permanent rule; and 2) to present draft rule language of the emergency rule for the Commission’s consideration and possible approval.

Update on the Permanent Rule

The Commission directed staff to complete the following required steps for the permanent rule, and as of September 18, the following steps have been completed:

Staff shall finalize the rule order and text in Appendix B and finalize the report to the Legislature in Appendix A according to the discussion during today’s meeting.	Completed
Staff shall then submit the proposed report, rule, and associated documents to the governor for approval and notify the JCRAR of the submission.	Completed
If the rule is approved, staff shall submit the rule and all necessary documents to the Legislature, the Rules Clearinghouse, and with a notice of submission to the LRB for publication.	Not Yet Completed - Pending Approval from Governor
Upon completion of the legislative review process under § 227.19, staff shall file the final rule with LRB under § 227.20.	Not Yet Completed

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Next Steps for Emergency Rule

On September 11, 2024, the Commission approved scope statement 072–24, relating to the conduct, regulation, and accommodation of election observers, pursuant to Wis. Stat. §§ 227.135(2). The Commission approved the scope statement following the review and consideration of many public comments submitted during the preliminary hearing and comment period, and also following approval from the Governor.

Staff have prepared two motions for the Commission’s consideration with respect to the emergency rule for election observers. First, the Commission should decide whether it wishes to proceed with the emergency rulemaking with the aim of promulgating it prior to the November 5, 2024, General Election. Second, if the Commission does wish to promulgate this emergency rule, it should take the final steps to do so, which would be approving the proposed draft text, completing the necessary submissions to the Governor, the Legislative Reference Bureau and the Legislature, and publishing the plain language analysis and draft rule text in the official state newspaper.

With respect to the first motion, at the Commission’s meeting on September 11, the Commission indicated that its motion to approve the scope statement would not commit the Commission to taking further action on whether to promulgate the emergency rule itself. The October 4 meeting is likely the last possible meeting for the Commission to decide whether it wishes to promulgate the emergency rule ahead of the General Election on November 5, 2024.

With respect to the second motion, if the Commission votes to proceed with promulgating the emergency rule, the next step would be to consider and approve the draft rule text. Staff were unable to draft the rule text for the emergency rule until the Commission approved the scope statement, which it did on September 11.

The language of the permanent rule was drafted after more than two years of input from the Commission, the Commission’s Advisory Committee composed of individuals selected by political parties and nonpartisan organizations that focus on elections, Legislative Council, and from the public. The final rule language that was approved by the Commission strikes an important balance between protecting the right of observers to readily observe all public aspects of the voting process and ensuring that Wisconsin election officials can carry out their duties without excessive disruption or delay.

In drafting the rule text for the emergency rule after the Commission’s approval of the scope statement on September 11, staff determined that the emergency rule text should be exactly the same as the final rule language that was extensively reviewed, negotiated, and approved by the Commission. Staff accordingly prepared the proposed draft text of the emergency rule that is exactly the same as the final draft rule language for the permanent rule that the Commission approved on September 11. The only small revision is a procedural one and revises the section pertaining to the effective date of the proposed rule. A copy of the proposed draft text for the emergency rule is included in **Appendix A**.

If the Commission approves the draft rule language of the emergency rule, the final steps in the emergency rule process would be for staff to make the necessary submissions to the Governor, LRB, and Legislature, and to publish the plain language analysis and rule text in the official state newspaper. The emergency rule would take effect immediately upon publication in the state newspaper, assuming the requisite submissions have also been made. Staff would not recommend taking the step of publication until after the permanent rule is submitted to the Legislature under Wis. Stat. § 227.19(2).

Motion 1: The Wisconsin Elections Commission authorizes the continuation of the emergency rulemaking process for 072–24 with the aim of promulgating the emergency rule prior to the November 5, 2024, General Election.

Motion 2: The Wisconsin Elections Commission approves the proposed rulemaking draft for 072–24 for emergency rulemaking relating to the conduct, regulation, and accommodation of election observers as reviewed and edited in this meeting, if necessary. The Commission directs staff to submit the final draft emergency rule 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. Once the permanent rule has been submitted to the Legislature under Wis. Stat. § 227.19(2), staff are directed to publish the plain language analysis and rule language in the official state newspaper and with the Legislative Reference Bureau, to prepare and distribute a fiscal estimate for the rule, and to file the rule with the Legislative Reference Bureau and the Legislature. Wis. Stat. § 227.24(1)(c), (d), and (e) 1m. 2, and (3). Once the emergency rule takes effect, staff are directed to immediately prepare and distribute a clerk communication summarizing the rule and indicating where a copy of the full rule text may be accessed.

RULE TEXT

SECTION 1. Chapter EL 4 is created to read:

**CHAPTER EL 4
ELECTION OBSERVERS**

EL 4.01 Right to vote. Nothing in this chapter shall be construed to distract, disrupt, obstruct, slow, or prevent a qualified voter from casting a lawful ballot or registering to vote.

EL 4.02 Definitions. In this chapter:

- (1) “Chief inspector” means the chief inspector at a polling place, appointed pursuant to s.7.30 (6) (b), Stats.
- (2) “Clerk” has the same meaning as “municipal clerk” under s. 5.02 (10), Stats.
- (3) “Commission” means the Wisconsin elections commission.
- (4) “Communications media member” means an individual who communicates to the designated election official that the individual seeks to record or report information outside the voting area. Except as provided in s. EL 4.07 (3), a communications media member is not an observer under this chapter.
- (5) “Confidential information” means information that is not part of the public aspects of the voting process, including an operator’s license or identification card number issued by the Wisconsin department of transportation, a birth date, a social security number or any portion thereof, accommodation information on a voter registration form, information concerning a confidential voter, guardianship information, a voted ballot, and a communication by a voter to a person rendering voting assistance under ss. 6.82, 6.87 (5), or 6.875 (6) (c) 1., Stats. Confidential information does not include the type of document that is submitted for photo identification as defined by s. 5.02 (6m) Stats. or for proof of residency as defined by s. 6.34 (3) Stats., but includes the information provided thereon.
- (6) “Designated election official” means the chief inspector, if the observable location is a polling place, or the clerk, or any other election official designated by a chief inspector or clerk to carry out the election responsibilities under this chapter. At a facility served by

ATTACHMENT A – Proposed Draft Rule Text – Emergency Rule for Election Observers

special voting deputies, designated election official means the special voting deputies. At a recount, designated election official means the board of canvassers.

(7) “Electioneering” has the meaning given in s. 12.03 (4), Stats.

(8) “Election official” has the meaning given in s. 5.02 (3m), Stats. An individual authorized by the commission to conduct any election related activities is an election official in this chapter.

(9) “Inspector” or “election inspector” means an individual appointed pursuant to s. 7.30, Stats., to conduct an election.

(10) “Member of the public” means an individual, excluding an election official, a candidate appearing on the ballot at that observable location, or a registered write-in candidate for an office voted on at that observable location.

(11) “Observable location” means a polling place, a municipal clerk’s office that is located in a public building, an alternate absentee ballot site, a meeting location of a board of absentee ballot canvassers, a facility served by special voting deputies, a central count location, or a recount location during those hours specified in this chapter as permitting observation.

(12) “Observe” means to see or hear and does not include physically handling election related materials or materials provided by the voter.

(13) “Observer” means a member of the public who has signed in as an observer at an observable location and is present at an observable location to observe an election or the absentee ballot voting process. An accessibility reviewer is an individual authorized by the commission who monitors compliance with s. 5.25 (4) (a), Stats., and an accessibility reviewer is not an observer under this chapter.

(14) “Organization” means an organization represented by an observer at an observable location under this chapter and shall not be construed to be limited to political parties, candidates, or campaigns.

(15) “Posting and distribution of election-related material” has the meaning given in s. 12.035, Stats.

(16) “Public aspects of the voting process” means the election activities that take place at an observable location during those hours specified in this chapter as permitting observation, except for inspection of confidential materials as defined in sub. (6).

ATTACHMENT A – Proposed Draft Rule Text – Emergency Rule for Election Observers

(17) “Representing the same organization” means individuals who were deployed, assigned, or who identify as representing the same organization.

(18) “Voting Area” is that area at an observable location where voters receive, prepare, or deposit their ballots, or where voters cast their votes on a voting machine.

EL 4.03 Procedures for election officials.

(1) The designated election official shall do all of the following:

(a) Establish at least one observation area to enable observers to readily observe all public aspects of the voting process during the election without disrupting the voting process. The designated election official shall position an observer area to minimize contact between observers and voters and election officials.

(b) Ensure that an observation area is not less than 3 feet nor more than 8 feet from any of the following:

1. Each table at which voters announce their names and addresses to be issued voter numbers or at which election officials announce the name of absentee voters.

2. Each table at which voters may register to vote.

3. Each table at which election inspectors remake any ballots.

(c) Ensure that an observation area is accessible to observers with disabilities and includes sufficient space for mobility equipment, chairs, or other disability aids brought by an observer.

(2) **OBSERVER CHECK-IN PROCESS**

(a) The designated election official shall maintain an observer log and shall require a member of the public intending to exercise the right to observe an election under s. 7.41, Stats., to enter the required information under s. EL 4.04

(1) into the observer log and shall ensure that the photo identification presented reasonably resembles the observer and the name entered.

(b) After completing the log, the designated election official shall offer to an observer a summary of the rules governing election observers at the observable location, and inform an observer of all of the following:

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1. To whom at the observable location the observer may direct questions during the day.
 2. How the observer may move between observation areas throughout the day.
 3. The location where a ballot may be remade, if applicable.
- (c) After the requirements of pars. (a) and (b) have been met, the designated election official shall provide an observer with a sticker, badge, or other item that identifies an individual as an observer and distinguishes observers from election officials and direct the observer to an area of the observable location established by the designated election official as an observation area.
- (d) The designated election official shall return an observer log to the municipal clerk after the election activities at an observable location have concluded.
- (3) The designated election official shall permit an observer access to any available chair within the observable location and with the same access to restrooms available to election officials at the observable location.
- (4) The designated election official may reasonably limit the number of observers representing the same organization who are present at any one time at an observable location due to physical limitations or the orderly administration of elections, or both. If the designated election official acts under this subsection, the designated election official shall limit observers from all organizations in a uniform manner and shall document the actions taken and the reasons therefore on a copy of an inspectors' statement or other incident log.
- (5) The designated election official of any observable location that is unable to accommodate the observation areas as described in sub. (1) shall record the reason the requirements were not met and shall send a copy of that record to the commission within 60 days of the election for which the observable location was active.
- (6) An election official shall repeat, once and then at the election official's discretion, a name or address upon request.
- (7) In a manner established by the designated election official, election officials shall allow an observer to observe absentee ballot certificate envelopes that have been set aside to be rejected.

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(8) An election official shall permit an observer to observe the poll lists, excluding the confidential portions of the lists maintained under ss. 6.36 (4) and 6.79 (6), Stats., at such times as election officials determine that doing so does not interfere with or distract voters under s. 5.35 (5) Stats., and does not interfere with the conduct of the election under s. 6.45 (1m), Stats.

(9) No election official may permit an observer to handle an original version of any official election document.

(10) No election official may permit an observer to observe any confidential information.

(11) If an observer violates a provision of this chapter or any applicable election statute, the designated election official shall, verbally or in writing, warn an observer one time to cease the offending conduct. Following a warning, the designated election official shall, if necessary, carry out the following procedures:

(a) If an observer does not cease the offending conduct following a warning under this section, the designated election official may order an observer to depart from the observable location. If the designated election official is a person other than the chief inspector or municipal clerk, the designated election official shall notify the chief inspector or municipal clerk.

(b) If the offending observer who is ordered to depart under par. (a) declines or otherwise fails to comply with the designated election official's order to depart, the official may summon law enforcement to remove the offending observer consistent with s. 7.37 (2), Stats. The designated election official shall provide a written order to the observer which includes the reason for the order and the signature of the designated election official.

(c) If the designated election official who has issued an order to an observer to depart has been appointed from a list provided by a political party under s. 7.30 (4) Stats., the designated election official shall offer an election official representing the opposite political party than the designated election official, if he or she is available on a timely basis, the opportunity to sign the written order and to note any concurrence or disagreement with that order. Failure of that election official to sign the written order, or the unavailability of that official to review the order in a timely fashion, does not affect the enforceability of that order.

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(d) If an observer is ordered to leave an observable location, an election official shall record the incident and the designated election official shall, within 60 days of the incident, provide to the commission a copy of the order and any other documentation of the incident. The designated official may use a copy of an inspectors' statement or other incident log to comply with this subsection.

EL 4.04 Conduct of observers.

(1) A member of the public intending to exercise the right to observe an election under s. 7.41, Stats., shall notify the designated election official of that intent upon entering the observable location and shall sign the election observer log acknowledging that the observer understands the applicable rules and will abide by them. An observer shall present photo identification showing the observer's name to the designated election official and shall legibly print the observer's full name, street address and municipality, and the name of the organization the observer represents, if any, on the observer log. An observer is not required to be affiliated with or represent an organization. The photo identification does not need to conform to the requirements of s. 5.02 (6m), Stats.

(2) An observer shall comply with the designated election official's commands or shall be subject to removal from the observable location pursuant to s. EL 4.02 (14) (a).

(3) If more than one observation area is established within an observable location, an observer may move between such areas in a manner established by the designated election official.

(4) An observer may direct questions to the designated election official or other election officials as determined by the designated election official and communicated to observers when they sign the observer log pursuant to s. EL 4.03 (2) (a) 1.

(5) An observer who is an elector shall direct any challenges for cause against a voter to an election official in accordance with ss. 6.925, 6.93, and 6.935, Stats., and ch. EL 9.

(6) No observer may engage in any loud, boisterous, or otherwise disruptive behavior, that, in the discretion of the designated election official, threatens the orderly conduct of the election or interferes with voting or registration.

(7) No observer may create or transmit photographs, videos, or audio recordings of any observable location except as expressly permitted by this chapter.

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(8) An observer shall keep conversation to a minimum and shall conduct whatever conversation is necessary at a low enough volume to minimize distraction to voters and election officials.

(9) No observer may engage in electioneering, as defined in s. 12.03, Stats., or post or distribute any election-related material as defined in s. 12.035, Stats.

(10) No observer may display the name or likeness of, or text related to, a candidate, party, or referendum position appearing on the ballot, or display text which describes, states, or implies that the observer is an election official.

(11) No observer may engage in any conversation concerning a candidate, party, or question appearing on the ballot.

(12) No observer may use a communication device inside an observer area to make an audio or video communication. Text messaging, email, and other non-audible uses of such a device are permissible except as otherwise prohibited by this chapter.

(13) No observer may initiate a conversation with a voter. If a voter initiates a conversation with an observer inside an observable location, except as allowed by sub.

(15), the observer may briefly respond to the voter if such response does not disturb other voters or the orderly administration of the election. The observer may also refer the voter to an election official for any election related questions, and briefly explain to the voter that the observer is observing the election and is not an election official. A brief wave or greeting to an individual known to the observer does not constitute a violation of this section.

(14) An observer may communicate with the designated election official and any other election officials at the discretion of the designated election official.

(15) Nothing in this chapter shall be construed to prevent an observer from assisting a voter in accordance with s. 6.82, 6.87 (5), or 6.875 (6) (c) 1., Stats., provided that the voter requests the observer's assistance.

EL 4.05 Location specific requirements.

(1) POLLING PLACE.

(a) The designated election official shall permit an observer to observe beginning at 7 a.m. or whenever machines are zeroed out on election day, whichever is

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earlier, and ending at 8 p.m. or when the last voter who was in line to vote at or before 8 p.m. has finished voting. After 8 p.m., or after the last voter who was in line has voted, whichever is later, an observer may remain at the polling place to observe canvassing under Wisconsin’s open meetings law. If any observer is allowed access outside of the time frame provided herein, all observers shall be allowed the same access.

(b) No observer may create or transmit photographs, videos, or audio recordings of the interior of the observable location until the public canvassing meeting has begun.

(2) MUNICIPAL CLERK OFFICE OR ALTERNATE SITE.

(a) The designated election official shall permit an observer to observe the in-person issuing and voting of absentee ballots under s. 6.86 (1) (b), Stats., during the hours such activities may occur at a municipal clerk’s office whose office is located in a public building, or at an alternate absentee ballot site under s. 6.855, Stats. This chapter does not cover the return of voted by- mail absentee ballots to a municipal clerk’s office or alternate site by the United States postal service unless it occurs in the same location and during the same hours as the issuing and voting of absentee ballots.

(b) The designated election official shall permit an observer to observe the initial enclosing and securing of an absentee ballot required under s. 6.88, Stats., that is received under par. (a).

(3) BOARD OF ABSENTEE BALLOT CANVASSERS.

(a) The designated election official shall permit an observer to observe during all hours when a board of absentee ballot canvassers is meeting to canvass absentee ballots, and observation shall not start later than the zeroing of election equipment.

(b) An observer may create or transmit photographs, videos, or audio recordings of the observable location. However, an observer may not create or transmit any photographs, videos or audio recordings of any individual returning an absentee ballot or correcting, under s. 6.87 (9), Stats., an absentee ballot certificate envelope.

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(4) ABSENTEE VOTING IN RESIDENTIAL CARE FACILITIES AND RETIREMENT HOMES.

(a) Only one observer from each of the 2 political parties whose candidate for governor or president received the greatest number of votes in the municipality in the last general election may accompany the special voting deputies to absentee voting locations described in s. 6.875, Stats. Each party wishing to have an observer present shall submit the name of the observer to the clerk or board of election commissioners no later than the close of business on the last business day prior to the visit to the facility.

(b) The designated election official shall permit an observer to accompany the special voting deputies during the hours when the deputies will be administering voting in accordance with s. 6.875, Stats.

(c) An observer shall comply with any requirements imposed on visitors by a facility served by special voting deputies.

(d) The designated election official shall permit an observer to observe the process of absentee ballot distribution in the common areas of the home or facility, but shall not permit an observer to enter a voter's private room. A voter may opt to close his or her door or otherwise secure his or her voting privacy

(e) The special voting deputies may not permit any person other than a special voting deputy or relative of the voter assisting the voter in marking the ballot to hear any discussion regarding the electoral choices of the voter. special voting deputies must enforce the voter's constitutional right to cast a secret ballot, just as the individual is entitled to in other absentee or polling place settings.

(5) RECOUNT.

(a) The designated election official shall permit an observer to observe during all hours when a recount is occurring.

(b) The petitioner, all opposing candidates, interested persons and their counsel, as described in s. 9.01 (3), Stats., are not subject to this chapter, however, they must state to the designated election official that they are either the petitioner, an opposing candidate, an interested person, or counsel for any such individual.

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(c) The designated election official shall establish at least one area in which observers may observe the proceedings.

(d) An observer may create or transmit photographs, videos, or audio recordings of the observable location.

(6) CENTRAL COUNT.

(a) The designated election official shall permit an observer to observe all counting of ballots occurring at a central counting location.

(b) An observer may create or transmit photographs, videos, or audio recordings of the observable location.

4.06 Post-observation practices.

After all voting activity has concluded within the observable location, candidates may be present and the prohibition of creating or transmitting photographs, videos, and audio recordings does not apply unless such action is disruptive or interferes with the administration of the election.

4.07 Communications Media.

(1) A communications media member shall identify him or herself and any organization the communications media member represents to the designated election official upon arriving at the observable location. At the discretion of the designated election official, a communications media member may place and use video and still cameras only outside of the voting area, provided the cameras are not used in a manner that allows the recording of any confidential information, including voted ballots, or that disrupts or interferes with voting or the orderly conduct of the election.

(2) The designated election official may limit the amount of time any communications media member may use video and still cameras. The designated election official shall uniformly apply any limitations, rules, and regulations imposed on communications media members .

(3) A communications media member may act as an observer, but when so doing is subject to the provisions of this chapter.

ATTACHMENT A – Proposed Draft Rule Text – Emergency Rule for Election Observers

SECTION 2. EFFECTIVE DATE. This emergency rule takes effect on the ~~first~~-day of ~~the~~ month following publication in the ~~Wisconsin Administrative Register~~official state newspaper as provided in s. 227.~~24(1)(c)~~22 (2), Stats.

DRAFT

What are Elector Challenges?

Any elector may challenge for cause any person offering to vote whom the elector knows or suspects is not a qualified elector. *WIS. STAT. § 6.925.*

A voting challenge is when someone claims a person is not qualified to vote, whether they are voting in person or absentee.

Who Can Make a Challenge?

Only eligible voters (called electors) can challenge someone for cause.

Challengers must be:

- Over the age of 18
- U.S. citizens
- Residents of Wisconsin
- Eligible to vote in Wisconsin (they do not need to be registered to vote)

WIS. STAT. § 6.925; WIS. ADMIN. CODE EL §§ 9.02 – 9.06.

What a challenge looks like

When a voter is challenged, the election inspector will:

- Ask both the person challenging and the person being challenged, if present, to take an oath.
- The person being challenged will be asked questions to determine if they are allowed to vote.
- The inspectors will use the procedures spelled out in statute and administrative code to determine if the challenged elector will be issued a ballot.

WIS. STAT. § 6.92; WIS. ADMIN. CODE EL §§ 9.02 – 9.06.

Wisconsin Elections Commission
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elections@wi.gov



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ELECTOR CHALLENGES



What is a proper challenge?

All challenges must be **“for cause.”** The term “for cause” has a specific legal meaning, and it relates to the qualifications of the challenged voter.

Specifically, a voter may only be challenged for the following reasons:

- The elector is not a U.S. citizen.
- They are not 18 or older.
- They do not reside in the district where they are trying to vote.
- They have a felony conviction **and** are still serving their sentence.
- They have been adjudicated incompetent by a judge with a loss of voting rights.
- They already voted in the same election.

WIS. STAT. § 6.925; WIS. ADMIN. CODE EL §§ 9.02, 9.04.

Administering Challenges

If a person is challenged as unqualified by an elector, election inspectors must follow the procedures in Wis. Admin. Code EL §§ 9.02 – 9.06.

Inspectors should use form EL-104 to administer the challenge.

One of the inspectors may administer the oath or affirmation to the challenged and challenging electors and ask the electors appropriate questions to test the elector’s qualifications.

WIS. STAT. § 6.92.

What cannot be challenged?

Challenges based on race, ethnicity, not speaking English, or other unsubstantiated claims are not allowed.

An elector cannot challenge:

- absentee certificate and application
- adherence to other voting requirements

Absentee Challenges

If someone is voting by absentee ballot, their qualifications can still be challenged by another elector, using the same process as if they were voting in person.

WIS. STAT. § 6.93.

Penalties for Misuse

Any elector who abuses the right to challenge under Wis. Stat. § 6.925 may be subject to sanctions available to inspectors under Wis. Stat. § 7.41(3). The chief inspector of a polling place or the municipal clerk may order the removal of any such person if the person disrupts operations or violates Wis. Stats. §§ 12.03(2) or 12.035. Wis. Stat. § 7.41(3).

WIS. STAT. §§ 7.41(3), WIS. ADMIN. CODE EL § 9.02.



Wisconsin Elections Commission

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DATE: For the October 4, 2024, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Riley Vetterkind, Public Information Officer
Jim Witecha, Chief Legal Counsel

SUBJECT: External Use of Agency Materials, Logos, and Branding

1. Background

The Wisconsin Elections Commission (WEC) maintains several logos that represent the agency and the many voter and candidate-facing programs it administers. Currently, the agency lacks a policy to determine the extent to which external parties may use the agency's logos. These external parties may include general members of the public, media organizations, commercial entities, political campaigns and others that have an interest in making use of the agency's official logos but are not partnering on an agency project or otherwise affiliated with the agency.

To provide clearer guidance regarding external use of agency logos ahead of the November General Election, the Commission at its July 30, 2024, meeting directed staff to conduct further research and create a draft policy for the use of the agency's logos and media by external organizations based upon guidelines provided by the Commission. Staff was directed to bring the draft policy back to the Commission at a future meeting for further consideration and/or approval.

During discussion at the July 30 meeting, Commissioners brought up several considerations that Commission staff kept in mind in developing a draft policy. Some Commissioners expressed an openness to outside entities using the Commission's logos. However, if an organization did so, Commissioners said they would like to see the organization provide a disclaimer that the Wisconsin Elections Commission is not endorsing the organization. Of particular concern to some Commissioners was external parties using the agency's MyVote logo on mailers to voters inquiring about their registration status and voting history.

Commissioners also expressed concern regarding the potential for the policy to become too wide-ranging, requiring an impractical amount of staff time to research all potential caveats and ramifications. Commissioners also had questions about the ability of the Commission to enforce a policy.

2. Policy Considerations

The November General Election is fast approaching, with only a month remaining ahead of Election Day. With this timeline, paired with the desire from Commissioners and staff to avoid an overly complicated and wide-reaching policy development process, Commission staff opted for simplicity in the drafting of a

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

Administrator
Meagan Wolfe

potential policy. With this approach, staff have chosen to focus only on the use of the agency logo and the logo of MyVote Wisconsin, the agency's public-facing voter information portal.

The Commission may wish to direct staff to consider a wider-ranging policy that incorporates additional agency logos, in addition to use of the agency's intellectual property, for consideration at a future meeting.

To address Commissioner concerns related to external parties' use of the agency or MyVote Wisconsin logo implying an endorsement by the WEC, Commission staff are recommending prohibiting any external use of the agency's logos, except for educational and news media purposes. Staff are recommending this approach to protect the agency logo's role as a symbol of an official State of Wisconsin agency. Staff also believe there is a reduced need for external organizations to need to use the logo, as it does not represent a voter-facing agency program.

With regard to the MyVote Wisconsin logo, Commission staff are recommending allowing external use of the logo in limited ways in order to increase voter awareness of the MyVote Wisconsin resource and to increase its use. Staff recommend prohibiting uses of the MyVote logo that would give the perception that the WEC endorses or provides preferential treatment to the organization using the logo. However, if an organization, such as a political party, wishes to encourage voters to use MyVote, staff recommend allowing such use as long as the organization states in writing that the use of the logo does not imply an endorsement.

Staff have also included a provision that seeks to avoid any perception via an organization's use of the MyVote logo that the agency has reviewed and/or approved of that organization's use of voter data. This provision particularly relates to third party organizations that send direct mailers to voters informing them of voter information that may not be accurate.

Commission staff are aware of the limitations on staff attorney time and the limitations of the Commission's ability to commence legal action if a violation of the policy occurred. Despite these concerns, staff believes there is still a benefit to having a policy in place to set expectations for external parties and the public. Staff believe the very existence of a policy may lead to compliance without the need for further legal action, and a written policy can be utilized in contractual relationships and civil actions the Commission may need to commence. Further, another benefit of a policy is the ability of staff to inform citizens when an organization is in violation of the staff policy, which itself may lead to further compliance with the policy.

3. Draft Policy

With the above considerations in mind, Commission staff are recommending the Commission consider the below draft policy regarding external use of the agency's official logo.

The Wisconsin Elections Commission (WEC) logo is an important symbol that lends authority to the agency and distinguishes it as the official source of election information in the State of Wisconsin. The WEC recognizes the importance of protecting this symbol. With these considerations in mind, the WEC prohibits use of the WEC's logo by external organizations without the express permission of agency staff, except in the case of educational use or use by news media for informational purposes. If you have questions about this policy, please contact the WEC at elections@wi.gov.

Commission staff recommend the below draft policy regarding external use of the agency's MyVote Wisconsin logo.

Allowable uses of the MyVote Wisconsin logo by external organizations include:

- *Educational and news media purposes.*
- *Use by external organizations, including political parties, campaigns, and other organizations that wish to direct people to the MyVote Wisconsin website, the official public-facing voter information portal. Such use should make clear that the placement of the MyVote Wisconsin logo does not imply an endorsement or preferential treatment of the organization by the Wisconsin Elections Commission.*
- *If any organization wishes to use the MyVote logo but is concerned it may imply an agency endorsement, the organization should provide a disclaimer stating that “MyVote Wisconsin is a product of the Wisconsin Elections Commission (WEC). Use of the MyVote logo does not imply endorsement by the WEC.”*
- *The WEC encourages outside entities to include the MyVote.wi.gov URL when referring to MyVote or using the MyVote logo.*

Prohibited uses of the MyVote Wisconsin logo by external organizations include:

- *Use that would imply an endorsement or preferential treatment of the organization by the WEC if such use does not include the disclaimer described above.*
- *Use that would attribute voting-related information to the WEC that the WEC has not verified, particularly voter-related information that purports to inform a voter about any of the voter’s personal voting information or history that is available to voters through the MyVote Wisconsin website.*

If an outside organization has questions regarding the appropriate use of the MyVote logo, they should contact agency staff for further guidance.

The Wisconsin Elections Commission’s MyVote Wisconsin website is Wisconsin’s official public-facing voter information portal. The MyVote Wisconsin logo is an important symbol that lends authority to this official State of Wisconsin voter resource. With these considerations in mind, the WEC wishes to allow the use of the MyVote logo by external organizations as long as the above guidelines are adhered to.

4. Recommended 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.



Wisconsin Elections Commission

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DATE: For the October 4, 2024 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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NOTE: General updates were provided in the November General Election Status Report approved at the September 11, 2024 meeting. These sections are indicated with an asterisk “” below.

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Administrator
Meagan Wolfe

GENERAL OPERATIONS

1. Elections

See the November General Election Preparation agenda materials.

2. Voters

See the November General Election Preparation agenda materials.

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. Commission staff continuously work with municipal and county clerks to meet reporting requirements following all state and federal elections.

A key part of this process are the Reg List Alerts, where clerks review potential matches for deaths, felons, and duplicate records. Poll books can begin being printed on October 17, 2024, and since this review should be completed before that date, staff will conduct multiple outreach efforts to municipalities prior to this date. The plan is to reach out 2-3 weeks, 1 week, 3 days, and 1 day prior to the start of printing. Once poll books are printed, municipalities would not review these records unless they choose to print a new poll book.

Each municipality is required to provide an initial report of election data (voter participation, registration, etc.) to the WEC no later than 30 days after an election, or 45 days after a General Election. In cases where a jurisdiction cannot reconcile voting statistics, Commission staff work with individual clerks to ensure all reasonable efforts are applied to ensure the accuracy of their data. Once the data has been reconciled and verified by municipalities, the data is then submitted to the U.S. Election Assistance Commission (EAC), which produces the Election Administration and Voting Statistics Report (EAVS). EAVS data is required to be submitted by every state after each General Election. The reports are posted for each state on the EAC's website eac.gov/research-and-data/studies-and-reports. 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 Vote (as of September 18, 2024)

- 1,794 municipalities reconciled their voting statistics for all reporting units.
- 55 municipalities are outstanding to reconcile their voting statistics.

2024 Partisan Primary (as of September 18, 2024)

- 1653 municipalities reconciled their voting statistics for all reporting units.

- 196 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 2 (Q2) 2024 Movers Mailing was sent out on June 28, 2024, to a total of 32,884 voters. The Quarter 3 (Q3) 2024 Movers Mailing will be sent out on September 30, 2024 to a total of 38,037 voters, however staff materials were completed prior to that date. Data provided is current as of September 19, 2024.

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 Q2	32,884	24,003	5,038	3,843	346	1.1%
2024 Q1	37,593	23,217	6,942	7,434	352	0.9%
2023 Q4	52,333	27,902	12,336	12,095	550	1.1%
2023 Q3	53,416	26,578	12,879	13,959	488	0.9%
2023 Q2	29,721	17,559	4,618	7,544	269	0.9%
2023 Q1	32,551	15,181	8,072	9,298	288	0.9%
2022 Q4	31,187	13,774	6,635	10,778	147	0.5%
2022 Q3	57,555	17,176	25,720	14,659	502	0.9%
2022 Q2	61,012	16,638	28,135	16,239	607	1.0%
2022 Q1	55,032	17,247	28,477	9,308	824	1.5%

¹Movers postcard sent, no action taken by voter after receipt of postcard.

²Movers postcard sent. Voter subsequently requested continuation at their current address or updated their address. Includes voters who re-registered elsewhere in Wisconsin.

³Movers postcard sent. Postcard returned undeliverable, or voter registered out of state, or otherwise no longer active in Wisconsin.

WEC staff wanted to make the commission aware, that on September 17, 2024, the ERIC calendar on the elections.wi.gov website was updated to remove the Eligible but Unregistered (EBU) data that Wisconsin has previously utilized. Wisconsin had an approved exemption for the EBU mailings from the ERIC board on August 21, 2024. The public facing calendar file was updated to reflect this change.

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 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 amount 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 wait 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 following table summarizes voter data and nomination paper requests through July 31, 2024.

Fiscal Year	Total Number of Voter Data Requests	Requested Files Purchased	Percentage of Requests Purchased	Total Revenue	Total Number of Nomination Paper Requests
FY2024	1067	953	85.6%	\$444,871.00	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

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 to prepare for November while still meeting the expectations of our customers and providing transparency in election data.

4. Accessibility

See the November General Election Preparation agenda materials.

5. Absentee

See the November General Election Preparation agenda materials.

6. Addressing & Districts

Staff updated WisVote to reflect the changes that occurred to the State Assembly and Senate lines because of Wisconsin 2023 Act 94, which was passed on February 19, 2024. As a result of these changes, staff updated the district assignments for the current wards in the system on April 15, 2024, prior to the nomination circulation period for the General Election. Adjustments for wards split by these new lines were completed by municipal clerks and updated once the nomination circulation period was completed on June 4, 2024.

Staff has also completed four annexation updates in WisVote so far this year. This was done to ensure that our systems stay up-to-date with current municipal boundaries and to create any new

wards that are needed. The first update was completed in January before the 2024 Spring Primary and the final update before the 2024 Spring Election was finished at the beginning of March.

In preparation for the August election, staff once again updated municipal boundaries and wards in mid-July. Staff completed one final annexation update to amend ward lines in late September to ensure that the district lines are accurate leading up to the November General Election.

7. Security

See the November General Election Preparation agenda materials.

TRAINING & EQUIPMENT

8. Clerk Training

See the November General Election Preparation agenda materials.

9. Badger Book Program

See the November General Election Preparation agenda materials.

10. Voting Technology

See the November General Election Preparation agenda materials.

COMMUNICATIONS

11. Outreach

See the November General Election Preparation agenda materials.

Additionally, Commission staff plan to meet with Vendi, the advertising firm it has contracted with to develop a public outreach campaign, on Friday, Sept. 20 for a status update.

12. Elections Help Desk & Customer Service

The Elections Help Desk staff support more than 2,556 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, which changed to ElectEd in January. 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. This platform was adopted over many months and directly addresses a recommendation from the Legislative Audit Bureau.

Customer Service Call Volume

June 2024	1,185
July 2024	2,445
August 2024	3,529
September 2024 (1 st - 19 th)	2,117
Total for Reporting Period	9,276

Customer Service Email Volume
elections@wi.gov

June 2024	3,801
July 2024	4,419
August 2024	5,488
September 2024 (1 st – 19 th)	3,624
Total for Reporting Period	17,332

Address Verification Postcards Mailed

June 2024	11,599
July 2024	35,017
August 2024	51,915
September 2024 (1 st – 19 th)	61,545
Total for Reporting Period	98,531

Voter Cancellations Received by Email

June 2024	97
July 2024	106
August 2024	115
September 2024 (1 st – 19 th)	78
Total for Reporting Period	396

ADMINISTRATION

13. Financial Services

The WEC financial staff have performed the following financial services activities since the September 11, 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 August 30, 2024, staff submitted to the Wisconsin's Department of Administration (DOA) the annual Non-STAR Accounts Receivable Aging Report.
- On September 12, 2024, staff re-coded our General Services Bill (GSB) IT billing election security servers and data storage subscriptions to conserve our federal funds.
- On September 18, 2024, even though Wisconsin did not receive any recommendations from Election Assistance Commission's Office of the Inspector General's (EAC's OIG's) Earned Interest Audit (19 other states did received recommendations), staff participated in the EAC's online training on Depositing, Calculating, Recording, & Reporting Interest Income Guidance for HAVA Formula Grants.

In addition, staff has performed the following monthly:

- Staff continued to perform and submit to the SCO scheduled month-end close queries, inquiries, and reports. Staff conducted the necessary adjusting entries to resolve any discrepancies.
- Staff continued to validate Wisconsin Department of Administration (DOA)'s monthly Diverse Spend Reports.
- Staff continued to 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 meetings at SCO.

14. Procurements

The following five Purchase Orders totaling \$278,158.55 have been processed since the September 11, 2024, Staff Update to the Commission:

- A \$24,731.50 Purchase Order was written to SHI International for SQL Server Enterprise software.
- An \$85,091.80 Purchase Order was written to SHI International for ElasticSearch software.
- A \$156,017.25 Purchase Order was written to Carahsoft Technology Corporation for Acquia Cloud Platform Premium.
- An \$8,853.00 Purchase Order was written to Paragon Development Systems for three BadgerBooks Clients and Servers and one external scanner.
- A \$3,465.00 Purchase Order was written to LexisNexis for one year access to online legal research.

All purchases accurately followed the Wisconsin State Procurement Process.

15. Meetings and Presentations

WEC staff attended the following events since the last quarterly meeting of the Wisconsin Elections Commission.

September 12, 2024	Wisconsin Elections Security Exercise
September 16, 2024	Metropolitan Milwaukee Municipal Clerk's Association Conference
September 17, 2024	Meeting with the Wisconsin County Clerk's Association Public Hearing on EL19
September 18, 2024	Access Elections Workgroup
September 25, 2024	CISA Elections Infrastructure Briefing
September 26, 2024	Wisconsin Municipal Clerk's Association District IV Conference Wisconsin Emergency Management Conference
September 30, 2024	Homeland Security Council Meeting with USPS
October 2, 2024	Meeting with the Wisconsin County Clerk's Association

State IT Director's Meeting

October 3, 2024

Public Hearing on EL7 and EL13