

Wisconsin Elections Commission

Regular Meeting

Thursday, November 2, 2023

10:00 A.M.

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. August 30, 2023** 1
 - 2. September 7, 2023** 5
 - 3. September 14, 2023** 19
 - 4. September 29, 2023** 23
- F. Petition for Approval of Electronic Voting System:
Dominion Voting Systems, Inc. - Democracy Suite 5.17
and 5.17S** 27
- G. Discussion and Adoption of a 2024 Meeting Schedule** 79
- H. Badger Book Program Updates and Possible Commission
Directives** 81
- I. Voter Felon Audit Updates** 89
- J. Review and Potential Action on the Election Observer
Administrative Rule** 91
- K. Commission Discussion and Possible Action on Voter
Registration Form Prescription** 93

L.	Review and Possible Action on Absentee Ballot Certificate Envelopes Pertaining to Care Facilities and Questions	101
M.	Discussion of a Potential Redesign of the Commission’s Wis. Stat. Chapter 5 Complaint Form	109
N.	Discussion, Review, and Possible Action Pertaining to the Uniform Instructions for Wisconsin Absentee Voters	113
O.	Review and Possible Action on Indefinite Confinement Status After an Unreturned Absentee Ballot	117
P.	WEC Staff Update	121
Q.	Closed Session	
	1. Advisory Opinion Consideration and Potential Action	
	2. Wis. Stat. § 5.05 Complaints	
	3. Litigation Update and Consideration of Potential Litigation	
	4. ERIC Processes and Referrals	
	5. Closed Session Minutes Approval	
R.	Adjourn	



Wisconsin Elections Commission

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

Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
1:30 p.m. August 30, 2023

Open Session Minutes

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

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

A. Call to Order

Commission Chair Millis called the meeting to order at 1:33 p.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Consideration and Possible Authorization of Emergency and Permanent Administrative Rule Amendments to Update Ballot Access Challenge Processes and Mandatory Use of Uniform Instructions for Absentee Voting

Staff Attorney Angela O'Brien presented background information on emergency and permanent administrative rule procedures. She went into detail on the two proposed topics: required use of absentee ballot uniform instructions and administrative process for ballot access challenges.

Discussion.

Chair Millis clarified that the existing recommended motion would not prevent staff from drafting more than one scope statement.

Discussion.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Chief Legal Counsel Jim Witecha sought clarification from the Commission that staff would draft three scope statements. The first would seek the mandatory use of the Commission’s uniform instructions. The second and third would each relate to ballot access challenge processes, with one seeking to amend existing rules to clarify the procedural components of nomination paper challenges, and the other seeking to create an entirely new provision of code detailing the breadth of what falls under the Commission’s challenge authority. The Commission confirmed this was their expectation.

MOTION: The Wisconsin Elections Commission authorizes staff to begin the emergency and permanent rulemaking process for rules to require municipalities to use the Uniform Instructions for absentee voting and to implement a discrete administrative process for ballot access challenges.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

D. Closed Session

a. Litigation Update / Wis. Stat. § 5.05 Complaint

b. Discussion of Grant Program Audit Results

MOTION: To move into closed session pursuant to Wis. Stat. § 19.85(1)(g), 19.85(2), and 19.85(1)(f).

Moved by Commissioner Jacobs. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

The Commission moved into closed session at 1:55 p.m.

E. Adjourn

The Commission adjourned in closed session at 3:10 p.m.

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August 30, 2023 Wisconsin Election Commission meeting minutes prepared by:

August 30, 2023 Wisconsin Election Commission meeting minutes certified by:

Commission Secretary

November 2, 2023

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

Quarterly Meeting

201 W. Washington Avenue, Second Floor

Madison, Wisconsin

10:00 a.m. September 7, 2023

Open Session Minutes

Present: Commissioner Marge Bostelmann, Commissioner Joseph J. Czarnecki, Commissioner Ann Jacobs, Commissioner Don M. Millis, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, in the Tommy G. Thompson Center boardroom.

Staff present: Joel DeSpain, Sharrie Hauge, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Jon Nelson, Angela O'Brien, Riley Vetterkind, Riley Willman, Jim Witecha, and Meagan Wolfe, in the Tommy G. Thompson Center boardroom.

A. Call to Order

Commission Chair Millis called the meeting to order at 10:09 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Public Comment

Eileen Newcomer

Chair Millis noted that Eileen Newcomer also submitted written comment.

Eileen Newcomer offered support for the Wisconsin Elections Commission on behalf of the League of Women Voters of Wisconsin and provided comment on the election observer rule and the Uniform Absentee Ballot Instructions.

Discussion.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Peter Bernegger

Peter Bernegger did not appear in the meeting during the public comment period. Chair Millis moved on to the next speaker, then noted during Item G prior to closed session that Mr. Bernegger reached out to staff indicating he would not appear to give public comment and would instead rest on the written comments he provided prior to the meeting.

Barbara Beckert

Barbara Beckert appeared on behalf of Disability Rights Wisconsin and provided comment on the election observer rule and the Uniform Absentee Ballot Instructions. She also noted that she was retiring and expressed appreciation for the Wisconsin Elections Commission, Administrator Wolfe, and staff.

Discussion.

Leonard Boltz

Leonard Boltz appeared and expressed opposition to the scope statement regarding ballot access and election petition challenge procedure.

Discussion.

Kathryn Bartelli

Kathryn Bartelli appeared and expressed opposition to the scope statement regarding ballot access and election petition challenge procedure.

Discussion.

D. Written Comments

Chair Millis noted that the Commission received several hundred written comments concerning the 14th Amendment, as well as a memo from Free Speech for People.

E. Approval of Previous Meeting Minutes

- a. June 1, 2023**
- b. June 5, 2023**
- c. June 27, 2023**
- d. August 4, 2023**
- e. August 16, 2023**

MOTION: To approve the June 1, 2023, June 5, 2023, June 27, 2023, August 4, 2023, and August 16, 2023 meeting minutes.

Moved by Commissioner Czarnezki. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

F. Petition for Approval of Electronic Voting System: ClearVote 2.3

Elections Specialist Cody Davies presented the memo covering Clear Ballot Group’s petition for approval of the ClearVote 2.3 voting system. He noted that WEC Elections Security Lead Tony Bridges and Clear Ballot Group National Sales Manager James Rundlett were present to take questions.

Discussion.

MOTION: The Wisconsin Elections Commission adopts the recommendations for approval of Clear Ballot Group’s Application for Approval of ClearVote 2.3 voting system in compliance with US EAC certification number CBG-CV-23, including the conditions described above.

Moved by Commissioner Thomsen. Seconded by Commissioner Czarnezki.

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

Motion carried 6-0.

G. Discussion of the Second Advisory Committee Meeting on Election Observers and Administrative Rule Material Review/Revision¹

Attorney Hunzicker reviewed general takeaways from the Advisory Committee meetings and solicited feedback and preferences from Commissioners regarding the current draft rule language. He noted that Commissioner Jacobs submitted notes by email during the meeting.

Discussion.

Attorney Hunzicker specified the eleven most significant areas of disagreement among Committee members. Feedback from the Commissioners regarding these points is listed below:

1. 4.02(5) & 4.06(2): Should Communications media be treated differently from other observers?

Chair Millis stated he was uncomfortable with the current definition as it doesn’t reflect changed times.

Commissioner Bostelmann indicated there should be a balance between allowing the media in the polling place without making voters feel intimidated.

¹ This section may be clarified prior to the November 2, 2023, Commission meeting.

Commissioner Thomsen stated it was a decision for the Legislature. He suggested that “may,” “shall,” and “interfere” be defined. He expressed that he didn’t think the rule was saying anybody has a right to a camera, it says public access to observe.

Chair Millis expressed a preference for either getting rid of the distinction between communications media and observers and prohibiting recording or leaving it up to the election official in charge.

Commissioner Thomsen did not think there should be a distinction and noted that statute does not give observers the right to record.

Commissioner Spindell expressed a preference for distinguishing between observers and communications media and expanding the definition of communications media to include more than legacy news media.

Commissioner Bostelmann suggested that the media be treated as a separate entity.

Commissioner Jacobs suggested that the press come to the Commission with suggestions on how to define “communications media.”

Commissioner Czarnecki did not think it should be left to the clerks.

2. 4.02(6): What information should be regarded as confidential?

Commissioner Jacobs indicated that type of proof of residence could not be observed without revealing confidential information, and could be subject to an open records request for the voter registration form rather than be available to be observed.

Commissioner Thomsen agreed with Commissioner Jacobs and requested that DOJ weigh in on the question.

Chair Millis disagreed with Commissioners Jacobs and Thomsen and differentiated type of proof of residence from the information on the proof of residence.

Commissioner Spindell thought it was appropriate for the observer to ask the election inspector which type of document is being provided.

3. 4.03(2) & 4.04(1): Should observers be required to present photo ID and list their address?

Commissioner Spindell indicated he didn’t like the idea that observers would be required to put their address on the sign-in sheet.

Commissioner Thomsen supported observers being required to put their address on the sign-in sheet.

Discussion on this item continued after the Commission returned from closed session.

H. Closed Session

Chair Millis indicated that the Commission would return from closed session at around 2:30 p.m.

MOTION: To move into closed session pursuant to Wis. Stat § 19.85(1)(f), § 19.85(1)(g), and § 19.851.

Moved by Commissioner Jacobs. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

The Commission moved into closed session at 12:47 p.m. and returned to open session at 2:47 p.m.

Continuation of Discussion of the Second Advisory Committee Meeting on Election Observers and Administrative Rule Material Review/Revision

Commissioner Spindell indicated he was in favor of having observers list their addresses on the observer log if the log were hidden from public view.

Commissioner Jacobs clarified that the addresses would still be subject to open records requests.

4. 4.03(5): Should election officials be required to announce to observers that a ballot is being remade and the reason for doing so?

Commissioner Thomsen did not think there should be an obligation to announce. He suggested that the word “inspect” come out of the definition of “observe” in 4.01(13).

Commissioner Czarnezki indicated it was a good idea to require a separate location where the remake of ballots would take place.

Chair Millis agreed with Commissioner Czarnezki and stated that he didn’t think election inspectors had to announce ballots being remade. He added that if a ballot is remade and the clerk doesn’t comply with the rule, that the ballot is not invalidated.

Commissioner Jacobs indicated that announcing a ballot is being remade and establishing a separate location for remaking ballots would be better as best practices rather than included in the rule language.

Commissioner Spindell indicated that the focus should be on the statute, Wis. Stat. § 5.85, requiring a witness for that process.

5. 4.03(7): Should a designated election official be required to establish an observation area behind the EI’s at the check-in table?

Commissioner Jacobs expressed that it should be up to the clerks.

Commissioner Czarnezki agreed with Commissioner Jacobs.

Commissioner Spindell expressed a preference for no ambiguity in terms of what the requirements are.

Commissioner Bostelmann stated that having the observation area behind the election inspectors at the check-in table should not be mandatory and may be better as a best practice.

Commissioner Jacobs did not think Badger Books should be treated differently than paper poll books in terms of how they could be observed.

Chair Millis suggested that some points the Commission chooses not to put in the draft could be incorporated into guidance.

6. 4.03(9)&(10): How may observers move between observation areas within the polling place?

Commissioner Czarnecki indicated it should be left to the discretion of the clerk.

Commissioner Thomsen agreed and suggested the language be revised from “may reasonably limit” to “The designated election official shall reasonably limit the number of observers representing the same organization who are present at any one time” in 4.03(1). He emphasized that the local election officials need the ability to limit the number of observers and observers should not be interrupting the voting process.

Commissioner Spindell indicated that it should be up to the chief election inspector to limit how many observers are present, but that it has to be reasonable.

Commissioner Jacobs expressed that it should be up to the local election officials how they want to regulate observers moving around the polling place.

Commissioner Thomsen stated that observers should have to ask for permission to move from station to station within a polling place.

Commissioner Jacobs disagreed and clarified that observers should have the right to move between observation areas, but it should be regulated by the clerk; observers should not have “free range.”

Chair Millis agreed that the “free range” option was not reasonable but believed that observers should have the ability to move from station to station, within reason, as long as they are in the designated area. He stated that observers should not be able to shadow voters or poll workers.

Commissioner Jacobs concluded that both her and Chair Millis agreed with the current rule language.

Commissioner Spindell expressed a preference that the observer not have to go to the chief election inspector each time they wanted to move. He expressed hope that observers would be provided with the promulgated rules.

7. 4.03(15): Should observers be able to examine rejected certificate envelopes in a manner established by the designated election official?

Commissioner Jacobs indicated she liked the idea of letting observers examine rejected envelopes but clarified that it should be left to the discretion of the clerk how long the envelope is displayed to observers.

Chair Millis expressed that he didn't think the Commission should specify how long the observers could examine an envelope, but supported observers being able to examine the envelopes. He said it should be in the rule and not just guidance.

Commissioner Jacobs was hesitant to set up a process that would spur 5.06 complaints concerning how long a clerk held up an envelope.

Commissioner Spindell agreed with Commissioner Jacobs.

8. 4.05: Should the Commission establish minimum numbers for specific locations regarding observers representing the same organization?

Commissioner Jacobs preferred that it be left to the discretion of the clerks.

Commissioner Thomsen agreed that it should be up to the clerks and indicated that guidance on managing organizations fairly would be more appropriate as a best practice. He also expressed doubt that the "3-foot distance described in this paragraph shall be applied unless it would interfere with voting activities..." language in 4.03(4) should not be in the rules. He suggested that organizations be granted a spot at a polling place on a first-come, first-serve basis.

Commissioner Spindell preferred general instructions to clerks on how to manage observers representing the same organization and suggested that a future project of the Commission could be helping clerks find bigger polling places.

Commissioner Thomsen reiterated that it should be left up to the clerks and left out of the rule.

9. 4.05: When should observable locations be open to observation?

Commissioner Czarnezki preferred that this point be left to the discretion of local election officials.

Commissioner Spindell indicated that observers should at least be present to see the machines zeroed out.

Commissioners Millis, Bostelmann, and Jacobs agreed with Commissioner Spindell.

10. 4.05(5): Should recounts be included?

Commissioner Thomsen expressed that a recount is still part of the election and that the same rules should be applied.

Commissioner Bostelmann expressed concern that the rules wouldn't apply to the way a recount may be set up.

Commissioner Czarnezki noted that flexibility would be necessary for a recount.

Chair Millis suggested that the principles of the observer rule should apply to recounts, rather than the exact rule language and asked Attorney Hunzicker whether that was possible. Attorney Hunzicker affirmed that it was and he could include general language about candidates and representatives getting priority in a recount.

Commissioner Spindell noted that campaign workers should have priority to get into the recount site. He supported Commissioner Bostelmann and Commissioner Czarnezki's request for flexibility in the observer rules for recounts.

Commissioner Bostelmann expressed doubt that the "3 to 8 feet" language would apply to recounts and would not suggest making it apply to recounts.

Attorney Hunzicker raised the concern that it may not be possible for the Commission to do rules related to recounts under Wis. Stat. § 7.41. He wondered if it would require a separate scope statement.

Commissioner Thomsen and Commissioner Czarnezki opined that a recount is part of the election.

11. 4.05(4)(e): Should the two SVD observers be permitted to enter a voter's private residence if voting occurs in that location?

Commissioner Spindell expressed that he was comfortable with observers observing from the common area of the facility and encouraged Attorney Hunzicker to take a look at possible electronic situations, such as observing via a tablet.

Commissioner Jacobs agreed with Commissioner Spindell.

Additional feedback:

Commissioner Jacobs stated that, in places where the current language requires clerks to submit reports within seven days, that the timeline be altered so they would not have to submit them until a time when pre-existing election deadlines had passed. She also expressed concern with the phrase "lawful commands" in 4.04(2).

Commissioner Spindell agreed with Commissioner Jacobs about the seven-day deadline.

Commissioner Thomsen suggested that for 4.04 (5), (7), (8), and (9), "may" should be changed to "shall," and reiterated that "may" and "shall" should be clearly defined.

Chair Millis directed Attorney Hunzicker to bring a draft back to the Commission that has perceived consensus on certain things, as well as alternatives that the Commission could discuss and vote on at the November 2, 2023 quarterly meeting.

Commissioner Jacobs suggested that the alternatives be clearly labelled.

Commissioner Thomsen indicated he would prefer to see the next draft in the middle of October to have sufficient time to make redlines.

Chair Millis indicated he would set up a meeting the second week of October where the Commissioners would transmit their redlined drafts to Attorney Hunzicker.

I. Discussion and Revision of Uniform Instructions for Wisconsin Absentee Voters

Deputy Administrator Robert Kehoe reviewed the Commission’s direction from the June 1, 2023 meeting concerning the Uniform Instructions. Staff Attorney Angela O’Brien presented a legal analysis of ballot return guidance.

Discussion. Commissioners also provided feedback on the clarified language and updated formatting of the revised draft.

J. 2023 Four Year Voter Record Maintenance Process Review

Chair Millis tabled this item for a future meeting due to time constraints.

K. Clerk Guidance Concerning Ballot Timeline for 2024 Presidential Preference Primary

Administrator Wolfe explained the impossibility in the statutory timeline concerning military and overseas voters and reviewed potential actions the Commission could take.

Discussion.

MOTION: Recommended motions #1 and #2. Recommended motion #3 is reserved for a future meeting date.

Motion #1: The Commission directs clerks to send ‘A’ ballots containing only the Presidential Preference contest to military, permanent overseas, and temporary overseas voters by February 15, 2024, to comply with state law and the federal MOVE Act. The Commission directs clerks to then send ‘B’ ballots containing all the contests to military, permanent overseas, and temporary overseas voters (UOCAVA) as soon as full ballots become available or by March 12, 2024, whichever is sooner.

Motion #2: The Commission further directs that because it is impossible to send a full ballot to regular voters by the 47-day deadline, that clerks mail ballots to regular voters as soon as the February Primary has been certified and full ballots become available or by March 12, 2024, whichever is sooner.

Motion #3: The Commission directs WEC staff to send a letter to the Wisconsin Legislature indicating the Commission’s vote, attaching this memo, and requesting that the Legislature consider changes to Wis. Stat. § 7.15(1)(cm) ahead of the April 2, 2024, Spring Election and Presidential Preference, to remedy the impossibility of the statutory deadlines.

Moved by Commissioner Jacobs. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

L. Polling Place Accessibility Toolkit Updates and Review

Chair Millis tabled this item for a future meeting due to time constraints.

M. Badger Book Program Updates and Possible Commission Directives

Chair Millis tabled this item for a future meeting due to time constraints.

N. Voter Felon Audit Updates

Chair Millis tabled this item for a future meeting due to time constraints.

O. Review and Approval of the “Report of Suspected Election Fraud, Irregularities, or Violations” for Distribution to the Wisconsin Legislature

MOTION: Authorize Administrator Wolfe to send the letter and data set forth in pages 256-259 of the Commission’s materials.

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

P. Revisions to Wis. Admin. Code EL Chapter 12 Following Scope Statement 008-22

Chief Legal Counsel Jim Witecha reviewed the background of the scope statement with the Commission.

MOTION: The Commission directs staff to proceed with the suggested changes to sections 12.01(2) and 12.02(7), and Option 3 concerning section 12.01(5), and to carry out all remaining rulemaking steps and providing updates to the Commission after each major step.

Option 3: EL 12.01(5) “Statewide Voter Registration System” is the election administration software application provided by the commission to enable local election officials to register voters, track absentee voting, and administer elections. Since 2016, the statewide voter registration system has been called “WisVote,” and the name may change in the future.

Moved by Commissioner Thomsen. Seconded by Commissioner Jacobs.

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

Motion carried 6-0.

Q. Administrative Rulemaking Process Discussion and Consideration of Uniform Instructions and Ballot Access Challenge Scope Statements

Chair Millis and Attorney O'Brien clarified where the Commission was in the rulemaking process regarding the scope statements.

Discussion.

MOTION: The Wisconsin Elections Commission directs staff to submit the statements of scope for both the emergency and permanent rulemaking relating to the mandatory use of the Commission's Uniform Instructions to absentee voters to the Department of Administration pursuant to § 227.24(1)(e)1d. and § 227.135(2).

Moved by Commissioner Thomsen. Seconded by Commissioner Jacobs.

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

Motion carried 6-0.

Discussion.

MOTION: The Wisconsin Elections Commission directs staff to submit the statements of scope for both the emergency and permanent rulemaking relating to amendments to existing rules to clarify the 264 Statements of Scope for Emergency and Permanent Rule Making relating to Uniform Instructions and Ballot Access Challenges September 7, 2023 Page 2 procedural components of nomination paper challenges to the Department of Administration pursuant to § 227.24(1)(e)1d. and § 227.135(2).

Moved by Commissioner Thomsen. Seconded by Commissioner Czarnezki.

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

Motion carried 6-0.

Discussion.

MOTION: The Wisconsin Elections Commission directs staff to submit the statements of scope for both the emergency and permanent rulemaking relating to the creation of a new administrative rule provision detailing the procedures for Declaration of Candidacy challenges to the Department of Administration pursuant to § 227.24(1)(e)1d. and § 227.135(2).

Moved by Commissioner Jacobs. Seconded by Commissioner Czarnezki.

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

Motion carried 5-1.

R. Discussion and Possible Action Regarding Implementation of *Braun v. WEC* Decision

MOTION: Set a meeting for September 14 at 9:00 a.m. to address the *Braun v. WEC* decision. Authorize Commission staff to identify areas of guidance the Commission has issued over the years implicated by the decision and to draft a clerk communication in response to the *Braun* decision.

Moved by Commissioner Thomsen. Seconded by Commissioner Jacobs.

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

Motion carried 6-0.

S. Adjourn

MOTION: To adjourn.

Moved by Commissioner Jacobs. Seconded by Commissioner Czarnezki.

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

Motion carried 6-0.

The Commission adjourned at 5:42 p.m.

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September 7, 2023 Wisconsin Election Commission meeting minutes prepared by:

September 7, 2023 Wisconsin Election Commission meeting minutes certified by:

Commission Secretary

November 2, 2023

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
9:00 a.m. September 14, 2023

Open Session Minutes

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

Staff present: Kennedy Cutts, Joel DeSpain, Sharrie Hauge, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Angela O'Brien, Riley Vetterkind, Jim Witecha, and Meagan Wolfe, all by teleconference.

A. Call to Order

Commission Chair Millis called the meeting to order at 9:02 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Discussion and Possible Action Regarding Implementation of *Braun v. WEC* Decision

Chief Legal Counsel Jim Witecha provided an overview of the materials and recommended motions before the Commission.

Discussion.

MOTION: That the Commission prescribe acceptance of the NVRA form for voters seeking to register in the State of Wisconsin.

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

Discussion.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Commissioner Jacobs withdrew her motion.

MOTION: Staff is directed to present to the Commission a solution that contemplates prescribing the National Mail Voter Registration Form in compliance with Wisconsin law, to be provided to us in a meeting in the next 30-45 days.

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

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

Motion carried 5-1.

MOTION: Recommended motions 1, 2, and 3:

Recommended Motion 1: The Wisconsin Elections Commission directs staff to remove the “NVRA Tips for Clerks” document from the agency website, edit the “Election Administration Manual” as recommended by staff in Exhibit A, and to edit or remove the October 15, 2019, training as necessary to comply with the decision and order in *Braun*. These changes will remain in effect until such time as the Commission prescribes use of the National Mail Voter Registration Form in Wisconsin, or the Commission or a competent court of law determines the form to be lawful for use in Wisconsin.

Recommended Motion 2: The Wisconsin Elections Commission approves the clerk communication included in Exhibit B and directs staff to distribute it via electronic mail and website posting.

Recommended Motion 3: The Wisconsin Elections Commission approves the draft communication to the United States Election Assistance Commission proposed by WEC staff as Exhibit C in the meeting materials. Staff are directed to forward the letter to the Executive Director of the EAC and take any action necessary to ensure compliance with *Braun v. WEC*.

Moved by Commissioner Spindell. Seconded by Chair Millis.

FRIENDLY AMENDMENT: Update the language of the clerk communication to reflect the language of the first motion: “These changes will remain in effect until such time as the Commission prescribes use of the National Mail Voter Registration Form in Wisconsin, or the Commission or a competent court of law determines the form to be lawful for use in Wisconsin.”

Proposed by Commissioner Jacobs. Agreed to by Commissioner Spindell and Chair Millis.

FRIENDLY AMENDMENT: Update the language of the communication to the United States Election Assistance Commission to reflect the language of the first motion: “These changes will remain in effect until such time as the Commission prescribes use of the National Mail Voter Registration Form in Wisconsin, or the Commission or a competent court of law determines the form to be lawful for use in Wisconsin.”

Proposed by Commissioner Jacobs. Agreed to by Commissioner Spindell and Chair Millis.

Discussion.

AMENDED MOTION: Recommended motions 1, 2, and 3:

Recommended Motion 1: The Wisconsin Elections Commission directs staff to remove the “NVRA Tips for Clerks” document from the agency website, edit the “Election Administration Manual” as recommended by staff in Exhibit A, and to edit or remove the October 15, 2019, training as necessary to comply with the decision and order in *Braun*. These changes will remain in effect until such time as the Commission prescribes use of the National Mail Voter Registration Form in Wisconsin, or the Commission or a competent court of law determines the form to be lawful for use in Wisconsin.

Recommended Motion 2: The Wisconsin Elections Commission approves the clerk communication included in Exhibit B and directs staff to distribute it via electronic mail and website posting. The language of the communication will be updated to reflect the language of the first motion: “These changes will remain in effect until such time as the Commission prescribes use of the National Mail Voter Registration Form in Wisconsin, or the Commission or a competent court of law determines the form to be lawful for use in Wisconsin.”

Recommended Motion 3: The Wisconsin Elections Commission approves the draft communication to the United States Election Assistance Commission proposed by WEC staff as Exhibit C in the meeting materials. Staff are directed to forward the letter to the Executive Director of the EAC and take any action necessary to ensure compliance with *Braun v. WEC*. The language of the communication will be updated to reflect the language of the first motion: “These changes will remain in effect until such time as the Commission prescribes use of the National Mail Voter Registration Form in Wisconsin, or the Commission or a competent court of law determines the form to be lawful for use in Wisconsin.”

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

Motion carried 6-0.

D. Closed Session

Chair Millis clarified that the Commission took Items C and D out of the order they appeared on the agenda. He noted that the Commission did not plan to reconvene into open session.

MOTION: To adjourn into closed session pursuant to Wis. Stat. 19.85(1)(g). The Commission will convene in closed session at 10:00 a.m.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

The Commission moved into closed session at 9:52 a.m.

E. Adjourn

The Commission adjourned in closed session at 10:25 a.m.

####

September 14, 2023, Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

September 14, 2023

September 14, 2023, Wisconsin Election Commission meeting minutes certified by:

Commission Secretary

November 2, 2023



Wisconsin Elections Commission

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

Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
4:00 p.m. September 29, 2023

Open Session Minutes

Present: Commissioner Ann Jacobs, Commissioner Marge Bostelmann, Commissioner Don Millis, and Commissioner Mark Thomsen, all by teleconference.

Commissioner Robert Spindell and Commissioner Joseph Czarnecki by telephone.

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

A. Call to Order

Commission Chair Don Millis called the meeting to order at 4:08 p.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

Administrator Meagan Wolfe informed the Commission that proper notice was given for the meeting.

C. Discussion and Possible Action Related to the Printing and Use of Absentee Ballot Mailing and Certificate Envelopes

Administrator Wolfe directed the Commission's attention to a draft memorandum included in the meeting materials which addresses current and potential future issues related to a vendor's printing of the absentee ballot certificate envelope. On November 28, 2023, WEC staff began receiving contacts from clerks reporting that a commonly used print vendor, Bear Graphics, had sold them absentee ballot certificate envelopes not in compliance with what the Commission approved on August 4, 2023. Specifically, the envelopes received contained unilateral changes made by the vendor to the portion of the certificate envelope where the witness provides their address, which were the addition of the fields State and ZIP to the Commission-approved fields of Number, Street Name, and City.

Administrator Wolfe continued by conveying to the Commission the present status of the situation, current concerns and issues in addition to those that may arise in the future, and further details of the

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

C. Discussion and Possible Action Related to the Printing and Use of Absentee Ballot Mailing and Certificate Envelopes (continued)

draft memorandum. She also added that it's not clear if the vendor's proposed solution is to destroy its existing stock of envelopes and reprint them entirely, or to simply "black out" the erroneously added fields on its already-printed stock.

Discussion.

MOTION: To approve the proposed memorandum submitted with the Commission's meeting materials as written. WEC staff is further directed to draft and add a paragraph to this memorandum stating that "blacking out" or otherwise modifying the envelope will not be compliance with the absentee ballot certificate envelopes approved by the Commission on August 4, 2023.

Moved by Commissioner Jacobs. Seconded by Commissioner Bostelmann.

Discussion.

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

The motion carried 6-0.

D. Consideration and Approval of the 2021-2023 Biennial Report of the Wisconsin Elections Commission

Chairman Millis stated he would entertain a motion to authorize staff to submit the 2021-2023 Biennial Report to the Governor and the chief clerk of each house of the legislature in accordance with Wis. Stat. § 15.04(1)(d).

MOTION: To authorize staff to submit the 2021-2023 Biennial Report to the Governor and the chief clerk of each house of the legislature in accordance with Wis. Stat. § 15.04(1)(d).

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

The motion carried 6-0.

E. Adjourn

MOTION: To adjourn.

Moved by Commissioner Jacobs. Seconded by Commissioner Czarnezki.

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

The motion carried 6-0.

The Commission adjourned at 4:45 p.m.

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September 29, 2023 Wisconsin Election Commission meeting minutes prepared by:

Jacob Walters, Elections Specialist

September 30, 2023

September 29, 2023 Wisconsin Election Commission meeting minutes certified by:

Commission Secretary

November 2, 2023



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 November 02, 2023, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator

SUBJECT: **Dominion Voting Systems**
Petition for Approval of Electronic Voting Systems
Democracy Suite 5.17 and Democracy Suite 5.17S

Introduction

Dominion Voting Systems (DVS) is requesting approval from the Wisconsin Elections Commission (WEC or Commission) for the Democracy Suite 5.17 and 5.17S voting systems. This approval will allow for the sale and use of these systems in the State of Wisconsin. No electronic voting equipment may be offered for sale or utilized in Wisconsin unless first approved by the WEC based upon the certification requirements laid out in Wis Stat. § 5.91 (Appendix A). The WEC has also adopted administrative rules further clarifying the testing and approval processes in Wisconsin Administrative Code, Chapter EL 7 (Appendix B).

Electronic Voting Systems in this Application

Democracy Suite 5.17

Democracy Suite 5.17 is a federally tested and certified paper based, optical scan voting system. It includes the following major components:

Component	Function
Election Management System (EMS)	Election management software application that provides election definition creation, ballot formatting, equipment configuration, result consolidation, adjudication, and report creation
ImageCast Central (ICC)	A high-speed, central ballot scan tabulator for use in central count locations
ImageCast Precinct 2 (ICP2)	A precinct-based optical scan ballot counter
ImageCast Evolution (ICE)*	A precinct-based optical scan ballot counter
ImageCast X (ICX) Ballot Marking Device*	This configuration is a touchscreen ballot marking device (BMD) that is paired with a printer. A voter will indicate their selections on the BMD, a ballot will be printed with those choices, and the voter will then deposit the ballot into a tabulator after a final review

Wisconsin Elections Commissioners

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Administrator
Meagan Wolfe

ImageCast X (ICX) BMD and Tabulator*	The second ICX configuration features the same BMD functionality, but also includes the ability to tabulate on the same unit via a voter-verified paper audit trail (VVPAT)
*These devices are compliant with the requirements set forth in the Americans with Disabilities Act (ADA) for accessible voting systems. Further detail on each device and its respective features will appear later in this report.	

Democracy Suite 5.17S

Democracy Suite 5.17S is a federally tested modification to the Democracy Suite 5.17 voting system. The modification provides support for modeming of unofficial election results after the polls close on Election Day from either an ImageCast Evolution tabulator or ImageCast Precinct tabulator to a Secure File Transfer Protocol (SFTP) server through wireless telecommunications networks or analog phone lines. The modeming components of Democracy Suite 5.17S cannot meet federal certification standards, but the underlying voting system (Democracy Suite 5.17) is federally certified. While this system has not received federal certification, it was presented for and passed thorough telecommunications testing at an EAC accredited Voting System Test Laboratory (VSTL).

At its May 21, 2013, meeting, pursuant to authority granted in Wis. Stat. § 5.91 and Wisconsin Administrative Code, Chapter EL 7, the Government Accountability Board adopted testing procedures and standards pertaining to the modeming and communication functionality of voting systems that have not yet received EAC certification. At its September 9, 2021, meeting, the Wisconsin Elections Commission approved an updated version of these testing criteria and protocols. The procedures used by WEC staff to test the modeming capabilities of this system can be found in Appendix E of this report.

Recommendation

WEC staff is recommending approval of both Democracy Suite 5.17 and Democracy Suite 5.17S for sale and use in Wisconsin. Detailed recommendations are listed on pages 16-18 following further analysis of the functional testing performed by staff to analyze the voting systems under consideration.

Application Background

On June 30, 2023, WEC staff received an Application for Approval of Electronic Voting System for both Democracy Suite 5.17 and Democracy Suite 5.17S. DVS submitted complete specifications for hardware, firmware, and software related to the voting system. Also included with the submission were technical manuals, documentation, and user manuals necessary for the operation of the components in the two electronic voting systems.

Democracy Suite 5.17 System Overview

The Voting System Test Laboratory (VSTL) responsible for testing Democracy Suite 5.17, Pro V&V, is based in Huntsville, Alabama and is one of two test labs currently accredited by the EAC to conduct voting system testing. Pro V&V conducted rigorous testing of this system and issued both their final test report and

recommendation for EAC certification on March 15, 2023. Democracy Suite 5.17's EAC Certification Number is DVS-DemSuite5.17.

Following VSTL testing, the EAC issued a Certificate of Conformance and an accompanying Scope of Certification document for this voting system on March 16, 2023. These documents signify that the system has been tested in accordance with current federal certification standards for electronic voting systems and that the system has met or exceeded those standards.

WEC staff conducted state-level certification testing for Democracy Suite 5.17 in the WEC office September 26-29, 2023. This period included functional testing, which requires all components of the system to correctly process three mock elections, a meeting of the Wisconsin Voting Equipment Review Panel, which is a body of local election officials and third-party advocates, and a public demonstration of the system.

Hardware and Software Components

This section provides additional information on the hardware and software components of this voting system that are most likely to be used in either a polling place or a central count location. A full list of hardware and software components may be found in Appendix C.

ImageCast Evolution

The ImageCast Evolution (ICE) is a digital scan paper ballot tabulator designed for use at the polling place. After the voter marks a paper ballot, either by hand or by using the ImageCast X ballot marking device, the ballot is inserted into the ICE for processing. The tabulator uses a high-resolution scanner to simultaneously image the front and back of the ballot. The resulting ballot images are then processed by proprietary mark recognition software, which identifies and evaluates marks made by the voter. The system then tabulates any votes cast on each ballot before depositing the ballot into an integrated secure storage bin.

When a ballot is inserted into an ICE unit, the unit will interpret voter marks on the ballot and a variety of feedback screens will be displayed to the voter. These range from a confirmation that the ballot was accepted to a warning that any ballots containing crossover votes or overvoted contests may lead to the voter's choices not being counted. In these instances, the voter will have the opportunity to have the ballot returned to them for further review or may choose to cast the ballot as they originally marked it. A sample of these voter information screens has been included with this report and can be found in Appendix D.

Ballot images and election results generated by the ICE are stored on two separate removable compact flash memory devices. These compact flash drives operate in unison to maintain a detailed audit log of the tabulation events on election day. The cards maintain all ballot images and ballot manifests, a record of the disposition of each ballot, i.e., how the ICE interpreted and counted each vote on a given ballot. The compact flash memory cards may be taken to the municipal clerk's office or county clerk's office where the election results may be uploaded into an election results management program or transferred to another memory device to facilitate storage. The ICE includes an internal thermal printer for the printing of the zero reports, log reports, and polling place totals upon the official closing of the polls. As part of Democracy Suite 5.17S, ICE tabulators also include external wireless and analog modems for the transmission of unofficial election results via a secure wireless network hosted by Verizon Wireless or a standard telephone line.



The ICE also serves as an ADA-compliant ballot marking device, designed for accessible use by voters who have visual, auditory, or physical limitations or disabilities. Depending upon the configuration, voting either occurs on the primary tabulator screen or on an external monitor, both of which require using an assistive input device to make ballot selections. If the primary tabulator monitor is used for accessible voting, other ballot processing must be temporarily suspended until the accessible session has ended. When utilizing the external monitor, ballot processing on the tabulator can continue during the accessible voting session.

An election inspector is required to begin the accessible voting session. Instructions that guide the voter through the process appear on the screen or can be accessed via the audio ballot function. Voters use an integrated tactile keypad, sip and puff device, or paddle selectors to navigate the ballot and make contest selections. Each button on the tactile keypad has both Braille and printed text labels designed to indicate function and a related shape to help the voter determine its use. In addition, voters may use headphones to access the audio ballot function that provides a recording of the ballot instructions and lists candidates and options for each contest.

A blank ballot is inserted into the tabulator ballot slot prior to making selections when the primary screen is used. For locations with an external monitor, voters make ballot selections and place the blank ballot in the tabulator ballot slot at the end of the accessible voting session. In either method, the ballot is marked according to the voter's selections and automatically returned for review. Once the voter has reviewed their ballot, it is reinserted into the tabulator for processing.

ImageCast Precinct 2



The ImageCast Precinct 2 (ICP2) is a digital scan paper ballot tabulator designed for use in a polling place. After the voter marks a paper ballot, either by hand or by using the ImageCast X ballot marking device, the ballot is inserted into the ICP2 for processing. The tabulator uses a high-resolution scanner to simultaneously image the front and back of the ballot. The resulting ballot images are then processed by proprietary mark recognition software, which identifies and evaluates marks made by the voter. The system then interprets any votes cast on each ballot before depositing the ballot into an integrated secured storage bin. As with the ICE, the ICP2 will display a variety of informational screens to the voter when a ballot is inserted.

The ballot images and election results are stored on two separate removable secure digital (SD) memory devices. These SD drives operate in unison to maintain a detailed audit log of the tabulation events on election day. Following the election, the cards may be taken to the municipal or county clerk's office to be uploaded into an election results management program or transferred to another media device to facilitate secure storage. The ICP2 includes many of the same functionalities as the ICE, including generation of ballot images and ballot manifests, a thermal printer for generation of zero tapes, log reports, and results tapes, and, for ICP2 units as part of Democracy Suite 5.17S, the ability to transmit unofficial election results securely via either a wireless or analog modem. On its own, The ICP2 does not include any accessible voting functionality and would need to be paired with another ADA-compliant component from the system to meet accessible voting requirements for use in a polling place.

Both the ICE and ICP2 may be programmed to automatically reject all ballots with overvotes or crossover votes without the option for override, which requires the voter to correct any error by spoiling their first ballot and marking a new one. This ensures that voters do not mistakenly process a ballot on which a vote for one candidate or all candidates will not count. In jurisdictions that enable this function, absentee ballots must be

remade by election inspectors to preserve voter intent as closely as possible. For example, in the case of a ballot with a single overvoted contest, the entire ballot would be remade to preserve all the voter's marks apart from the marks in the overvoted contest.

The ICE and ICP2 are also capable of producing a results report showing all candidates with write-in votes. This report captures an image of what is written on the write-in vote line, but only if the oval next to the write-in field under a contest was filled by the voter. As it currently stands, election inspectors cannot rely on this report as a means of counting write-in votes after the polls close. Instead, inspectors must review all ballots cast in a jurisdiction by hand to ensure voter intent is being captured. This particularly applies to instances in which a voter writes in a candidate for a specific contest but does not fill in the oval for the write-in field.

ImageCast Central



The ImageCast Central (ICC) is a high-speed, digital scan ballot tabulator designed for use by election officials at a central count site. The ICC is capable of scanning ballots of various sizes and utilizes a commercial off the shelf (COTS) printer to process the front and back of each ballot, evaluate the result, and maintain continuous scanning and tabulating. The scanner is paired with a workstation on which an election worker can monitor the scan speed and track the progress of each batch of ballots being processed.



ImageCast X

The ImageCast X (ICX) is an ADA-compliant accessible touchscreen device that is available in two separate hardware configurations. The first configuration, which is paired with a standalone printer, is a ballot marking device. This configuration does not have any tabulation functionality, but the ballots that are generated and printed by the device are virtually indistinguishable from hand-marked ballots and may be inserted into the ICE, ICP2, or ICC for tabulation. The second configuration, which includes a printer attached to the unit itself, is a direct recording electronic (DRE) device that tabulates votes and records each ballot on a voter verifiable paper audit trail. Both configurations utilize COTS components, e.g., touchscreen displays and desktop printers, which are paired with DVS software to form a voting device.

For each configuration, an activation card is necessary to begin a voting session. Additionally, poll worker activation cards are used by election officials to perform maintenance to the device or access the administrative menu to open or close polls. Activation cards used by voters may be configured for each ballot style in use at a polling place to ensure a voter is voting the correct ballot. These cards can be configured to require reprogramming after each use and a time limit may be set for each card. If a voter card is not used prior to the set time limit, it will no longer function with the equipment and will require reactivation before it may be used again.

Once the correct ballot style has been selected, either by an election inspector or by the voter using a pre-programmed voter activation card, the voter is left to navigate the ballot and cast their votes privately. Voters have the option to use the touchscreen, a sip and puff device, paddle selectors, or a tactile keypad to navigate the ballot and make their selections. Instructions that guide the voter through the process appear on the screen or

can be accessed via the audio ballot function. Voters have the option to adjust the text display contrast and text size to suit their preferences. Each button on the tactile keypad has both Braille and printed text labels designed to indicate function and a related shape to help the voter determine its use. Voters may also use headphones to access the audio ballot function that provides a recording of the ballot instructions and lists candidates and options for each contest. The volume of the audio can be adjusted by voters.

In both the BMD and VVPAT configurations, the ICX provides a ballot summary screen on which voters review their selections before the ballot is printed. On the VVPAT configuration, the voter will have a final chance to review their choices on the tape before the ballot is cast. The VVPAT printer features an opaque window that illuminates the voter's choices on the paper roll in this final step. If the voter wishes to spoil their ballot and mark a new one, this is the final opportunity to do so. When the voter casts their ballot, the roll advances, the viewing window darkens, and the ICX is ready for the next voting session. On the BMD configuration, the voter will have a final chance to review their choices on the marked ballot produced by the printer prior to inserting the ballot into one of the supported tabulators in this system.

Neither configuration allows a voter to overvote any contest or, when applicable, vote a crossover ballot in which they vote in multiple party primaries. For elections that feature a party preference, e.g., partisan primaries, the voter is presented with the party options at the start of the voting session. When a voter chooses a party, the ICX will only display the candidates within that respective party's primary. The ballot summary screen that appears before the voter casts their ballot will also advise of any contest in which the voter has undervoted, at which point they will be able to return to the contest in question and mark their selection should they choose to do so.



Functional Testing

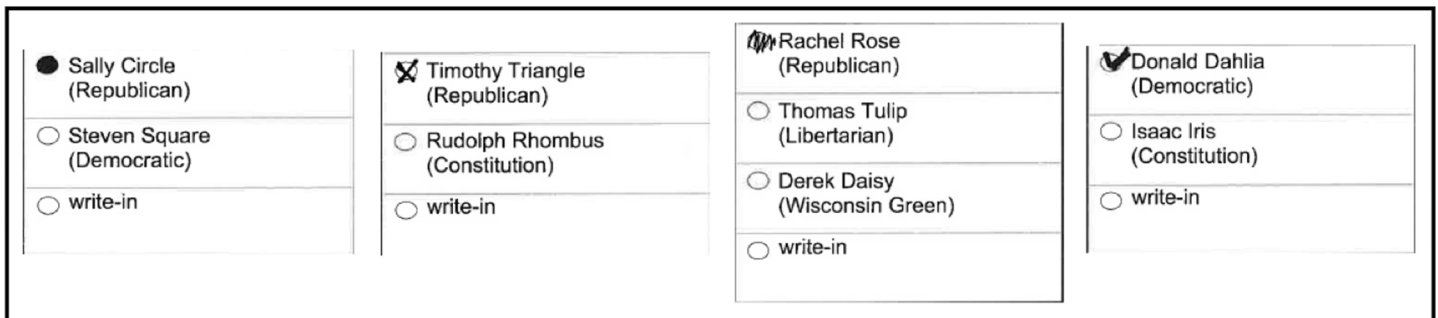
As required by Wisconsin Administrative Code, Chapter EL 7, WEC staff conducted three mock elections with each component of Democracy Suite 5.17 and 5.17S to ensure the voting systems conform to all Wisconsin-specific requirements. As in every certification, these mock elections included a partisan primary with a special nonpartisan school board election, a general election with both a presidential and special gubernatorial contest, and a presidential preference vote combined with nonpartisan offices and a special partisan contest.

Staff prepared a series of test decks using various configurations of votes, e.g., valid votes, overvotes, crossover votes, etc., across all three mock elections to verify the accuracy and functional capabilities of the two systems. Using blank ballot stock provided by DVS, WEC staff hand marked 300 ballots for each of the mock elections. For each election, an additional 50 ballots were marked using the ICE's accessible voting feature and another 50 were marked using the ICX BMD, bringing the total for each test deck to 400 ballots. Additionally, three separate test decks of 200 ballots each were marked on the ICX VVPAT and reconciled separately.

To ensure that the equipment in this voting system was compatible with Wisconsin election law and able to process a variety of marks, the test ballots for each mock election included several ballots purposefully marked in ways not typically recommended by the vendor. In all cases where ballots were intentionally marked with

overvotes, all tabulation equipment in this system was able to consistently identify those issues and displayed the requisite warning. The same was true for crossover votes, which require a voter to vote in multiple primaries/cross party lines and are only possible in the mock partisan primary and presidential preference elections. Additionally, each mock election has two separate ballot styles, one of which includes a special contest or referendum question and one that does not. Including two separate styles assesses the ability to program multiple election definitions on each piece of equipment and to produce accurate results. In all instances, the equipment accurately tabulated votes between the separate ballot styles.

Test decks were also marked to determine exactly what constitutes a readable mark by each piece of tabulation equipment in this voting system. A subset of ballots for each mock election included “special marks,” shown here:



The first column shows a “typical” mark, i.e., a completed oval and the most common way a voter will mark a ballot. The following columns show a selection of marginal or ambiguous marks, which include less-common ways a voter may complete an oval to indicate their choices. Each piece of tabulation equipment in this voting system was able to identify the ambiguous marks as valid choices in all three mock elections.

Every voting equipment vendor recommends a specific type of marking device that should be used to complete a ballot. DVS recommends either a black Paper Mate Flair felt tip pen or a black Sharpie pen. Staff used both recommended marking devices to mark most ballots in each test deck, but also included a variety of other marking devices to ensure the system was capable of tabulating votes marked with green ink, red ink, blue ink, and pencil. As in past certification testing, certain components of these systems had issues properly reading ballots marked in red ink. This issue is described in greater detail in the testing anomalies section of this report.

Staff also included several ballots with folds and tears. In some cases, a torn ballot may jam the tabulator or not be read correctly by tabulation equipment. However, this happens much more commonly in instances where the tear goes through the timing marks that surround the outside of the ballot. If a ballot is torn severely enough that the tabulator cannot process it, it will be returned to either the voter or election inspector for review and will not be tabulated. Folded ballots are included to replicate (as closely as possible) an absentee ballot that will be processed either at the polling place or a central count location. Vendors recommend that all absentee ballots be scored in specific places on the ballot to avoid the potential of a particularly heavy crease reading as a “false positive” vote if the crease goes directly through an oval. Staff folded several test ballots to purposefully place the creases through ovals and no such false positive votes or overvotes were read by the tabulation equipment. If election inspectors encounter ballots that are torn or contain heavy creases outside of the scoring marks, it is advisable to follow the procedures for remaking the ballots in question to ensure the voter’s choices are being accurately counted.

Testing Anomalies

Staff encountered two issues in the process of testing these voting systems. The first was an inconsistency in how ballots purposefully marked with red ink were read by each tabulator. While the ICC and ICE were able to read ovals marked with a red pen, the ICP2 did not read those ovals and treated any ballot marked with red ink as a blank ballot. This issue was also seen in prior certification testing for other voting systems and the steps to avoid votes not being counted have been included as a recommendation for certification in those systems as well. Staff recommends that any only the marking devices recommended by DVS be made available for in-person voting and that any absentee ballot that is marked in red ink be remade by election inspectors using a recommended black marking device prior to tabulation. Remaking such ballots will ensure that voter intent is preserved, and a voter's choices will be reflected during tabulation.

The second issue was found while reconciling the results for the three separate mock elections tested on the ICX VVPAT configuration. Each of these mock elections has a separate testing script of 200 ballots that must be marked correctly and in order. As the device in question utilizes a VVPAT printer, the records of votes cast on each ballot are all contained on a single roll of paper. Unfortunately, in each election, at least one ballot was marked incorrectly, which necessitated a second review of every ballot on the roll to identify the discrepancy. In every instance, the mismarked ballots were identified by staff during this review. For the sake of an example, this issue occurred most frequently in the General Election in which four ballots that were scripted to be marked with a write-in vote for U.S. Senator were marked with a write-in vote for State Senator instead. After identifying each mismarked ballot and ascertaining which contests were marked incorrectly, the election results reconciled correctly. To be completely clear, the discrepancies caused by these mismarked ballots were a result of human error and are not indicative of the hardware's capability to accurately tabulate votes.

Democracy Suite 5.17S System Overview

For certification purposes, Democracy Suite 5.17S is a separate system from the base Democracy Suite 5.17 system. This system includes the hardware and software components featured in the base Democracy Suite 5.17 system with the added capability to transmit unofficial results from a polling place or central count location via a secure modem. These unofficial results are transmitted from either an ICE or ICP2 to a Secure File Transfer Protocol (SFTP) using the ImageCast Listener server software located in the office of the county clerk. Transmissions are sent through a secured and encrypted wireless communications network or analog phone network. All modifications of the base system present in Democracy Suite 5.17S were tested by Pro V&V to the 2005 Voluntary Voting System Guidelines (VVSG) protocols.

Modeming functions on the ICE and ICP2 may only be used after an election inspector has closed the polls, utilized a multi-factor authentication token, and entered a password to access the poll worker menu. Following the printing of the results tape, election inspectors connect the external modem and select the option to transmit results to the county on the poll worker menu of the tabulator. After this option is selected, the tabulator screen provides informational prompts to the election inspectors related to where in the transmission process the machine is at any given time. The encrypted data packet comprised of the unofficial election results is received in the county office by the ImageCast Listener server and EMS server software.

In the county clerk's office, a firewall provides a buffer between the network segment, where the election server is located, and other internal networks which utilize separate servers. The data that is transmitted is encrypted and it is digitally signed. The network is configured to only allow valid connections with the correct encryption

key to connect to the SFTP server. The firewall further restricts the flow and connectivity of traffic. Only after the system determines that an incoming data packet has been correctly signed and encrypted by a state with an approved key, the information is passed through the SFTP server and on to the Election Management System (EMS) workstation. The EMS contains matching decryption keys for each encryption key approved for the election. If it does not have a decryption key that matches that of the incoming transmission, or if some aspect of the hardware sending the transmission cannot be authenticated by the server and EMS workstation software, the transmission is rejected.

The EMS is required to be deployed on a hardened and air gapped system pursuant to the 2005 Voluntary Voting System Guidelines, meaning that all software that is not essential to the proper functioning of the EMS is removed from the computer where the EMS is installed. This procedure is designed to increase the security of the system through the elimination of applications that may provide “back door” access to the system. Access to the internet is also restricted and the EMS provides an audit log of all system actions and connection attempts that can be used to verify unauthorized access to the system while unofficial election results are being transmitted after the close of polls.

At its May 21, 2013, meeting, pursuant to authority granted in Wis. Stat. § 5.91 and Wisconsin Administrative Code, Chapter 7, the Government Accountability Board (GAB) adopted testing procedures and standards pertaining to the modeming and communication functionality of voting systems that have not received EAC certification. The standards were based upon the analysis and findings outlined in a staff memorandum and detailed in the *Voting Systems Standards, Testing Protocols and Procedures Pertaining to the Use of Communication Devices in Wisconsin*. At its September 9, 2021, meeting, the Wisconsin Elections Commission approved an updated version of these testing criteria and protocols, which are attached as Appendix E. These rules apply to non-EAC certified voting systems, where the underlying voting system received EAC certification to either the 2002 Voting System Standards (VSS) or 2005 VVSG, but any additional modeming component does not meet the 2005 VVSG.

Modem/Telecommunication Testing

WEC staff conducted testing of Democracy Suite 5.17S in three counties: Washington, Green, and Walworth, between October 10 and 12, 2023. As a result of technical issues in the original modem tests, a follow up round of testing was conducted in Green County on October 13, 2023. DVS representatives worked with counties that currently use the vendor’s equipment to identify three municipal test sites in each of the three counties.

A four-person team of WEC staff conducted this testing with technical support from a team of four DVS representatives. DVS provided three ICE tabulators and three ICP2 tabulators that were each tested in all test locations. DVS also provided a portable secure EMS environment, which was configured to emulate how an EMS would be implemented in a county office, including an SFTP client, firewall, etc. This portable environment was set up in each county office to receive test transmissions from the three respective municipal test sites in each county.

At each municipal site, WEC staff inserted a pre-marked test deck into both the ICE and ICP2 tabulator, closed the polls, and proceeded to test the results transmission function for each tabulator. One WEC staff member remained in the county office to monitor the incoming transmissions and coordinate the testing efforts. As in prior certification campaigns, staff tested both wireless and analog modems to ensure the results packets created by the ICE and ICP2 tabulators were able to transmit to the county office reliably. The results of this testing appear in the following tables.

Washington County (Wireless Pantech Modem)
ICE

ICP2

Town of Trenton

Initial Transmission	10 of 10	10 of 10
Load Test	14 of 14	8 of 8

Village of Germantown

Initial Transmission	10 of 10	10 of 10
Load Test	13 of 13	8 of 8

Village of Kewaskum

Initial Transmission	10 of 10	10 of 10
Load Test	14 of 14	14 of 14

Load Test Results

41 of 41	30 of 30
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Walworth County (Wireless Pantech Modem)
ICE

ICP2

Town of Troy

Initial Transmission	10 of 10	10 of 10
Load Test	9 of 9	8 of 8

Village of Genoa City

Initial Transmission	10 of 10	10 of 10
Load Test	14 of 14	13 of 13

Village of Lake Geneva

Initial Transmission	10 of 10	10 of 10
Load Test	11 of 11	12 of 12

Load Test Results

34 of 34	33 of 33
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Green County (Analog MultiTech Modem)
ICE

ICP2

Town of Adams

Initial Transmission	10 of 10	10 of 10
Load Test	5 of 5	7 of 7

Town of Exeter

Initial Transmission	10 of 10	10 of 10
Load Test	5 of 5	5 of 5

Town of New Glarus

Initial Transmission	10 of 10	10 of 10
Load Test	4 of 4	5 of 5

Load Test Results

14 of 14	17 of 17
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In each of the three counties, testing was ultimately successful. The WEC staff member working in each municipality is instructed to first send 10 results packet transmissions through to the county from each tabulator. This stage of testing is coordinated to ensure only a single municipality is transmitting at any one time. After each municipality completes this step, the WEC staff members then all attempt to transmit results simultaneously for a set period of time to emulate the conditions of a real election in which the county office would be receiving unofficial results from every municipality in the county. This stage of testing is referred to as load testing.

As expected, the number of transmissions that can be sent and received simultaneously during the load test is much higher in counties that use wireless modems, as these modems allow for multiple incoming encrypted transmissions at a time. In the case of Green County, which uses analog modems, the ability to send and receive results packets is limited by the fact that the county has a single analog phone line through which these transmissions must flow. Accordingly, transmissions sent from Green County municipalities sometimes required multiple attempts, as the phone line at the county was busy receiving data from another location.

As previously mentioned, WEC staff and DVS representatives conducted a second day of testing in Green County. There were a few contributing factors that led to a second round of tests. The first issue was due to specific phone jacks at the county and municipal offices no longer being functional after a recent building renovation. County staff was later able to find a phone jack with a signal, which solved this problem. As counties and municipalities continue to transition away from analog phone networks to digital options, it may become harder to keep the infrastructure necessary for analog results transmission in place. The second and much larger issue was that the passwords programmed on the secure media cards for each of the tabulators being tested were entered incorrectly during the programming process. As the EMS and the county did not recognize the passwords being used by the tabulators, all the attempts to transmit results were rejected accordingly. While slightly frustrating from a logistical standpoint, this does serve as proof of concept that the results transmission process is secure.

Each of the two tabulators capable of transmitting unofficial results is also capable of using two separate modems to complete that task. For counties that use analog modems, the two external modem options are a StarTech modem or a MultiTech Modem. For counties that use wireless modems, the external modem options are either a Pantech modem or a MultiTech modem. In each case, only one of the two modem options was tested and staff recommendations for certification will only include the Pantech modem for wireless jurisdictions and the MultiTech modem for analog jurisdictions. These are the only two modem types currently used by DVS customers in Wisconsin and any future effort to introduce other types of modems would necessitate a full certification campaign.

Wisconsin Elections Commission Voting Equipment Review Panel

To solicit valuable feedback from local election officials and community advocates, the WEC formed the Voting Equipment Review Panel. In accordance with Wisconsin Administrative Code, Chapter EL 7, this panel includes municipal and county clerks, representatives of the disability community, and other advocates for the interest of the voting public.

Members of this panel attended the meeting both in person and virtually via Zoom. The meeting took place at the WEC office in Madison on September 28, 2023, from 2:00 p.m. to 3:30 p.m. DVS representatives provided a demonstration of both voting systems and attendees were encouraged to test the equipment themselves by marking ballots and interacting with all the hardware components under consideration. Comments and feedback from the Voting Equipment Review Panel are included as Appendix F.

Public Demonstration

Following the Voting Equipment Review Panel, a public demonstration was held on September 28, 2023, from 4:00 p.m. to 5:00 p.m. The public demonstration was appropriately noticed as a public meeting and was held in person in the WEC offices with DVS representatives available to answer questions and guide attendees through the functionality of the equipment. There were no attendees.

Statutory Compliance

Wis. Stat. § 5.91 provides the following requirements voting systems must meet to be approved for use in Wisconsin. Please see the text below of each requirement and staff’s analysis of each system’s compliance with the standards.

Wis. Stat. § 5.91(1)
The voting system enables an elector to vote in secret.
Staff Analysis
The DVS voting systems meet this requirement by allowing a voter to vote a paper ballot in the privacy of a voting booth or at the accessible voting station without assistance.

Wis. Stat. § 5.91(3)
The voting system enables the elector, for all elections, except primary elections, to vote for a ticket selected in part from the nominees of one party, and in part from nominees from other parties and write-in candidates
Staff Analysis
The DVS voting systems allow voters to split their ballot among as many parties as they wish during any election that is not a partisan primary.

Wis. Stat. § 5.91(4)
The voting system enables an elector to vote for a ticket of his or her own selection for any person for any office for whom he or she may desire to vote whenever write-in votes are permitted.
Staff Analysis
The DVS voting systems allow write-ins where permitted.

Wis. Stat. § 5.91(5)
The voting systems accommodate all referenda to be submitted to electors in the form provided by law.
Staff Analysis
The DVS voting systems meet this requirement. Referenda included as part of testing were accurately tabulated by all components.

Wis. Stat. § 5.91(6)

The voting system permits an elector in a primary election to vote for the candidates of the recognized political party of his or her choice, and the system rejects any ballot on which votes are cast in the primary of more than one recognized political party, except where a party designation is made or where an elector casts write-in votes for candidates of more than one party on a ballot that is distributed to the elector.

Staff Analysis

The DVS voting systems can be configured to always reject crossover votes without providing an opportunity for the voter to override. The system can also be programmed to provide a warning screen to the voter that identifies any crossover voted contest. Either one of these programming options allows these systems to meet this requirement. The warning screen provides options where the voter can choose to have their ballot returned to them or they can cast the ballot without correcting the crossover vote. The use of the override function was previously prohibited by statute, but Wis. Stats. §5.85(2)(b) expressly allows for the optional use of the override function in event of an overvote and the WEC has applied the same standard to the use of the override function in the event of crossover vote.

Wis. Stat. § 5.91(7)

The voting system enables the elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; to vote for or against any question upon which the elector is entitled to vote; and it rejects all choices recorded on a ballot for an office or a measure if the number of choices exceeds the number which an elector is entitled to vote for on such office or on such measure, except where an elector casts excess write-in votes upon a ballot that is distributed to the elector.

Staff Analysis

The DVS voting systems can be configured to always reject overvotes without providing an opportunity for the voter to override. The system can also be programmed to provide a warning screen to the voter that identifies any overvoted contest. Either one of these programming options allows these systems to meet this requirement. The warning screen provides options where the voter can choose to have their ballot returned to them or they can cast the ballot without correcting the overvote. The use of the override function was previously prohibited by statute, but Wis. Stats. §5.85(2)(b) expressly allows for the optional use of the override function in event of an overvote.

Wis. Stat. § 5.91(8)

The voting system permits an elector at a General Election by one action to vote for the candidates of a party for President and Vice President or for Governor and Lieutenant Governor.

Staff Analysis

The DVS voting systems meet this requirement.

Wis. Stat. § 5.91(9)

The voting system prevents an elector from voting for the same person more than once, except for excess write-in votes upon a ballot that is distributed to the elector.

Staff Analysis

The DVS voting systems meet this requirement.

Wis. Stat. § 5.91(10)

The voting system is suitably designed for the purpose used, of durable construction, and is usable safely, securely, efficiently, and accurately in the conduct of elections and counting of ballots.

Staff Analysis

The DVS voting systems meet this requirement.

Wis. Stat. § 5.91(11)

The voting system records and counts accurately every vote and maintains a cumulative tally of the total votes cast that is retrievable in the event of a power outage, evacuation or malfunction so that the records of votes cast prior to the time that the problem occurs is preserved.

Staff Analysis

The DVS voting systems meet this requirement.

Wis. Stat. § 5.91(12)

The voting system minimizes the possibility of disenfranchisement of electors as the result of failure to understand the method of operation or utilization or malfunction of the ballot, voting system, or other related equipment or materials.

Staff Analysis

The DVS voting systems can be programmed to provide warning screens to the voter that identifies any problem with their ballot. The warning screens provide an explanation of the problem and allow the voter to have their ballot returned to them to review and correct the error. The systems can be configured to always reject overvotes and crossover votes without providing an opportunity for the voter to override.

Wis. Stat. § 5.91(13)

The automatic tabulating equipment authorized for use in connection with the system includes a mechanism which makes the operator aware of whether the equipment is malfunctioning in such a way that an inaccurate tabulation of the votes could be obtained.

Staff Analysis

The DVS voting systems meet this requirement.

Wis. Stat. § 5.91(14)
The voting system does not use any mechanism by which a ballot is punched or punctured to record the votes cast by an elector.
Staff Analysis
The DVS voting systems do not use any such mechanism to record votes.

Wis. Stat. § 5.91(15)
The voting system permits an elector to privately verify the votes selected by the elector before casting his or her ballot.
Staff Analysis
The DVS voting systems meet this requirement through the use of hand-marked paper ballots and accessible voting equipment that provides both an electronic ballot review screen or a marked paper ballot that can be reviewed before tabulation.

Wis. Stat. § 5.91(16)
The voting system provides an elector the opportunity to change his or her votes and to correct any error or to obtain a replacement for a spoiled ballot prior to casting his or her ballot.
Staff Analysis
The DVS voting systems meet this requirement.

Wis. Stat. § 5.91(17)
Unless the ballot is counted at a central counting location, the voting system includes a mechanism for notifying an elector who attempts to cast an excess number of votes for a single office the ballot will not be counted and provides the elector with an opportunity to correct his or her ballot or to receive a replacement ballot.
Staff Analysis
The DVS voting systems can be programmed to provide warning screens to the voter that identify any problems with their ballot. The warning screens provide an explanation of the problem and allow the voter to have their ballot returned to them to review and correct the error. The systems can be configured to always reject overvotes and crossover votes without providing an opportunity for the voter to override.

Wis. Stat. § 5.91(18)
If the voting system consists of an electronic voting machine, the voting system generates a complete, permanent paper record showing all votes cast by the elector, that is verifiable by the elector, by either visual or nonvisual means as appropriate, before the elector leaves the voting area, and that enables a manual count or recount of each vote cast by the elector.
Staff Analysis
The DVS voting systems meet this requirement by utilizing either traditional paper ballot stock or a voter-verified paper audit trail that serves as a record of all votes cast.

The Help America Vote Act of 2002 (HAVA) also provides the following applicable requirements that voting systems must meet:

HAVA § 301(a)(1)(A)
The voting system shall: (i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted; (ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and (iii) if the voter selects votes for more than one candidate for a single office – (I) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and, (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted
HAVA § 301(a)(1)(C)
The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.
HAVA § 301(a)(3)(A)
The voting system shall— (A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters
Staff Analysis
The DVS voting system components meet these requirements through the inclusion of options for ADA-compliant voting machines municipalities can choose to employ.

Recommendations

Staff has reviewed the application materials, including the technical data package and testing lab report, and examined the results from the functional and modeming test campaigns to determine if these systems are compliant with both state and federal certification laws. Democracy Suite 5.17 and Democracy Suite 5.17S comply with all applicable state and federal requirements. The components of these voting systems met all standards over three mock elections and staff determined they can successfully run a transparent, fair, and secure election in compliance with Wisconsin Statutes. The systems also allow access to the electoral process for individuals with disabilities with the inclusion of the accessible features present on the ICE and ICX hardware components.

1. WEC staff recommends approval of Dominion Voting Systems' Democracy Suite 5.17 and Democracy Suite 5.17S and the components of these systems, set forth in Appendix C. These voting systems accurately completed the three mock elections and were able to accommodate the voting requirements of the Wisconsin election process. This recommendation is based on the EAC certification/documentation, the

VSTL test reports provided by Pro V&V and on the Democracy Suite 5.17S system successfully completing Wisconsin functional testing as dictated by the *Voting Systems Standards, Testing Protocols and Procedures Pertaining to the Use of Communication Devices in Wisconsin*.

2. WEC staff recommends that as a continuing condition of the WEC's approval, Dominion Voting Systems may not impose customer deadlines contrary to requirements provided in Wisconsin Statutes, as determined by the WEC. In order to enforce this provision, local jurisdictions purchasing Dominion Voting Systems equipment shall also include such a provision in their respective purchase contract or amend their contract if such a provision does not currently exist.
3. WEC staff recommends that as a continuing condition of the WEC's approval, that voting systems purchased and installed as part of Democracy Suite 5.17 and Democracy Suite 5.17S be configured in the same manner in which they were tested, subject to verification by the Commission or its designee. Once installed, the configuration must remain the same and may not be altered by Dominion Voting Systems nor by state, county, or municipal officials except as approved by the Commission.
4. WEC staff recommends that election inspectors continue to check both the write-in bin, where applicable, and main ballot bin for validly cast write-in votes after the close of polls in each election, and not rely upon the optional write-in report.
5. WEC staff recommends that any absentee ballot returned by the tabulation equipment with an overvote or crossover vote notification must be reviewed by election inspectors prior to being overridden or remade. If necessary, ballots must be remade pursuant to approved procedures listed in the Election Day and Election Administration manuals.
6. WEC staff recommends that any absentee ballot returned which has been marked with non-black ink be remade by election inspectors prior to any attempt at processing on the tabulation equipment.
7. WEC staff recommends that ballots marked with the ImageCast Evolution ballot marking device, the ImageCast X ballot marking device, or ImageCast X with voter-verified paper audit trail be included as part of the pre-election public test in jurisdictions where those hardware components are used.
8. WEC staff recommends clerks and election inspectors ensure that external modems are secured prior to, during, and after every election, with proper chain of custody documentation utilized.
9. WEC staff recommends that, as a result of the components tested and to reflect the equipment currently used by Wisconsin counties and municipalities, only the Pantech modem be approved for use in jurisdictions that transmit unofficial results wirelessly and only the MultiTech modem be approved for use in jurisdictions that transmit unofficial results via an analog phone line.
10. WEC staff recommends that as a continuing condition of the WEC's approval, that this system must always be configured to include the following options:
 - a. Automatic rejection of crossover and overvoted ballots with or without the option to override.
 - b. Automatic rejection of all improper ballots except blank ballots.
 - c. Digital ballot images shall be captured for all ballots tabulated by the system.
 - d. Automatically return marked ballots to the voter for physical review prior to casting when marked using the ICE tabulator BMD function.

- e. Provide visual warning messages, utilizing Commission approved language, to voters when overvotes and crossover votes are detected.
 - f. Voter ballot activation cards used as part of the ICX BMD or VVPAT be reprogrammed after each use and set to expire after a maximum of one hour.
11. As part of US EAC certificate: DVS-DemSuite5.17, only equipment included in this certificate can be used together to conduct an election in Wisconsin. Previous versions that were approved for use by the former Elections Board and the G.A.B. are not compatible with the new Dominion Voting Systems voting system and are not to be used together with the equipment seeking approval by the WEC, as this would void the US EAC certificate. If a jurisdiction upgrades to Democracy Suite 5.17, it needs to upgrade each and every component of the voting system to the requirements of what is approved herein. Likewise, if a jurisdiction upgrades to Democracy Suite 5.17S, it needs to upgrade each and every component of the voting system to the requirements of what is approved herein.
12. WEC staff recommends that as a condition of approval, Dominion Voting Systems shall abide by applicable Wisconsin public records laws. If, pursuant to a proper public records request, the customer receives a request for matters that might be proprietary or confidential, customer will notify Dominion Voting Systems, providing the same with the opportunity to either provide customer with the record that is requested for release to the requestor, or shall advise customer that Dominion Voting Systems objects to the release of the information, and provide the legal and factual basis of the objection. If for any reason, the customer concludes that customer is obligated to provide such records, Dominion Voting Systems shall provide such records immediately upon customer's request. Dominion Voting Systems shall negotiate and specify retention and public records production costs in writing with customers prior to charging said fees. In absence of meeting such conditions of approval, Dominion Voting Systems shall not charge customer for work performed pursuant to a proper public records request, except for the "actual, necessary, and direct" charge of responding to the records request, as that is defined and interpreted in Wisconsin law, plus shipping, handling, and chain of custody.
13. The Wisconsin application for approval contains a condition that requires the vendor to reimburse the WEC for all costs associated with the testing campaign and certification process. Dominion Voting Systems agreed to this requirement on the applications submitted to WEC on June 30, 2023, requesting the approval of Democracy Suite 5.17 and Democracy Suite 5.17S.

Proposed Motion

MOTION: The Wisconsin Elections Commission adopts the staff's recommendations for approval of the Dominion Voting Systems Application for Approval of Democracy Suite 5.17 in compliance with US EAC certificate DVS-DemSuite5.17 including the conditions described above, and the Dominion Voting Systems Application for Approval of Democracy Suite 5.17S including the conditions described above.

Appendices

- Appendix A: Wisconsin Statutes § 5.91
- Appendix B: Wisconsin Administrative Code Ch. EL 7
- Appendix C: US-EAC Certificate of Conformance / Scope of Certification
- Appendix D: Sample Voter Information Screens
- Appendix E: Voting Systems Standards, Testing Protocols and Procedures Pertaining to the Use of Communication Devices in Wisconsin
- Appendix F: Wisconsin Voting Equipment Review Panel Feedback

Appendix A: Wisconsin Statutes § 5.91

5.91 Requisites for approval of ballots, devices and equipment. No ballot, voting device, automatic tabulating equipment, or related equipment and materials to be used in an electronic voting system may be utilized in this state unless it is certified by the commission. The commission may revoke its certification of any ballot, device, equipment, or materials at any time for cause. The commission may certify any such voting device, automatic tabulating equipment, or related equipment or materials regardless of whether any such item is approved by the federal election assistance commission, but the commission may not certify any ballot, device, equipment, or material to be used in an electronic voting system unless it fulfills the following requirements:

- (1)** It enables an elector to vote in secrecy and to select the party for which an elector will vote in secrecy at a partisan primary election.
- (3)** Except in primary elections, it enables an elector to vote for a ticket selected in part from the nominees of one party, and in part from the nominees of other parties, and in part from independent candidates and in part of candidates whose names are written in by the elector.
- (4)** It enables an elector to vote for a ticket of his or her own selection for any person for any office for whom he or she may desire to vote whenever write-in votes are permitted.
- (5)** It accommodates all referenda to be submitted to the electors in the form provided by law.
- (6)** The voting device or machine permits an elector in a primary election to vote for the candidates of the recognized political party of his or her choice, and the automatic tabulating equipment or machine rejects any ballot on which votes are cast in the primary of more than one recognized political party, except where a party designation is made or where an elector casts write-in votes for candidates of more than one party on a ballot that is distributed to the elector.
- (7)** It permits an elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; to vote for or against any question upon which the elector is entitled to vote; and it rejects all choices recorded on a ballot for an office or a measure if the number of choices exceeds the number which an elector is entitled to vote for on such office or on such measure, except where an elector casts excess write-in votes upon a ballot that is distributed to the elector.

- (8)** It permits an elector, at a presidential or gubernatorial election, by one action to vote for the candidates of a party for president and vice president or for governor and lieutenant governor, respectively.
- (9)** It prevents an elector from voting for the same person more than once for the same office, except where an elector casts excess write-in votes upon a ballot that is distributed to the elector.
- (10)** It is suitably designed for the purpose used, of durable construction, and is usable safely, securely, efficiently and accurately in the conduct of elections and counting of ballots.
- (11)** It records correctly and counts accurately every vote properly cast and maintains a cumulative tally of the total votes cast that is retrievable in the event of a power outage, evacuation or malfunction so that the records of votes cast prior to the time that the problem occurs is preserved.
- (12)** It minimizes the possibility of disenfranchisement of electors as the result of failure to understand the method of operation or utilization or malfunction of the ballot, voting device, automatic tabulating equipment or related equipment or materials.
- (13)** The automatic tabulating equipment authorized for use in connection with the system includes a mechanism which makes the operator aware of whether the equipment is malfunctioning in such a way that an inaccurate tabulation of the votes could be obtained.
- (14)** It does not employ any mechanism by which a ballot is punched or punctured to record the votes cast by an elector.
- (15)** It permits an elector to privately verify the votes selected by the elector before casting his or her ballot.
- (16)** It provides an elector with the opportunity to change his or her votes and to correct any error or to obtain a replacement for a spoiled ballot prior to casting his or her ballot.
- (17)** Unless the ballot is counted at a central counting location, it includes a mechanism for notifying an elector who attempts to cast an excess number of votes for a single office that his or her votes for that office will not be counted, and provides the elector with an opportunity to correct his or her ballot or to receive and cast a replacement ballot.
- (18)** If the device consists of an electronic voting machine, it generates 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, and that enables a manual count or recount of each vote cast by the elector.

Appendix B: Wisconsin Administrative Code, Chapter EL 7

APPROVAL OF ELECTRONIC VOTING EQUIPMENT

EL 7.01 Application for approval of electronic voting system.

EL 7.02 Agency testing of electronic voting system.

EL 7.03 Continuing approval of electronic voting system.

Note: Chapter ElBd 7 was renumbered chapter GAB 7 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., [Register April 2008 No. 628](#). Chapter GAB 7 was renumbered Chapter EL 7 under s. 13.92 (4) (b) 1., Stats., [Register June 2016 No. 726](#).

EL 7.01 Application for approval of electronic voting system.

- (1) An application for approval of an electronic voting system shall be accompanied by all of the following:
- (a) A signed agreement that the vendor shall pay all costs, related to approval of the system, incurred by the elections commission, its designees and the vendor.
 - (b) Complete specifications for all hardware, firmware and software.
 - (c) All technical manuals and documentation related to the system.
 - (d) Complete instruction materials necessary for the operation of the equipment and a description of training available to users and purchasers.
 - (e) Reports from an independent testing authority accredited by the national association of state election directors (NASSED) demonstrating that the voting system conforms to all the standards recommended by the federal elections commission.
 - (f) A signed agreement requiring that the vendor shall immediately notify the elections commission of any modification to the voting system and requiring that the vendor will not offer, for use, sale or lease, any modified voting system, if the elections commission notifies the vendor that the modifications require that the system be approved again.
 - (g) A list showing all the states and municipalities in which the system has been approved for use and the length of time that the equipment has been in use in those jurisdictions.
- (2) The commission shall determine if the application is complete and, if it is, shall so notify the vendor in writing. If it is not complete, the elections commission shall so notify the vendor and shall detail any insufficiencies.
- (3) If the application is complete, the vendor shall prepare the voting system for three mock elections, using offices, referenda questions and candidates provided by the elections commission.

History: Cr. [Register, June, 2000, No. 534](#), eff. 7-1-00; **correction in (1) (a), (f), (2), (3) made under s. 13.92 (4) (b) 6., Stats., [Register June 2016 No. 726](#).**
EL 7.02 Agency testing of electronic voting system.

(1) The elections commission shall conduct a test of a voting system, submitted for approval under s. EL 7.01, to ensure that it meets the criteria set out in s. 5.91, Stats. The test shall be conducted using a mock election for the partisan primary, a mock general election with both a presidential and gubernatorial vote, and a mock nonpartisan election combined with a presidential preference vote.

(2) The elections commission may use a panel of local election officials and electors to assist in its review of the voting system.

(3) The elections commission may require that the voting system be used in an actual election as a condition of approval.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; correction in (1) to (3) made under s. 13.92 (4) (b) 6., Stats., and correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

EL 7.03 Continuing approval of electronic voting system.

(1) The elections commission may revoke the approval of any existing electronic voting system if it does not comply with the provisions of this chapter. As a condition of maintaining the elections commission's approval for the use of the voting system, the vendor shall inform the elections commission of all changes in the hardware, firmware and software and all jurisdictions using the voting system.

(2) The vendor shall, at its own expense, furnish, to an agent approved by the elections commission, for placement in escrow, a copy of the programs, documentation and source code used for any election in the state.

(3) The electronic voting system must be capable of transferring the data contained in the system to an electronic recording medium, pursuant to the provisions of s. 7.23, Stats.

(4) The vendor shall ensure that election results can be exported on election night into a statewide database developed by the elections commission.

(5) For good cause shown, the elections commission may exempt any electronic voting system from strict compliance with this chapter.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; correction in (1), (4), (5) made under s. 13.92 (4) (b) 6., Stats. and corrections in (5) made under s. 13.92 (4) (b) 7., Stats., and s. 35.17, Stats., Register June 2016 No. 726.

Appendix C: US-EAC Certificate of Conformance / Scope of Certification



United States Election Assistance Commission

Certificate of Conformance



**Dominion Voting Systems
Democracy Suite 5.17**

The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the *Voluntary Voting System Guidelines Version 1.0 (VMSG 1.0)*. Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the *EAC Voting System Testing and Certification Program Manual* and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.

Product Name: Democracy Suite

Model or Version: 5.17

Name of VSTL: Pro V&V

EAC Certification Number: DVS-DemSuite5.17

Date Issued: March, 16 2023

Steven M. Frid
Executive Director

Scope of Certification Attached

Manufacturer: *Dominion Voting Systems (DVS)* **Laboratory:** *Pro V&V*
System Name: *Democracy Suite 5.17* **Standard:** *VVSG 1.0*
Certificate: *DVS-DemSuite5.17* **Date:** *3/15/23*



Scope of Certification

This document describes the scope of the validation and certification of the system defined above. Any use, configuration changes, revision changes, additions or subtractions from the described system are not included in this evaluation.

Significance of EAC Certification

An EAC certification is an official recognition that a voting system (in a specific configuration or configurations) has been tested to and has met an identified set of Federal voting system standards. An EAC certification is **not**:

- An endorsement of a Manufacturer, voting system, or any of the system's components.
- A Federal warranty of the voting system or any of its components.
- A determination that a voting system, when fielded, will be operated in a manner that meets all HAVA requirements.
- A substitute for State or local certification and testing.
- A determination that the system is ready for use in an election.
- A determination that any particular component of a certified system is itself certified for use outside the certified configuration.

Representation of EAC Certification

Manufacturers may not represent or imply that a voting system is certified unless it has received a Certificate of Conformance for that system. Statements regarding EAC certification in brochures, on Web sites, on displays, and in advertising/sales literature must be made solely in reference to specific systems. Any action by a Manufacturer to suggest EAC endorsement of its product or organization is strictly prohibited and may result in a Manufacturer's suspension or other action pursuant to Federal civil and criminal law.

System Overview:

The D-Suite 5.17 Voting System is a paper-based optical scan voting consisting of the following major components: The Election Management System (EMS), the ImageCast Central (ICC), the ImageCast Precinct (ICP and ICP2), the ImageCast Evolution (ICE), and the ImageCast X ballot marking device (BMD). The D-Suite 5.17 Voting System configuration is a modification from the EAC approved D-Suite 5.5-D system configuration.

System Modifications:

The list below includes changes between this Democracy Suite 5.17 system and the baseline of the Democracy Suite 5.5-D Voting System:

GENERAL SYSTEM CHANGES

- System and security updates to Democracy Suite:
 - Upgrade to Windows Server 2019 and SQL Server 2019.
 - New tool for performing automated hardening procedure of all Windows-based components.
 - Additional encryption of election databases on ICE, ICP2 and ICX
 - ICX Smart Card Mutual Authentication and Secure Messaging
- Added support for Provisional Voting with ICX-BMD and QR ballots.
- Added support for ICX BMD to produce a Uniform Ballot.
- Added additional election-specific information to the barcode on paper ballots.
- Added support for Batch and Summary Cards in EED and ICC.
- Added ability in EED to configure the number of columns a contest should occupy on the ICX screen.
- Improved pseudo random number algorithm.
- Added ability to export server certificates for previously imported encrypted projects.

EMS

- System and security updates to the EMS system:
 - Expanding the use of Trusted Certificates
 - Additional Software Encryption of the SQL Database
 - Blocked auto-play for all external media.
- Modified UI for managing tabulators.
- Election Event Designer updates:
 - Added support for creating watermark images for paper ballot header, footer, and stubs.
 - Added information about status of election files in the Tabulator list to indicate whether election media has been programmed or needs to be re-programmed.
 - Improvement to election file generation
- Results Tally & Reporting updates:
 - Updated reporting module.
 - Added option to redact low turnout by precinct and/or counting group from CVR export for Primary elections.

ADJ

- Added an option to prevent adjudicators from adjudicating contests which do not meet selected out-stack conditions for the project.
- New Adjudication Activity Log Report and Export.
- Added ability to perform Database Back-ups and Maintenance Procedure.

ICC

- Add a configuration setting to force save both sides of the ballot for single sided ballots.
- Poll ID field extended from 6 characters in length to 10.
- Added a Status/Interrupt Report
- Update application to support HiPro Firmware version 1.0.1074

ICE

- Ability to display instructional text or contest heading on ICE Screen

ICP2

- Introduced option to specify a different passcode for the Poll Close action.
- Added a warning during poll-closing procedure reminding the Poll Worker to ensure that the Auxiliary Bin is empty.
- Added monitoring of the printer sensor to ensure the printer head is in the correct place.
- Prevented the Calibration Buttons from lighting up after the Poll has opened.

ICX

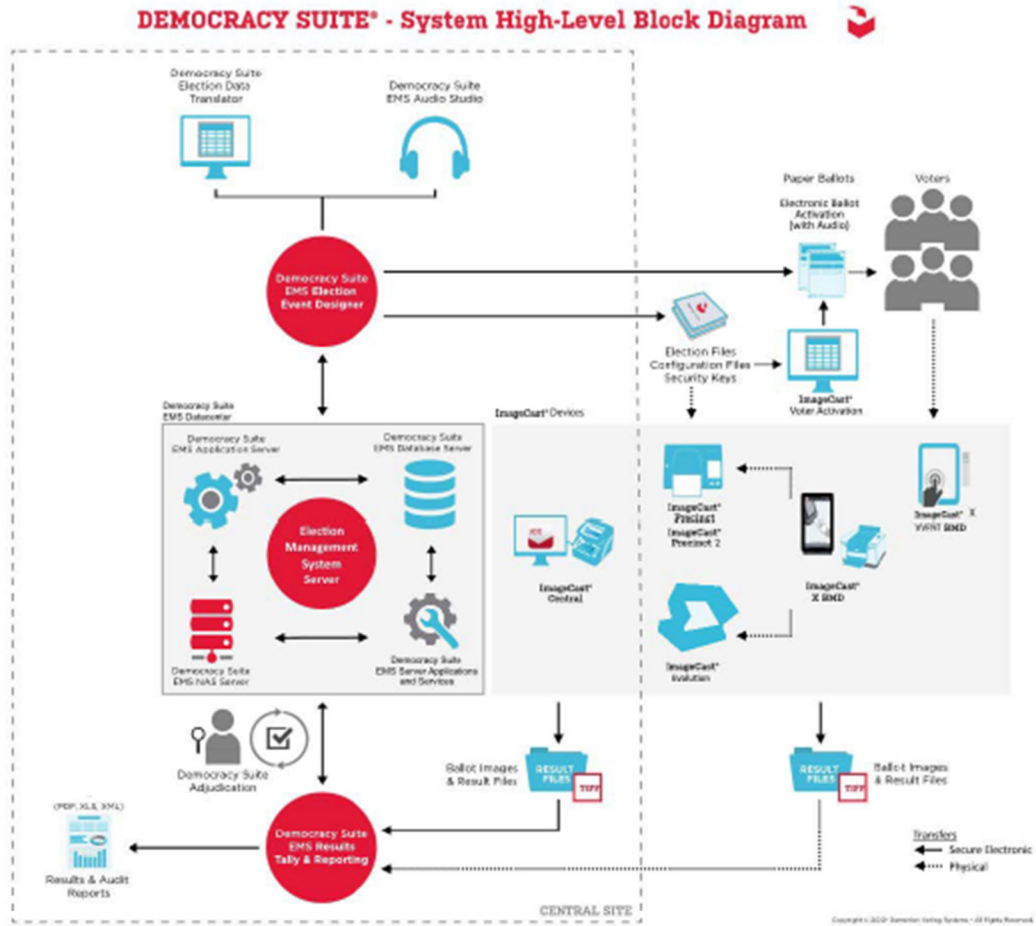
- System and Security updates to the ICX product:
 - Upgrade to Android version 8.1
 - Obfuscation of Source Code
 - Added tabulator serial number to the result files.
 - Support for Poll Worker and Technician Card expiration date
 - Additional USB models added to list of accepted devices.
- Added support for following BMD Printers:
 - Avison AP3061
 - HP M404dn
 - HP 4001dn
- Ability to choose if the text size selected on the screen is printed on the BMD QR ballot or not.
- Allow Poll Worker to cast a fleeing voter ballot.
- New Firmware version 169 for VVPAT V1 and V1C
- Updates to printed content for VVPAT:
 - Option to not print Total Ballots Cast in report footer.
 - Option to print Party information for Primaries.
 - Precinct ID changed to Precinct Name
- Reduced amount of paper used when printing on VVPAT.
- Removed ability to print Zero Report after ballots have been cast in VVPAT BMD mode.

Language capability:

This section provides information describing the languages supported by the various components of the system.

Language	ICE	ICP	ICP2	ICX
Alaska Native	Yes, if using Latin alphabet	Yes	No	No
Apache	Audio only	Audio only	No	No
Bengali	Yes	Yes	Yes	Yes
Chinese	Yes	Yes	Yes	Yes
English	Yes	Yes	Yes	Yes
Eskimo	Yes, if using Latin alphabet	Yes	No	No
Filipino	Yes, if using Latin alphabet	Yes	Yes	No
French	Yes	Yes	No	Yes
Hindi	Yes	Audio only	Yes	Yes
Japanese	Yes	Yes	Yes	Yes
Jicarilla	Audio only	Audio only	No	No
Keres	Audio only	Audio only	No	No
Khmer	Yes	Audio only	No	No
Korean	Yes	Yes	Yes	Yes
Navajo	Audio only	Audio only	No	No
Seminole	Audio only	Audio only	No	No
Spanish	Yes	Yes	Yes	Yes
Tagalog	No	No	No	Yes
Thai	Yes	Audio only	Yes	Yes
Towa	Audio only	Audio only	No	No
Ute	Audio only	Audio only	No	No
Vietnamese	Yes	Yes	Yes	Yes
Yuman	Audio only	Audio only	No	No

Democracy Suite 5.17 System Diagram



Components Included:

This section provides information describing the components and revision level of the primary components included in this Certification.

Voting System Software Components:

System Component	Software or Firmware Version	Operating System or COTS	Comments
EMS Election Event Designer (EED)	5.17.17.1	Windows 10 Pro	EMS
EMS Results Tally and Reporting (RTR)	5.17.17.1	Windows 10 Pro	EMS
EMS Application Server	5.17.17.1	Windows Server 19 Windows 10 Pro	EMS
EMS File System Service (FSS)	5.17.17.1	Window 10 Pro	EMS
EMS Audio Studio (AS)	5.17.17.1	Windows 10 Pro	EMS
EMS Data Center Manager (DCM)	5.17.17.1	Windows Server 19 Windows 10 Pro	EMS
EMS Election Data Translator (EDT)	5.17.17.1	Windows 10 Pro	EMS
ImageCast Voter Activation (ICVA)	5.17.17.1	Windows 10 Pro	EMS
EMS Adjudication (ADJ)	5.17.14.1	Windows 10 Pro	EMS
File System Server	5.17.17.1	Windows Server 19 Windows 10 Pro	EMS
Database Server	5.17.17.1	Windows Server 19 Windows 10 Pro	EMS
EMS Logger	5.17.17.1	Windows Server 19 Windows 10 Pro	EMS
NAS Server	5.17.17.1	Windows Server 19 Windows 10 Pro	EMS
EMS Adjudication Services	5.17.14.1	Windows Server 19 Windows 10 Pro	EMS
Smart Card Helper Service (SCHS)	5.17.17.1	Windows 10 Pro	EMS
Election Firmware	5.17.15.3	uClinux	ICP
ICP2 Application	5.17.15.1	Linux	ICP2
ICE Application	5.17.15.1	Ubuntu Linux	ICE
ImageCast Central Application	5.17.15.1	Windows 10 Pro	ICC
ICX Application	5.17.17.1	Android 8.1.0-2.2.4	ICX

Voting System Platform:

System Component	Version	Operating System or COTS	Comments
Microsoft Windows Server	2019	Unmodified COTS	EMS Server SW Component
Microsoft Windows	10 Professional	Unmodified COTS	EMS Client/Server SW Component
.NET Framework	3.5	Unmodified COTS	EMS Client/Server SW Component
.NET Framework	4.8	Unmodified COTS	EMS Client/Server SW Component
Microsoft Visual C++ 2015 Redistributable	2015	Unmodified COTS	EMS Client/Server SW Component
Microsoft Visual C++ 2013 Redistributable	2013	Unmodified COTS	EMS Client/Server SW Component

System Component	Version	Operating System or COTS	Comments
Java SE Runtime Environment	6.0 Update 20 or later	Unmodified COTS	EMS Client/Server SW Component
Microsoft SQL Server 2019 Standard SP2	2019 Standard SP2	Unmodified COTS	EMS Client/Server SW Component
Microsoft SQL Server 2019 Express with Advanced Services	2019 Express	Unmodified COTS	EMS Client/Server SW Component
Cepstral Voices	6.2.3	Unmodified COTS	EMS Client/Server SW Component
Arial Narrow Fonts	2.37a	Unmodified COTS	EMS Client/Server SW Component
Dallas 1-Wire Device Driver	4.05	Unmodified COTS	EMS Client/Server SW Component
Adobe Reader DC	AcrobatDC	Unmodified COTS	EMS Client/Server SW Component
Microsoft Access Database Engine	2010	Unmodified COTS	EMS Client/Server SW Component
Open XML SDK 2.0 for Microsoft Office	2.0	Unmodified COTS	EMS Client/Server SW Component
Infragistics NetAdvantage Win Forms	2011Vol. 1	Unmodified COTS	EMS SW Platform
Infragistics NetAdvantage Win Ultimate	2013 Vol. 1	Unmodified COTS	EMS SW Platform
Infragistics NetAdvantage WPF	2012 Vol. 1	Unmodified COTS	EMS SW Platform
TX Text Control Library for .NET	16.0	Unmodified COTS	EMS SW Platform
SOX	14.3.1	Unmodified COTS	EMS SW Platform
NLog	1.0.0.505	Unmodified COTS	EMS SW Platform
iTextSharp	5.0.5	Unmodified COTS	EMS SW Platform
CLR Security	2.3	Unmodified COTS	EMS SW Platform
ICSharpCode SharpZipLib	0.86.0	Unmodified COTS	EMS SW Platform
ISONewspaper	30.4	Unmodified COTS	EMS SW Platform
OpenSSL	1.0.2K	Unmodified COTS	EMS SW Platform
OpenSSL FIPS Object Module	2.0.14	Unmodified COTS	EMS SW Platform
SQLite	1.0.116	Unmodified COTS	EMS SW Platform
Lame	3.99.4	Unmodified COTS	EMS SW Platform
Speex	1.0.4	Unmodified COTS	EMS SW Platform
Ghostsript	9.54	Unmodified COTS	EMS SW Platform
One Wire API for .NET	4.0.2.0	Unmodified COTS	EMS SW Platform
Microsoft Expression Drawing;	3.0.0	Unmodified COTS	EMS SW Platform
MS Prism	4.0.0	Unmodified COTS	EMS SW Platform
MS Prism Unity Extensions	4.0.0	Unmodified COTS	EMS SW Platform
MS Build Community Tasks	1.4	Unmodified COTS	EMS SW Platform
MS Build Extension Pack	4.0.8.0	Unmodified COTS	EMS SW Platform
Enterprise Library	5.0	Unmodified COTS	EMS SW Platform
Entity Framework	6.1.3	Unmodified COTS	EMS SW Platform
NASM Assembler	2.12.02	Unmodified COTS	EMS SW Platform
newtonsoft.ison	13.01	Unmodified COTS	EMS SW Platform
Nlog	1.0.0.505	Unmodified COTS	EMS SW Platform
Ogg Vorbis decoder - oggdec	1.10.1	Unmodified COTS	EMS SW Platform
Ogg Vorbis encoder - oggenc2	2.88	Unmodified COTS	EMS SW Platform
PDFPrintingNet	4.8.2.0	Unmodified COTS	EMS SW Platform
Prism.Mvvm	1.1.1	Unmodified COTS	EMS SW Platform

System Component	Version	Operating System or COTS	Comments
Sox	14.3.1	Unmodified COTS	EMS SW Platform
SQLSysClrTypes.msi	Microsoft System CLR Types for SQL Server 2014	Unmodified COTS	EMS SW Platform
SSH.Net	2014.4.6.Beta2	Unmodified COTS	EMS SW Platform
Strawberry Perl	5.24.1.1	Unmodified COTS	EMS SW Platform
System Windows.Interactivity.WPF	2.0.20525	Unmodified COTS	EMS SW Platform
Toggle Switch Control Library	1.1.1	Unmodified COTS	EMS SW Platform
TreeViewEx	0.1.0.0	Unmodified COTS	EMS SW Platform
twaindsm-2.3.0.win.bin.zip	2.3.0	Unmodified COTS	EMS SW Platform
TX Text Control 16.0.NET	16.0	Unmodified COTS	EMS SW Platform
Visual Studio 2019 Professional	2019 Professional	Unmodified COTS	EMS SW Platform
Wix	3.11	Unmodified COTS	EMS SW Platform
Wix toolset Visual Studio Extension	3.11.2	Unmodified COTS	EMS SW Platform
Spreadsheetlight	3.4.3	Unmodified COTS	EMS SW Platform
Open SSL	1.0.2K	Unmodified COTS	ICP
OpenSSL FIPS Object Module	2.0.10	Unmodified COTS	ICP
Colilo	200400221	Unmodified COTS	ICP
uClinux tools	20040603	Unmodified COTS	ICP
uClinux	20070130	Modified COTS	ICP
Kernel (Linux)	2.6.30.9-dvs-36	Modified COTS	ICE
U-Boot	1.3.4	Modified COTS	ICE
BusyBox	1.20.2	Unmodified COTS	ICE
e2fsprogs	1.42.4	Unmodified COTS	ICE
Expat XML Parser	2.1.0	Unmodified COTS	ICE
Fontconfig	2.9.0	Unmodified COTS	ICE
Freetype	2.4.9	Unmodified COTS	ICE
I ² C Tools for Linux	3.1.0	Unmodified COTS	ICE
JPEG library	8d	Unmodified COTS	ICE
libogg	1.3.0	Unmodified COTS	ICE
libPNG	1.5.10	Unmodified COTS	ICE
libusb	1.0.8	Unmodified COTS	ICE
libusb-compat	0.1.3	Unmodified COTS	ICE
openssl	1.0.2k	Unmodified COTS	ICE
openssl-fips	2.0.10	Unmodified COTS	ICE
PPP	2.4.5	Unmodified COTS	ICE
quazip	0.7.6	Unmodified COTS	ICE
Qt Everywhere Linux	4.7.3	Unmodified COTS	ICE
skell	1.19	Unmodified COTS	ICE
SoundTouch	1.6.0	Unmodified COTS	ICE
speex	1.2rc1	Unmodified COTS	ICE
SQLite	3.7.13	Unmodified COTS	ICE
Sysfs Utilities	2.1.0	Unmodified COTS	ICE
TIFF library	4.0.1	Unmodified COTS	ICE
timezone	2012b	Unmodified COTS	ICE
USB ModeSwitch	1.2.4	Unmodified COTS	ICE
zlib	1.2.7	Unmodified COTS	ICE
Kernel	4.9.11	Modified COTS	ICP2
U-Boot	2017.03	Modified COTS	ICP2

System Component	Version	Operating System or COTS	Comments
Logback	1.1.1-12	Unmodified COTS	ICX SW
Speex	1.2rc1	Unmodified COTS	ICX SW
GreenDAO	2.2.1	Unmodified COTS	ICX SW
GSON	2.8.4	Unmodified COTS	ICX SW
Zxing Core	3.4.0	Modified COTS	ICX SW
SoundTouch	1.9.2	Modified COTS	ICX SW
Android	8.1	Modified COTS	ICX SW
OGG	1.3.2	Unmodified COTS	ICX SW
SLF4J	1.7.29	Unmodified COTS	ICX SW
USB Serial	3.2	Unmodified COTS	ICX SW
OpenSSL FIPS Object Module	2.0.10	Unmodified COTS	ICX SW Build Library
OpenSSL	1.0.2K	Unmodified COTS	ICC SW Build Library
OpenSSL FIPS Object Module	2.0.14	Unmodified COTS	ICC SW Build Library
1-Wire Driver (x86)	4.05	Unmodified COTS	ICC Runtime SW
1-Wire Driver (x64)	4.05	Unmodified COTS	ICC Runtime SW
Canon DR-G1130 TWAIN Driver	1.2 SP6	Unmodified COTS	ICC Runtime SW
Canon DR-G2140 TWAIN Driver	1.1.11807.24001 SP2	Unmodified COTS	ICC Runtime SW
Canon M160ii	M160II_DRIT_V12S P6	Unmodified COTS	ICC Runtime SW
Canon DR-M260 TWAIN Driver,	1.1.11803.19001 SP2	Unmodified COTS	ICC Runtime SW
InoTec HiPro 821 TWAIN Driver	1.3.0.4	Unmodified COTS	ICC Runtime SW
Visual C++ 2015 Redistributable (x86)	2015	Unmodified COTS	ICC Runtime SW
Microsoft Windows 10 Professional x64	10	Unmodified COTS	ICC Runtime SW
Strawberry Perl	5.24.1.1	Unmodified COTS	ICC Runtime SW
Visual Studio 2019 Professional	2019	Unmodified COTS	ICC Runtime SW
Machine Configuration File (MCF)	5.17.15.1_20220920	Proprietary	ICX Configuration File
Device Configuration File (DCF)	5.17.9.1_20220916	Proprietary	ICP and ICC Configuration File
ICE Machine Behavior Settings	5.17.8.1_EAC_5.17_20220727	Proprietary	ICE Configuration
ICP2 Machine Behavior Settings	5.17.8.1_EAC_5.17_20220727	Proprietary	ICP2 Configuration

Hardware Components:

System Component	Hardware Version	Proprietary or COTS	Comments
ImageCast Precinct (ICP)	PCOS-320C	Proprietary	Precinct Scanner
ImageCast Precinct (ICP)	PCOS-320A	Proprietary	Precinct Scanner
ImageCast 2 Precinct (ICP2)	PCOS-330A	Proprietary	Precinct Scanner
ImageCast Evolution (ICE)	PCOS-410A	Proprietary	Precinct Scanner
ICP Ballot Box	BOX-330A	Proprietary	Ballot Box
ICP Ballot Box	ElectionSource IM-COLLAPSIBLE	Proprietary	Ballot Box
ICE Ballot Box	BOX-410A	Proprietary	Ballot Box
ICE Ballot Box	BOX-420A	Proprietary	Ballot Box
ICP2 Ballot Box	BOX-350A	Proprietary	Ballot Box
ICP2 Ballot Box	ElectionSource IM-COLLAPSIBLE	Proprietary	Ballot Box
ICX UPS Inline EMI Filter	1.0	Proprietary	EMI Filter
ICX Tablet (Classic)	aValue 15" Tablet (SID-15V)	COTS	Ballot Marking Device
ICX Tablet (Classic)	aValue 21" Tablet (SID-21V)	COTS	Ballot Marking Device

System Component	Hardware Version	Proprietary or COTS	Comments
ICX Tablet (Prime)	aValue 21" Tablet (HID-21V) (Steel or Aluminum chassis)	COTS	Ballot Marking Device or Direct Recording Electronic
Thermal Printer (VVPAT)	KFI VRP3 V1 and V1C	COTS	Voter-verifiable paper audit trail (VVPAT)
Server	Dell PowerEdge R630	COTS	Standard Server
Server	Dell PowerEdge R640	COTS	Standard Server
ICC Workstation HW	Dell Optiplex 5270 All in One	COTS	
ICC Workstation HW	Dell OptiPlex 7440 All in One	COTS	
ICC Workstation HW	Dell OptiPlex 3050 All in One	COTS	
ICC Workstation HW	Dell OptiPlex 9030 All in One	COTS	
ICC Workstation HW	Dell OptiPlex 9020 All in One	COTS	
ICC Workstation HW	Dell OptiPlex 9010 All in One	COTS	
ICC Workstation HW	Dell Precision 3450 XE	COTS	
ICC Workstation HW	Dell Precision 3460 XE	COTS	
ICC Workstation HW	Dell Precision 3440 XE	COTS	
ICC Scanner	Canon imageFormula DR-G1130	COTS	Central Count Scanner
ICC Scanner	Canon imageFormula DR-M160 II	COTS	Central Count Scanner
ICC Scanner	Canon imageFormula DR-M260	COTS	Central Count Scanner
ICC Scanner	Canon imageFormula DR-G2140	COTS	Central Count Scanner
ICC Scanner	InoTec HiPro 821	COTS	Central Count Scanner
ICC Scanner	Dell Optiplex 7070	COTS	
ICC Scanner	Dell Optiplex 7060	COTS	
ICC Scanner	Dell Optiplex 7050	COTS	
ICC Scanner	Dell Optiplex XE3	COTS	
ICC Scanner	Dell Optiplex XE4	COTS	
ICC Scanner Monitor	Lenovo 10QXPAR1US	COTS	
ICC Scanner Monitor	Dell 2418HT Monitor	COTS	
ICC Scanner Monitor	Lenovo 11GCPAR1US	COTS	
ICC Scanner Monitor	Planar PCT2235	COTS	
Client Workstation HW and Express Server	Dell Precision 3430	COTS	
Client Workstation HW and Express Server	Dell Precision 3431	COTS	
Client Workstation HW and Express Server	Dell Precision T3420	COTS	
Client Workstation HW and Express Server	Dell Precision 3440 XE	COTS	
Client Workstation HW and Express Server	Dell Precision 3450 XE	COTS	
Client Workstation HW and Express Server	Dell Precision 3460 XE	COTS	
Client Workstation HW and Express Server	Dell Precision T1700	COTS	
Client Workstation HW and Express Server	Dell Precision T3420	COTS	
ImageCast Voter Activation (ICVA)	Dell Latitude 3330	COTS	
ImageCast Voter Activation (ICVA)	Dell Latitude 3420	COTS	
ImageCast Voter Activation (ICVA)	Dell Latitude 3410 (SSD)	COTS	

System Component	Hardware Version	Proprietary or COTS	Comments
ImageCast Voter Activation (ICVA)	Dell Latitude 3410 (HDD)	COTS	
ImageCast Voter Activation (ICVA)	Dell Latitude 3400	COTS	
ImageCast Voter Activation (ICVA)	Dell Latitude 3490	COTS	
ImageCast Voter Activation (ICVA)	Dell Latitude e3480	COTS	
ImageCast Voter Activation (ICVA)	Dell Latitude e3470	COTS	
ImageCast Voter Activation (ICVA)	Dell Latitude e7450	COTS	
ICX Printer and Report Printer	HP LaserJet Pro Printer M402dn	COTS	
ICX Printer	HP LaserJet Pro Printer M402dne	COTS	
ICX Printer	HP LaserJet Printer M501dn	COTS	
ICX Printer	HP LaserJet Printer 4001dn	COTS	
ICX Printer	HP LaserJet Printer M404dn	COTS	
ICX Printer	Avision Ap3061	COTS	
ICE Dual Monitor	AOC e1649FWU	COTS	
ICE Dual Monitor	Display Logic LM15.6-USB-DV.B	COTS	
Monitor	Dell Monitor P2422H	COTS	
Monitor	Dell Monitor P2419H	COTS	
Monitor	Dell P2417H	COTS	
iButton Programmer	Maxim iButton Programmer DS9490R# with DS1402-RP8+	COTS	
iButton	Dallas Maxim DS1963S-F5+	COTS	
UPS	Tripp Lite SMART1500RMXL2U	COTS	
UPS	APC SMT1500C Smart-UPS	COTS	
UPS	APC SMT1500 Smart-UPS	COTS	
UPS	APC BR1000G	COTS	
UPS	CyberPower PR1500LCD	COTS	
UPS	CyberPower PR1500LCD-VTVM	COTS	
Network Switch	Dell X1008	COTS	
Network Switch	Dell X1026	COTS	
Network Switch	Cisco 8-port Switch (CBS350-8T-E-2G)	COTS	
Network Switch	Cisco 24-port Switch (CBS350-24T-4G)	COTS	
Sip and Puff	Enabling Devices #972	COTS	
Headphones	Cyber Acoustics ACM-70 and 70B	COTS	
4-way Joystick Controller	S26	Modified COTS	
Rocker (Paddle) Switch	Enabling Device #971	COTS	
Rocker (Paddle) Switch	AbleNet 10033400 (2x)	COTS	
Rocker (Paddle) Switch Cable	Hosa Technology YMM-261 (for use with AbleNet switches)	COTS	
CF Card Dual-Slot Reader	Lexar USB 3.0	COTS	
CF Card Reader	Hoodman Steel USB 3.0 102015	COTS	

System Component	Hardware Version	Proprietary or COTS	Comments
CF Card Reader	Kingston FCR-HS4	COTS	
CF Card	Centon C4-CM-CF-16.4	COTS	
CF Card	RiTek RDCF8G-233XMCB2-i	COTS	
CF Card	SanDisk SDCFHS-008G	COTS	
SDHC Memory Card	Centon C4-ET-SDU-16.1	COTS	
SDHC Memory Card	Centon S4-ET-SDU3-8.1	COTS	
SDHC Memory Card	Centon S4-CM-SDHU1-8G-002	COTS	
SDHC Memory Card	Centon C4-CM-SDU1-8.2	COTS	
CF Card	SanDisk SDCFHS-004G	COTS	
USB Memory Device	Apricorn AEGIS Secure Key 3NX PN: ASK3-NX-128GB	COTS	
USB Memory Device	Apricorn AEGIS Secure Key 3NX PN: ASK3-NX-32GB	COTS	
USB Memory Device	Centon (BiCS4) PN: C4-CT-U3P2-16.3	COTS	
USB Memory Device	Centon S4-CM-U3P2-16.1	COTS	
USB Memory Device	Apacer EH353-M APHA016GAG0CG-3TM	COTS	
USB Memory Device	Centon (BiCS4) PN: C4-CT-U3P2-8.3	COTS	
USB Memory Device	Centon S4-CM-U3P2-8.1	COTS	
USB Memory Device	Apacer EH353-M APHA008GAG0CG-3TM	COTS	
USB Memory Device	o USB Memory Device (4GB): Verbatim 97087	COTS	
ATI - Serial	ATI handset	Proprietary	
ATI- USB	ATI-USB handset	Proprietary	
ACS PC-Linked Smart Card Reader	ACR38U	COTS	
ACS PC-Linked Smart Card Reader	ACR39U	COTS	
Smart Card Reader	HID Global Omnikey 3121	COTS	

System Limitations

This table depicts the limits the system has been tested and certified to meet.

Characteristic	Limiting Component	Limit	Component
Ballot positions	Ballot	462**/292*	22 in. Ballot
Precincts in an election	EMS	1000; 250	Memory, Standard; Express
Contests in an election	EMS	1000; 250	Memory, Standard; Express
Candidates/Counters in an election	EMS	10000; 2500	Memory, Standard; Express
Candidates/Counters in a precinct	Ballot	462**/240*	22 in. Ballot
Candidates/Counters in a tabulator	Tabulators	10000; 2500	Memory, Standard; Express
Ballot Styles in an election	Tabulators	3000; 750	Memory, Standard; Express
Ballot IDs in a tabulator	ICP	200	Memory, Both EMS
Contests in a ballot style	ICX BMD Ballot	156**/38*	14 in. Ballot, Both EMS
Candidates in a contest	Ballot	231**/240*	22 in. Ballot, Both EMS
Ballot styles in a precinct	Tabulators	5	Memory, Both EMS
Number of political parties	Tabulators	30	Memory, Both EMS
"Vote for" in a contest	Ballot	30**/24*	22 in. Ballot, Both EMS
Supported languages in an election	Tabulators	5	Memory, Both EMS

* Reflects the system limit for a ballot printed in landscape.

** Reflects the system limit for a ballot printed in portrait.

Functionality

VVSG Supported Functionality Declaration

Feature/Characteristic	Yes/No	Comment
Voter Verified Paper Audit Trails		
VVPAT	YES	
Accessibility		
Forward Approach	YES	
Parallel (Side) Approach	YES	
Closed Primary		
Primary: Closed	YES	
Open Primary		
Primary: Open supported)	YES	
Partisan & Non-Partisan:		
Partisan & Non-Partisan: Vote for 1 of N race	YES	
Partisan & Non-Partisan: Multi-member ("vote for N of M") board races	YES	
Partisan & Non-Partisan: "vote for 1" race with a single candidate and write-in voting	YES	
Partisan & Non-Partisan "vote for 1" race with no declared candidates and write-in voting	YES	
Write-In Voting:		
Write-in Voting: System default is a voting position identified for write-ins.	YES	
Write-in Voting: Without selecting a write in position.	NO	
Write-in: With No Declared Candidates	YES	
Write-in: Identification of write-ins for resolution at central count	YES	
Primary Presidential Delegation Nominations & Slates:		
Primary Presidential Delegation Nominations: Displayed delegate slates for each presidential party	YES	
Slate & Group Voting: one selection votes the slate.	YES	
Ballot Rotation:		
Rotation of Names within an Office; define all supported rotation methods for location on the ballot and vote tabulation/reporting	YES	
Straight Party Voting:		
Straight Party: A single selection for partisan races in a general election	YES	
Straight Party: Vote for each candidate individually	YES	
Straight Party: Modify straight party selections with crossover votes	YES	
Straight Party: A race without a candidate for one party	YES	
Straight Party: "N of M race (where "N">1)	YES	
Straight Party: Excludes a partisan contest from the straight party selection	YES	
Cross-Party Endorsement:		

Feature/Characteristic	Yes/No	Comment
Cross party endorsements, multiple parties endorse one candidate.	NO	
Split Precincts:		
Split Precincts: Multiple ballot styles	YES	
Split Precincts: P & M system support splits with correct contests and ballot identification of each split	YES	
Split Precincts: DRE matches voter to all applicable races.	YES	
Split Precincts: Reporting of voter counts (# of voters) to the precinct split level; Reporting of vote totals is to the precinct level	YES	
Vote N of M:		
Vote for N of M: Counts each selected candidate, if the maximum is not exceeded.	YES	
Vote for N of M: Invalidates all candidates in an overvote (paper)	YES	
Recall Issues, with options:		
Recall Issues with Options: Simple Yes/No with separate race/election. (Vote Yes or No Question)	YES	
Recall Issues with Options: Retain is the first option, Replacement candidate for the second or more options (Vote 1 of M)	NO	
Recall Issues with Options: Two contests with access to a second contest conditional upon a specific vote in contest one. (Must vote Yes to vote in 2nd contest.)	NO	
Recall Issues with Options: Two contests with access to a second contest conditional upon any vote in contest one. (Must vote Yes to vote in 2nd contest.)	NO	
Cumulative Voting		
Cumulative Voting: Voters are permitted to cast, as many votes as there are seats to be filled for one or more candidates. Voters are not limited to giving only one vote to a candidate. Instead, they can put multiple votes on one or more candidate.	NO	
Ranked Order Voting		
Ranked Order Voting: Voters can write in a ranked vote.	NO	
Ranked Order Voting: A ballot stops being counting when all ranked choices have been eliminated	NO	
Ranked Order Voting: A ballot with a skipped rank counts the vote for the next rank.	NO	

Feature/Characteristic	Yes/No	Comment
Ranked Order Voting: Voters rank candidates in a contest in order of choice. A candidate receiving a majority of the first-choice votes wins. If no candidate receives a majority of first choice votes, the last place candidate is deleted, each ballot cast for the deleted candidate counts for the second-choice candidate listed on the ballot. The process of eliminating the last place candidate and recounting the ballots continues until one candidate receives a majority of the vote	NO	
Ranked Order Voting: A ballot with two choices ranked the same, stops being counted at the point of two similarly ranked choices.	NO	
Ranked Order Voting: The total number of votes for two or more candidates with the least votes is less than the votes of the candidate with the next highest number of votes, the candidates with the least votes are eliminated simultaneously and their votes transferred to the next-ranked continuing candidate.	NO	
Provisional or Challenged Ballots		
Provisional/Challenged Ballots: A voted provisional ballots is identified but not included in the tabulation but can be added in the central count.	YES	
Provisional/Challenged Ballots: A voted provisional ballots is included in the tabulation, but is identified and can be subtracted in the central count	NO	
Provisional/Challenged Ballots: Provisional ballots maintain the secrecy of the ballot.	YES	
Overvotes		
Overvotes: Overvote invalidates the vote.	YES	
Overvotes – DRE / BMD: Prevented from or requires correction of overvoting.	YES	
Overvotes: If a system does not prevent overvotes, define how overvotes are counted.	YES	If allowed via voter override, overvotes are tallied separately.
Undervotes		
Undervotes: System counts undervotes cast for accounting purposes	YES	
Blank Ballots		
Totally Blank Ballots: Any blank ballot causes an alert.	YES	Precinct voters receive a warning; both precinct and central scanners will warn on blank ballots.

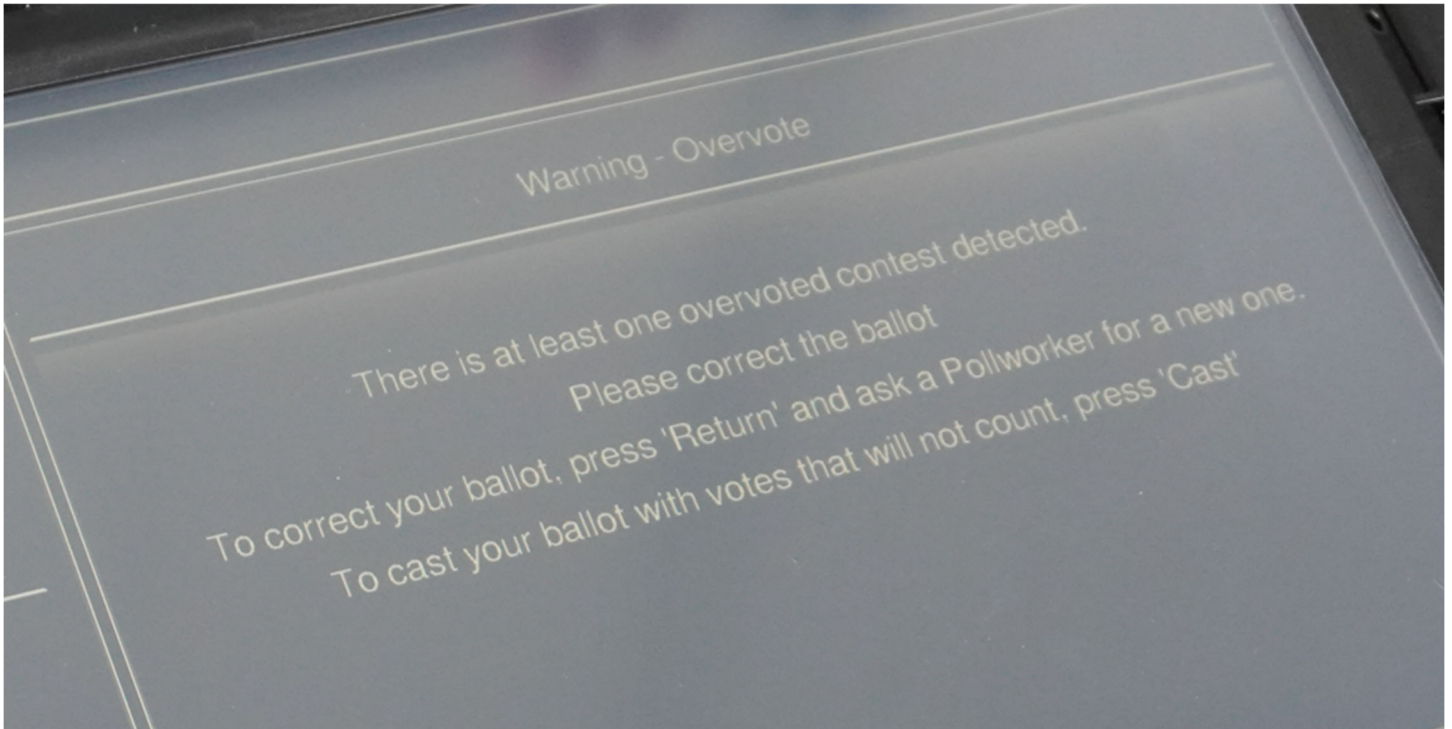
Feature/Characteristic	Yes/No	Comment
Totally Blank Ballots: If blank ballots are not immediately processed, there must be a provision to recognize and accept them	YES	Blank ballots are flagged. These ballots can be manually examined and then be scanned and accepted as blank; or precinct voter can override and accept.
Totally Blank Ballots: If operators can access a blank ballot, there must be a provision for resolution.	YES	Operators can examine a blank ballot, re-mark if needed and allowed, and then re-scan it.
Networking		
Wide Area Network – Use of Modems	NO	
Wide Area Network – Use of Wireless	NO	
Local Area Network – Use of TCP/IP	YES	Client/server only
Local Area Network – Use of Infrared	NO	
Local Area Network – Use of Wireless	NO	
Used as (if applicable):		
Precinct counting device	YES	ImageCast Precinct ImageCast Precinct 2 ImageCast Evolution
Central counting device	YES	ImageCast Central

Baseline Certification Engineering Change Orders (ECO)

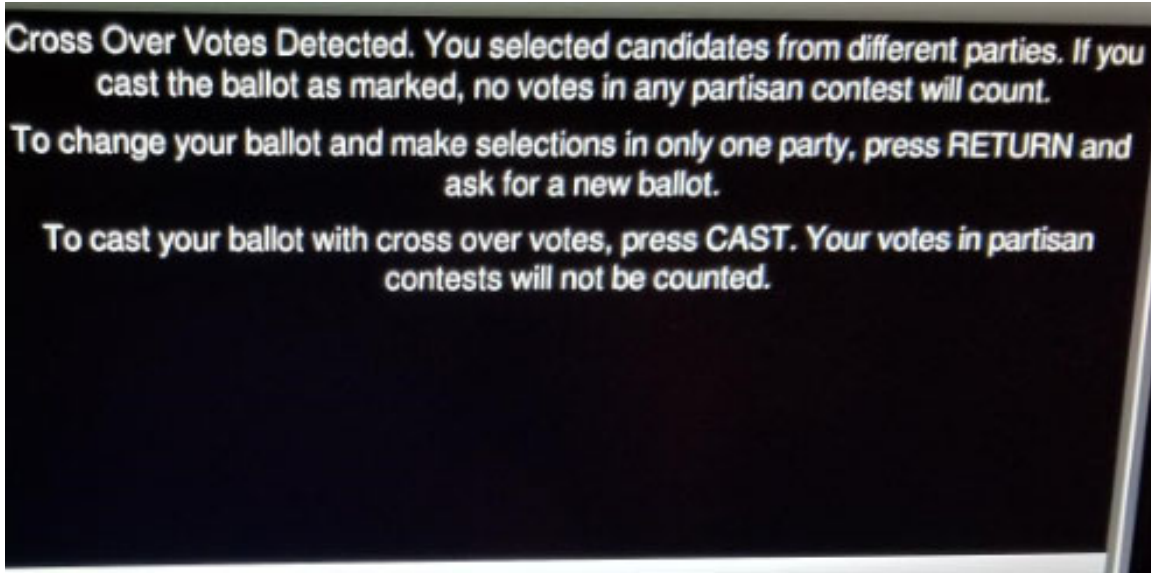
ECO #	Description
100706	Adjusted resistor value for paper sensor LED output
100718	Added Dell Precision 3440 XE EMS Express Server
100719	Added Dell Precision 3440 XE EMS-ADJ Workstation
100720	Added Dell Precision 3440 XE ICC Canon Workstation
100721	Added Dell Optiplex XE3 ICC HiPro Workstation
100741	Added Dell Latitude 3410 ICVA Workstation
100755	Added Cisco 24-port Switch (CBS350-24T-4G) Network Switch
100756	Added Cisco 8-port Switch (CBS350-8T-E-2G) Network Switch
100762	Added alternate supplier for the ICP2 LCD-Touch Panel assembly
100763	Added termination resistors to unused lines on the ICE Main Controller Board
100769	Added Dell Latitude 3410 with 512GB SSD Drive for ICVA Workstation
100772	Added Dell Latitude 3420 ICVA Workstation
100802	Added new ICP2 printer door that captures the printer platen roller onto the door
100803	Added new ICE DDR Memory Module
100812	Added alternate supplier for the ICE LCD-Touch Panel assembly
100819	Added new ICP2 Printer Controller Chip vendor
100826	ICP Provisional Flag Modification (5.5-B)
100827	ICP Provisional Flag Modification (5.5-C)
100829	Added Dell Precision 3450 XE EMS Express Server
100830	Added Dell Precision 3450 XE EMS-ADJ Client Workstation
100831	Added Dell Precision 3450 XE ICC Canon Workstation
100832	Added Lenovo 11GCPAR1US Touchscreen monitor for HiPro
100833	ICX Prime BIOS 1.40C Update
100843	Removal of ICP2 Ethernet Port
100845	Removal of ICE Ethernet Port
100849	Added New Centon 8GB SDHC Card - BiCS4
100850	Added New Centon 8GB microSD Memory Card -BiCS4
100864	Added new EMS Monitor – P2422H
100791	Added new ICE Battery Pack
100898	Removal of ICE Smartcard Reader
100891	Added Dell Precision 3460 XE EMS Express Server
100903	Added Dell Precision 3460 XE EMS-ADJ Client Workstation
100904	Added Dell Precision 3460 XE ICC Canon Workstation

Appendix D: Sample Voter Information Screens

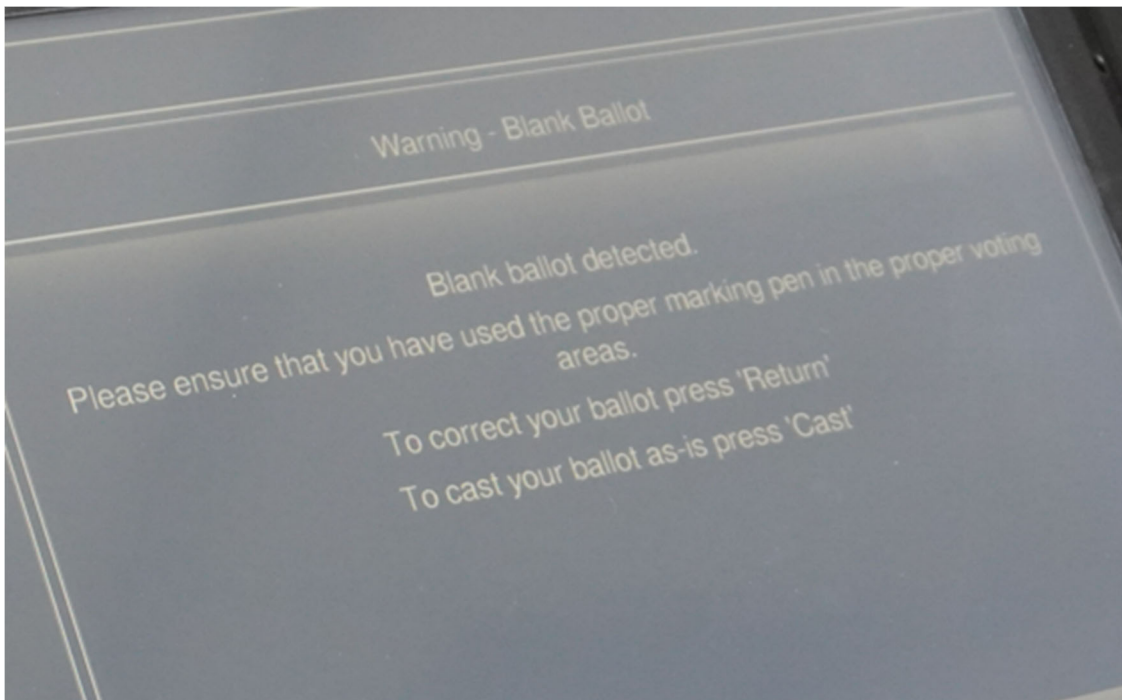
Overvote Notification: If the ballot contains an overvote, i.e., the voter has selected more choices than they are eligible to make in a particular contest, teach tabulator will identify the overvoted contest and advise the number of choices a voter is eligible to make. The voter will have the option to either have the ballot returned or override the overvote notification. If the ballot is returned, the voter has the opportunity to spoil their first ballot and vote a new one. If the overvote warning is overridden and the voter chooses to cast the ballot as marked, they are warned that their choices in any overvoted contest will not count. This language reflects the requirements as stipulated by the WEC.



Crossover Vote Notification: If a ballot is inserted on which a voter has made choices in more than one party's primary, a warning message will appear advising the voter of such and identifying the contests with crossover votes. As with the overvote warning, the voter has the option of either having their ballot returned or casting it with the crossover votes as marked. If the voter chooses to cast their ballot as-is, any choices in contests with crossover votes will not count. This verbiage also reflects the requirements as stipulated by the WEC.



Blank Ballot: If a voter inserts a ballot on which they have made no choices, this warning will appear. The voter has the option of having the ballot returned or casting it as-is.



Appendix E: Voting Systems Standards, Testing Protocols and Procedures Pertaining to the Use of Communication Devices in Wisconsin

PART I: TESTING AND DOCUMENTATION REVIEW STANDARDS

Applicable VVSG Standard

The modem component of the voting system or equipment must be tested to the requirements contained in the most recent version or versions of the Voluntary Voting System Guidelines (VVSG) currently accepted for testing and certification by the U.S. Election Assistance Commission (EAC). Compliance with the applicable VVSG may be substantiated through federal certification by the EAC, through certification by another state that requires compliance with the applicable VVSG, or through testing conducted by a federally certified voting system test laboratory (VSTL) to the standards contained in the applicable VVSG. Meeting the requirements contained in the VVSG may substantiate compliance with the voting system requirements contained in Section 301 of the Help America Vote Act of 2002 (HAVA).

In the event that a system version containing telecommunications components does not receive EAC certification or is not submitted for EAC certification by the vendor, a detailed explanation shall be provided to WEC staff at the time of application listing any deficiencies that would limit the system in question from meeting the certification requirements as stated in the currently accepted VVSG testing standards in both technical and simplified language. If any of the documentation submitted to WEC is proprietary in nature, or contains protected trade secrets, the vendor shall provide an additional redacted copy of all materials. The aforementioned documentation shall be accompanied by the report from an EAC accredited VSTL listing the types of testing conducted on the system in question, the VVSG testing standard utilized, and the results of all said tests. WEC reserves the right to contact the VSTL directly to further inquire about testing of the system and ask for any clarification that may be deemed necessary as part of the documentation review prior to conducting Wisconsin state certification testing. While Wis. Stat. § 5.91 specifies that EAC certification is not required for Wisconsin state certification to be issued to a voting system, WEC staff must be provided with the most detailed information possible during the application process, including but not limited to EAC and/or VSTL report(s), technical system schematics, telecommunications specifications (including network diagrams), system security protocol, and any other documentation as required by Wis. Admin. Code EL 7.01.

Access to Election Data

Provisions shall be made for authorized access to election results after closing of the polls and prior to the publication of the official canvass of the vote. Therefore, all systems must be capable of generating an export file to communicate results from the election jurisdiction to the Central processing location on election night after all results have been accumulated. The system may be designed so that results may be transferred to an alternate database or device. Access to the alternate file shall in no way affect the control, processing, and integrity of the primary file or allow the primary file to be affected in any way.

Security

All voting system functions shall prevent unauthorized access to them and preclude the execution of authorized functions in an improper sequence. System functions shall be executable only in the intended manner and order of events and under the intended conditions. Preconditions to a system function shall be logically related to the function so as to preclude its execution if the preconditions have not been met.

Accuracy

A voting system must be capable of accurately recording and reporting votes cast. Accuracy provisions shall be evidenced by the inclusion of control logic and data processing methods, which incorporate error detection and correction methods.

Data Integrity

A voting system shall contain provisions for maintaining the integrity of voting and audit data during an election and for a period of at least 22 months thereafter. These provisions shall include protection against:

1. the interruption of electrical power
2. generated or induced electromagnetic radiation
3. ambient temperature and humidity
4. the failure of any data input or storage device
5. any attempt at an improper data entry or retrieval procedure

Reliability

Successful Completion of the Logic and Accuracy test shall be determined by two criteria

1. The number of failures in transmission
2. Accuracy of vote counting

The failure or connectivity rate will be determined by observing the number of relevant failures that occur during equipment operation. During testing, WEC staff shall maintain logs of all connection attempts. Attempts that are both successful and unsuccessful shall be noted in the logs with this information used to compile the connectivity rate. Similar logs shall be kept for calculating the rate of successful data transmissions. The accuracy is to be measured by verifying the completeness of the totals received. All test results received in the county office, whether transmitted via wired or wireless connection, shall be compared to the pre-determined results set by WEC staff to ensure that transmitted results match anticipated results.

PART II: TEST PROCEDURES AND PROTOCOLS

Overview of Telecommunication Test

The telecommunication test focuses on system hardware and software function and performance for the transmission of data that is used to operate the system and report election results. This test applies to the requirements for Volume I, Section 6 of the EAC 2005 VVSG. This testing is intended to complement the network security requirements found in Volume I, Section 7 of the EAC 2005 VVSG, which include requirements for voter and administrator access, availability of network service, data

confidentiality, and data integrity. Most importantly, security services must restrict access to local election system components from public resources, and these services must also restrict access to voting system data while it is in transit through public networks. Compliance with Section 7, EAC 2005 VVSG shall be evidenced by a VSTL report submitted with the vendor's application for approval of a voting system.

Prior to conducting any system test, WEC staff shall thoroughly review all submitted documentation including but not limited to EAC and/or VSTL report(s), technical system schematics, telecommunications specifications (including network diagrams), system security protocols, and any other documents submitted as required pursuant to Wis. Admin. Code EL 7.01.

In an effort to achieve these standards and to verify the proper functionality of the units under test, the following methods will be used to test each component of the voting system:

Wired Modem/Analog Connection Capability Test Plan

Test Objective: To transfer the results from the tabulator to the Election Management System via a wired network correctly.

Test Plan:

1. Power up tabulators and generate zero tape
2. Insert test ballots into tabulator. Once completed, close polls and generate results tape
3. Attempt to transmit results prior to the closing of the polls and printing of results tape
4. Set up a telephone line simulator that contains as many as eight phone lines
5. Perform communication suite for election night reporting using a bank with as many as seven analog modems:
 - a. Connect the central site election management system to the telephone line simulator and connect the modems to the remaining telephone line ports
 - b. Setup the phone line numbers in the telephone line simulator
 - c. Use the simulated election to upload the election results
 - i. Use at least eight tabulators in different reporting units
 - ii. Use as many as two tabulators within the same reporting units
 - d. Simulate the following transmission anomalies
 - i. Attempt to upload results from a tabulating device to a computer which is not part of the voting system
 - ii. Attempt to upload results from a non-tabulating device to the central site connected to the modem bank
 - iii. Attempt to load stress by simulating a denial of service (DOS) attack or attempt to upload more than one polling location results
6. Document results on appropriate telecommunications testing data sheet
7. Following the conclusion of testing, staff must confirm the accuracy of the transmitted data by ensuring that the transmitted results match the expected results
8. Following the conclusion of testing, WEC staff shall obtain all transmission logs, ballot images, cast vote records, and results tapes for all testing locations

Wireless Capability Test Plan

Test Objective: To transfer the results from the tabulator to EMS via a wireless network correctly.

Test Plan:

1. Power up tabulators and generate zero tape
2. Insert test ballots into tabulator. Once completed, close polls and generate results tape
3. Attempt to transmit results prior to the closing of the polls and printing of results tape
4. Perform wireless communication suite for election night reporting:
 - a. Use the simulated election to upload the election results using wireless transfer to the secure FTP server (SFTP)
 - b. Use at least eight tabulators in different reporting units
 - c. Use as many as two tabulators within the same reporting unit
5. Simulate the following transmission anomalies
 - a. Attempt to upload results from a tabulating device to a computer which is not part of the voting system
 - b. Attempt to upload results from a non-tabulating device to the SFTP server
 - c. Attempt to load stress by simulating a denial of service (DOS) attack or attempt to upload more than one polling location results
 - d. If possible, simulate a weak signal
 - e. If possible, simulate an intrusion
 - f. If possible, attempt to intercept transmission signals
6. Document testing results on appropriate telecommunications testing data sheet
7. Following the conclusion of testing, staff must confirm the accuracy of the transmitted data by ensuring that the transmitted results match the expected results
8. Following the conclusion of testing, WEC staff shall obtain all transmission logs, ballot images, and cast vote records for all testing locations

Test Conclusions for Wired and Wireless Transmission

1. System must be capable of transferring 100% of the contents of results test packs without error for each successful transmission.
2. Furthermore, system must demonstrate secure rate of transmission consistent with security requirements.
3. System must demonstrate the proper functionality to ensure ease of use for clerks on election night.
4. System must provide notification of transmission failure to election inspectors
5. System must be free of any and all remote access software
6. System must be configured such that the modem component remains inoperable until after the official closing of the polls and printing of one (1) copy of the results tape.
7. System modems located in polling place tabulating equipment shall not be capable of receiving wireless transmissions, only of sending results packets to the central site as described above.

PART III: PROPOSED SECURITY PROCEDURES

Staff recommends that as a condition of purchase, any municipality or county which purchases this equipment and uses modem functionality must also agree to the following conditions of approval.

1. Devices which may be incorporated in or attached to components of the system for the purpose of transmitting tabulation data to another data processing system, printing system, or display device shall not be used for the preparation or printing of an official canvass of the vote unless they conform to a data interchange and interface structure and protocol which incorporates some form of error checking.

2. Any jurisdiction using a modeming solution to transfer results from the polling place to the central count location may not activate the modem functionality until after the polling place closes.
3. Both vendor and county must ensure that there is no voting system internet connectivity at the central site aside from that which is required to conduct pre-election testing and election night results transmission. At all other times, the voting system server must remain disconnected from the internet or any devices connected directly or indirectly to the internet.
4. Any municipality using modeming technology must have one set of results printed before it attempts to modem any data.
5. Any municipality purchasing and using modem technology to transfer results from the polling location to the central site are encouraged to conduct an audit of the voting equipment after the conclusion of the canvass process.
6. Default passwords provided by the vendor to county/municipality must be changed upon receipt of equipment.
7. Counties must change their passwords after every election.
Counties must take precautions to prevent unauthorized physical access to servers.

PART IV: CONDITIONS FOR APPROVAL

Additionally, staff recommends that, as a condition/continuing condition of approval, the vendor shall:

1. Reimburse actual costs incurred by WEC in examining the system (*including travel and lodging*) pursuant to state processes.
2. Configure modem component to remain inoperative (incapable of sending transmissions) prior to the closing of the polls and the printing of tabulated results.
3. Vendor must notify WEC promptly should any security vulnerability be discovered.
4. Both vendor and county must ensure that there is no voting system internet connectivity at the central county site aside from that which is required to conduct pre-election testing and election night results transmission. At all other times, the voting system server must remain in a non-connected, air gapped state.

Part V: Conditions for continued approval

1. WEC reserves the right to schedule site visits to ensure that system was installed per certification standards to include review of:
 - a. Internal and external modems
 - b. Chain of custody documentation
 - c. Hash validation checks
 - d. Hardware and software configuration
2. WEC reserves the right to request election night transmission logs from a random selection of counties

Appendix F: Wisconsin Voting Equipment Review Panel Feedback

These comments were provided via a structured feedback form and additional comments were provided via email. Bullet points are direct quotes from participants but have been grouped by theme by WEC staff.

1. How would you rate the functionality of the equipment?

ICC Avg. rating 3.5/5

- This piece of equipment has sorting features that would be beneficial for some election officials to be able to easily identify certain features of ballots, such as write-ins. This could assist with end-of-night reconciliation.
- It can also be useful for processing absentee ballots as it can more quickly feed and read a stack of ballots.
- Central count machine seems like a good way to sort ballots in modest sized municipalities.

ICP2 Avg. rating: 4/5

- This seemed to work fine. It does not have the same issues as the ICE as it is not a dual tabulator and accessible voting equipment.

ICE Avg. rating: 2.5/5

- This machine seems to work fine as a tabulator but does not cut it as accessible equipment.
- People with disabilities should not need to vote on a tabulator.

ICX BMD w/ printer Avg. rating: 4/5

- This system is much preferred to the ICE accessible equipment. It has an updated and more user-friendly interface.
- Has too many screens/options/keys/cards [to initiate voting session] for poll workers to remember how to use them.
- Features seem secure and allows voter to know if there is an issue with their ballot.

ICX VVPAT Avg. rating: 3.5/5

- Has too many screens/options/keys/cards [to initiate voting session] for poll workers to remember how to use them.
- There is a concern that with the receipt tape and poll list with voter numbers, which are available public records, someone could request both and use them to determine how voters in a ward or community voted.
- Voters have the right to privacy and this system would not be able to guarantee that right.
- I would not recommend certifying this piece of equipment at this time.

2. How would you rate the accessible features?

ICE w/ auxiliary screen Avg. rating: 1.5/5

Process

- The interface of the accessible voting session is clunky and difficult to navigate, even for those who are used to navigating with assistive technology.
- It was a painfully cumbersome process to work through the ballot. There is a high level of repetition with each contest, which slows down the voting process significantly. It took me 15 minutes to vote my

ballot. Even as someone who is very adept at using tactile equipment and managing a screen reader, and who figured out how to skip the third re-reading of ballot selections, it took a long time. I was very fatigued after marking the ballot. I can't imagine someone who may not feel as self-assured as a person with vision loss or with dealing with technology having the patience and persistence to get through that process.

- Even with the auxiliary screen, completing a ballot requires poll worker to interrupt line of people returning their own ballots.
- Voting had to pause two times, once for the poll worker to begin the accessible voting session and another time for the poll worker to initiate printing on the ballot.
- I found using the aux screen to be a truly awful process and am deeply concerned that the very people who would benefit from accessible equipment will not use it because of how cumbersome and unusable it was.
- It was telling in the presentation by the equipment representatives that they chose to turn certain elements on and/or off to speed up the voting process in the demo. The system takes a long time to navigate and would take even an experienced voter in excess of 15 minutes to complete marking their ballot using this technology.

Privacy and Independence

- The system lacks the ability for the voter to cast their ballot privately and independently. While the transition from tabulator to sending the ballot to the auxiliary screen is short (30 seconds), it requires a poll worker to make the transition. It is obvious to others in the polling place that the voter is getting some sort of assistance as they walk to the tabulator with the poll worker and then walk over to the aux screen. After voting the ballot, the voter must call a poll worker over to the aux screen to transfer the ballot back to the tabulator, calling attention to themselves once again. The poll worker and the voter then travel back to the tabulator where the voter prints their ballot from the ADA marking system. The ballot comes out of the tabulator and then has to be reinserted to tabulate. Again, during this process, tabulation of ballots from other voters needs to halt.
- Voters with disabilities are not able to vote privately and independently.

Screen

- The size of the aux screen was very small and hard to see. When I enlarged the font to a readable size for me, I could only see a tiny portion of the ballot and had to scroll to access it all. For many people with vision loss, tracking is very difficult and is compounded by having the scroll. It's easy to lose our place and I'm concerned that this could lead to ballot marking errors and overall fatigue.

ICX BMD w/ printer Avg. rating: 4/5

Process

- If I mismarked my ballot, it was easy to correct it either right after voting the contest or when reviewing the completed ballot before printing.
- It took a little bit for me to wrap my head around inserting a plastic card to bring up the accessible voting session, but this made sense after I did it for the first time. Potentially when training voters to use the equipment, offering some language about how to insert the card, making parallels to inserting a credit card, could be helpful.

- I like the ICX BMD the most, best features for people with disabilities.
- Interestingly, I sequenced my testing with doing the [ICE with the] aux screen first and then the new touch screen. It was a night and day contrast. Where it took me at least 15 minutes to vote my ballot on the aux screen, it took me half of that time to vote on the equipment that was brought for certification.

Privacy and Independence

- If given the card when checking in, the voting process can be done privately and independently throughout, which is key!
- I loved that it printed a ballot that is equivalent to a ballot marked by a pen. This preserve ballot anonymity.
- It varies the markings on the ballot to more closely mirror how people mark their ballots. Adds an additional layer of privacy for voters using this equipment to mark their ballot.
- Consideration of placement of the screen in the voting area will be very important, since it is so large.
- The system also separates the ballot marking features and tabulation of ballots, so it does not have the same issues that the ICE equipment has.
- There was discussion from presenter that things are easier with a “helper” for someone with a disability. Voting should be made to be independent/accessible.
- I am very comfortable recommending this equipment for certification. If certified, I would highly recommend that counties using ICE equipment add this marking device as soon as possible to ensure the voter has a truly private and independent voting experience.

Screen

- As someone with a bit of functional vision, I found the screen to be accessible because of my ability to adjust font size and contrast. The screen did not seem to pick up a lot of glare. It was at a good angle for interacting.
- When I switched modes to the audio/visual, which didn't require the ballot marking device, but required using the touch screen, I found this easy to use as well. I could see voters liking this option if they aren't comfortable using a tactile device but would rather use the touch screen. They would still have the benefit of the audio as support with the visual.

Audio

- The speech was clearly understood.
- When using the audio interface, the instructions on how to use the device were very clear. I also liked that I could jump to the instructions easily if I needed to review.

Keypad

- The handheld ballot marking device [keypad] was intuitive, but also clearly marked with tactile features and braille. The bright color coding was also helpful. Because the buttons were large, they would be easy to find with less sensitivity in one's fingers. The shape of the device made for ease in holding it, especially when voting a long ballot.

- This system functions similarly to the ICX BMD so the accessibility features to make your selections are quite good.
- However, the system does not print a regular ballot, instead it prints a teeny tiny receipt like record of the person's votes.
- The font is so small it would be very difficult for someone to read and review their selections.
- The audio voting feature was quiet and too fast. At regular speed it takes forever.

3. Rate your overall impression of the system.

ICC Avg. rating 3.5/5

ICP2 Avg. rating: 4/5

ICE Avg. rating: 2/5

ICX BMD Avg. rating: 4/5

ICX VVPAT Avg. rating: 3/5



Wisconsin Elections Commission

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DATE: For the November 2, 2023, Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

SUBJECT: Scheduling Commission Meetings for 2024

Quarterly Meetings

Each year the Commission adopts by majority vote a meeting schedule for the quarterly meetings of the Commission for the coming year. Dates for the Commission to consider in 2024 are listed below for each quarter. Recommended Motion #1 asks the Commission to adopt a date, time, and place (in-person) for each quarterly meeting. Wisconsin State Statute §15.06(5) requires Commissions to meet in-person at least quarterly.

1st Quarter: February 5, 6, 7, 8, 9, 12, 13, 14, 15, or 16 (earlier is better as the Spring Primary is on February 20)

2nd Quarter: June 17, 18, 19, 20, 21, 24, 25, 26, or 27 (earlier is better as ballots go out for August on June 26)

3rd Quarter: September 9, 10, 11, 12, 13, 16, or 17 (earlier is better as ballots go out for November on September 18)

4th Quarter: October 7, 8, 9, 10, 15, 16, or 17 (earlier is better as in-person absentee voting for November starts October 22)

Statutorily Required Meetings for 2024

There are other meetings of the Commission that are set by statute. These meetings mostly relate to approving ballot access prior to an election. A vote is not necessary to set these meetings, but Commissioners may wish to establish a time and place for the following meeting by Motion. Recommended Motion #2 provides this framework. Statutorily required meetings for 2024 are:

- *January 9, 2024:* Approval of candidates for ballot access for the Spring Elections
- *June 10, 2024:* Approval of candidates for ballot access for the Fall Elections
- *August 27, 2024:* Deadline to approve Independent candidates who have filed paperwork to run for the office of President of the United State of America

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Scheduling Additional Meetings

In previous General Election years, the Commission has convened 20 to 40 additional meetings to address emergent issues, such as litigation, the advancement of administrative rules, or to issue timely guidance. The Commission may want to anticipate this need again in 2024 and consider scheduling monthly meetings. The Chairperson of the Commission could use these pre-selected dates to then determine if a meeting of the Commission is necessary each month. If the Commission wishes to consider this option, potential dates for each month are listed below. Recommended Motion #3 is provided as framework should the Commission decide to pursue this idea.

January. There is a ballot access meeting scheduled for January 9.

February. There will be a quarterly meeting scheduled this month.

March 1, 4, 5 (deadline for Chairperson to certify February Spring Primary), 6, 7, or 8

April 23, 24, 25, 26, or 29

May 9, 10, 13, 14, or 15 (deadline for Chairperson to certify April election)

June. There is a ballot access meeting scheduled for June 10 and possibly a quarterly meeting.

July 11, 12, 15, 16, or 17

August. There is a ballot access meeting scheduled for August 27.

September. There will be a quarterly meeting scheduled this month.

October. There will be a quarterly meeting scheduled this month.

November. 15, 18, 19, 20, 21, or 22 (useful timing if potential recount)

December 2, 3, 4, 5, or 6 (deadline for Chairperson to certify November General Election is December 1). If there is a recount, the Commission would also need to be prepared for other potential meetings needed in November and/or December.

Motions

Recommended Motion #1. The Commission adopts the quarterly meeting schedule as follows for 2024: The Quarter 1 meeting will be held on [date] at [time] in-person, the Quarter 2 meeting will be held on [date] at [time] in-person, the Quarter 3 meeting will be held on [date] at [time] in-person, and the Quarter 4 meeting will be held on [date] at [time] in-person.

Recommended Motion #2. The Commission sets a start time of [time] for the statutorily required meetings held on January 9, 2024, June 10, 2024, and August 27, 2024. The meetings shall be held [remotely/in-person/at the discretion of the Chairperson].

Recommended Motion #3: The Commission further tentatively schedules the following meetings, to be held if needed, at the discretion of the Chairperson [dates, times].



Wisconsin Elections Commission

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DATE: Prepared for the September 7, 2023 Commission Meeting and then Deferred to the November 2, 2023 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared and Presented by:
WEC Staff

SUBJECT: Badger Book Update

1. Purpose

This is an informational report continuing the analysis presented at the June 1, 2023, meeting of the Wisconsin Elections Commission. The June update detailed Badger Book program development for the remainder of 2023, and introduced some of issues that may require further examination in the future. This report provides additional analysis by Commission staff, introduces potential decision points for the Commission to consider in the future, and asks the Commission to authorize limited program changes for testing purposes.

2. Background

This background section is a reprint from the June 1, 2023, meeting materials and is provided again here for the Commission's convenience. Commission staff developed the Badger Book electronic poll book software in 2017 with input from agency leadership, clerks, and chief inspectors. During the 2018 Spring Election, the agency introduced the electronic poll book pilot program starting with just eight jurisdictions. Since its inception, Commission staff has sought and received valuable feedback from clerks, election inspectors and voters. These suggestions have led to continuous improvements to software, hardware, training, security, and best practices. Commission staff will continue to use this model to collect feedback that will be used to support and improve the program.

The Badger Book is primarily used to check in voters, process Election Day Registrations (EDRs), and record absentee ballots. The Badger Book maintains the voter number and count independent of poll worker input. After Election Day, a data file generated from the Badger Book is used to upload election participation and Election Day registration information into WisVote, the statewide election management and voter registration system. The Badger Book is the only electronic poll book

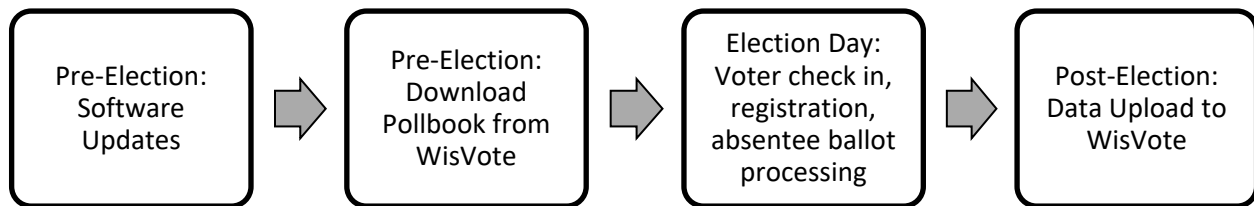
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Administrator
Meagan Wolfe

software with direct WisVote integration, and it does not require an internet connection. Information exchanges between WisVote and Badger Book, depicted below, are all performed locally.

Table 1 (Badger Book Data Flow)



While Badger Books moderately speed up the voter check-in process, two features stand out as most desirable to clerks. First, the Badger Books accelerate and simplify the election day registration (EDR) process. Badger Books prompt users through each step of the EDR process, ensuring that all requirements are met, and no information is omitted. The Badger Books record all registration information for later upload to WisVote, eliminating difficulties with hand-written forms that must be manually re-typed into the system. Second, Badger Books greatly accelerate post-election data collection and reconciliation, condensing processes that take hours into minutes. While this post-election benefit doesn't directly affect voters, it saves municipalities considerable time and money.

These advantages are nearly transparent to the individual voter but stand out to municipal clerks and their staff. In a recent survey, nearly 96% of Badger Book users reported a positive experience. Almost two-thirds of users selected "You couldn't pay me to go back," as best characterizing their feelings about the program. There were zero responses for "I have concerns."

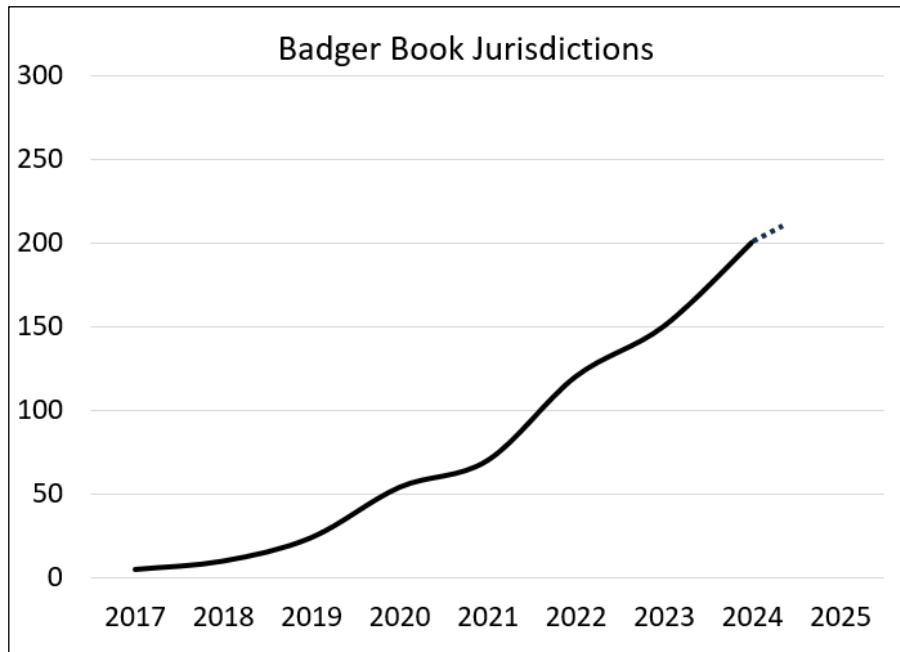
Clerk enthusiasm for the program directly leads to increased demand for Badger Books. The rapidly increasing demand strains both the hardware supply chain and the agency's ability to provide quality training and technical support for users. Furthermore, the growing number of users introduces technical challenges to ensure users maintain up-to-date hardware and software.

3. Recent Analysis

Following the June 1st meeting, Commission staff further examined the challenges to future program growth. This work included analysis of software, hardware, and training programs other states, and study of vendor systems, to assess how these other programs scale. Based on research to date, staff believe that there are at least three areas that may require Commission decisions in the future: (1) connectivity; (2) training; and (3) hardware. This report therefore discusses these three areas in further detail.

Badger Book communities represent over one million voters in the State of Wisconsin, and the number continues to rapidly grow. It is this rapid growth that creates challenges for the program, as a small subset of agency staff support an increasing number of jurisdictions. Program growth, to include projected growth over the next four months, is depicted in Table 2 on the following page.

Table 2 (Number of Badger Book Jurisdictions)



A. Connectivity.

Commission staff recommend conducting further research to assess how limited and regulated connectivity could improve the security of Badger Books. The rapidly growing number of users compounds difficulties ensuring that all devices have the latest software. This challenge goes beyond simply the Badger Book software itself. Every other state, and all vendor systems, mitigate this risk by allowing at least some limited connectivity over a virtual private network or other secure internet connection. Future iterations of the program could also more closely integrate with WisVote to simplify the user experience and improve integration.

Badger Books, and indeed all modern computers, run a huge amount of software. This includes operating systems, the Badger Book application itself, drivers to interface with peripherals like a printer, and security applications like endpoint protection. All the software must work together to provide the user a functional and secure experience.

Device manufacturers and application developers, to include WEC information technology staff, regularly develop software updates to introduce new features, fix bugs, and make performance improvements. Even more importantly, software updates often contain security patches and new security features. Security patches fix known flaws in products that attackers can use to compromise a device, while new security features make it harder for an attacker to compromise a device.

Almost without exception, device manufacturers and developers now provide software updates online. This is the practice for all commercial E-Poll Books, and a connection to external networks is employed in every other state using E-Poll Books (more than 30 states). Wisconsin is the only state that does not connect its E-Poll Books to any external network, ever.

The absence of an external network connection is a noteworthy security feature and a policy that certainly gives many Wisconsin voters peace of mind. However, as the Badger Book program grows, the policy also presents a growing challenge. Because Badger Books are never “online,” that is, connected to an external network, they cannot receive software updates through traditional means. Thus, all Badger Book software updates currently provided on physical media, sent through the mail and/or delivered by hand to each device.

The hand delivery of physical media presented no problems when only five jurisdictions used the devices. Program growth, however, has introduced many challenges with this practice. These include:

- 1) **Inconsistent Application.** Jurisdictions do not promptly apply the software updates, or do not apply the updates at all. This creates an environment where different communities are running different versions of the software. In addition to security risks, this situation also causes technical issues that could prevent use of the devices or cause serious device errors. These problems are compounded if errors are not detected until election day. Commission staff have no way to independently determine if software updates have been applied.
- 2) **Slow Distribution.** The physical delivery of software updates is a slow process, meaning that even attentive jurisdictions may have to wait to receive and apply their updates. This again creates a situation where different communities are running different versions of the software.
- 3) **Quality and Version Control.** Because devices rely on many types of software, there are a great many potential updates available at any one time. The sheer volume of changes, compounded with delays applying changes, further complicates the operating environment.
- 4) **Software Security.** The use of physical media to apply updates introduces the risk that media may be lost or misplaced, and that media containing sensitive data is compromised.

The National Institute of Standards and Technology (NIST) patch management guidelines¹ are intended to help organizations define strategies for software deployment that minimize cybersecurity risks. NIST defines patch management as “the systematic notification, identification, deployment, installation, and verification of operating system and application software code revisions.” Best practices identified by NIST include developing patch management practices that are proactive, simple, and automated. These traits are intended to ensure that software updates occur promptly, uniformly, and with minimum difficulty.

Commission staff therefore recommend exploring connectivity to address the challenges described above. Staff seek the Commission’s authorization to develop and assess several connectivity options for presentation to the Commission at the end of this year or early in 2024. These options will explore

¹ <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-40r4.pdf>

different ways to regulate or otherwise limit connectivity, and also evaluate the benefits and risks associated with each option.

B. Training.

Training presents one of the larger challenges for future program growth, due to the limited number of staff (none of whom are dedicated full time to Badger Books) and the growing number of municipalities. Since 2021, the introduction of a train-the-trainer program has helped to support increasing needs. But this program is not a cure-all, as local trainers have their own responsibilities and their ability to travel may be limited. Further complicating the challenge, some jurisdictions do not observe WEC guidance or complete necessary preparations with their poll workers.

The current environment is thus one where jurisdictions must maximize limited opportunities for in-person training and work with their poll workers to develop proficiency with Badger Books *before* election day. The overwhelming majority of Badger Book jurisdictions do this well. Unfortunately, a handful of jurisdictions do not.

In the most egregious cases, there were instances where poll workers attending Badger Book training *refused to touch the equipment*. This naturally renders the training almost meaningless, and invariably results in many calls for help on election day. Unsurprisingly, the very small number of jurisdictions who fail to adhere to program recommendations invariably require the most staff assistance on election day. This substantially hinders the agency's ability to support other users.

To address this small but growing challenge, Commission staff recommend implementing minimum training criteria that must be met before first use of Badger Books in an election. These standards will include multiple opportunities for remedial training if required. Naturally, standards are intended to ensure successful first use and not to create a barrier to use.

With Commission approval, staff will develop simple and objective standards to demonstrate proficiency with Badger Books before first use.

C. Hardware.

The current program requires single source hardware selected to ensure consistency during the pilot program. Future program development could expand the hardware options to include less expensive or more powerful options to improve user choices. In some other states, for example, the pollbook software is made available to jurisdictions that select their own hardware based on defined specifications.

Although existing Badger Book users report very favorable experiences, some non-users have expressed interest in alternatives, including commercial alternatives. Clerks interested in alternatives have asked staff to evaluate available alternatives in order to accurately assess if it may be possible to lower the cost of entry or benefit from other support models. If alternative choices were available to clerks, they argue, then jurisdictions could choose the solution they believe is best for them.

Hardware alternatives could come in two forms: either (1) allowing municipalities to use Badger Book software on other [authorized] hardware; or (2) allowing municipalities to evaluate and purchase vendor systems.

At least one municipal IT Department has approached Commission staff seeking permission to install Badger Book software on a different hardware configuration. The jurisdiction’s IT director assessed that there are alternative hardware options that could offer improved performance at lower cost to the municipality. This particular jurisdiction is very experienced with Badger Books and has the support of a full-time professional IT department. As a result, Commission staff believe the jurisdiction could – if authorized – successfully implement their proposed plan with little difficulty.

Jurisdictions without robust IT support might experience greater difficulty deploying alternative hardware configurations. Without adequate support and direction, this could result in security vulnerabilities, performance issues, or even complete failure of the Badger Book software. Thus, any program authorizing the use of alternative hardware would require clear standards and close supervision.

A handful of jurisdictions (non-Badger Book users) have asked Commission Staff about the possibility of authorizing commercial E-Poll Books that would provide an alternative to Badger Books. There is precedent for multi-system model elsewhere, with many other states permitting vendors who meet eligibility criteria to freely compete for local business. One advantage to vendor-based systems is the option to lease hardware, which permits a jurisdiction to change equipment if they find their initial choice unsuitable. A disadvantage to this model is that each vendor must create custom software tailored to state laws and systems. This customization process may take up to two years to complete.

Table 3 (Commercial E-Poll Books)



To support future growth of E-Poll Books in Wisconsin, staff therefore propose deliberate study of alternative hardware configurations, to include commercial E-Poll Book systems. If authorized, staff will assess the technical compatibility, security, costs, training, and technical support models offered elsewhere. This research could identify pathways for vendor-based systems in Wisconsin or may simply further inform the future evolution of Badger Books.

4. Suggested Motions

A. Connectivity. The Commission directs staff to develop and assess several options to permit limited, secure, and regulated connection of Badger Books to external networks for the purpose of receiving software updates or other data necessary to improve their functionality and security. Staff shall report their findings to the Commission no later than March 31, 2024.

B. Training. The Commission directs staff to develop recommended minimum training standards that must be attained for new Badger Book jurisdictions before first use in an election. Staff shall provide their recommended standards to the Commission no later than December 31, 2023.

C. Hardware. The Commission directs staff to evaluate alternative hardware models, to include commercial E-Poll Book systems, for possible future use in Wisconsin. This analysis should include assessments of technical compatibility, security, costs, training, and technical support. Staff shall report their findings to the Commission no later than June 30, 2024.



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DATE: Prepared for the September 7, 2023 Commission Meeting and then Deferred to the November 2, 2023 Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by Elections Commission Staff

SUBJECT: Voter Felon Audit

The Voter Felon Audit is a required post-election comparison of voters who cast a ballot at an election with the list of persons who were under Department of Corrections (DOC) supervision for a felony conviction at the time the vote was cast. Wis. Stat. §6.56(3m). The audit is conducted for any election that has a state or federal office position on the ballot.

The Voter Felon Audit occurs in several stages. First the matches are reviewed by DOC; the next stage is a review from municipal clerks, who also provide any pertinent documentation, and staff perform the final review and provides consolidated notes on each record prior to making referrals to county district attorneys, who then conduct their own investigations. The process provides the Commission the ability to identify any potential voter/felon matches and it also allows the Commission to identify any discrepancies with the matches. It is the final check in identifying potential felon participation in an election, should such activity not be caught earlier through other statutory required processes such as the felon list check by election officials at the polls. The process also ensures that election officials at all levels have performed their due diligence before cases are referred to a district attorney.

If a district attorney does not provide an update within six years of the election date, staff is to consider the referral closed and discontinue providing updates to the Commission - the Commission unanimously approved this motion at the September 21, 2022, meeting. You will find these on the closed audits portion of your materials.

The material for this meeting includes new updates on the 2022 General Election, as well as the 2023 Spring Primary, and the 2023 Spring Election. Voter Felon Audits have been performed for all previous elections through the July 18, 2023, Special Election for State Assembly District 24. The special election had no potential matches. If no potential matches are identified for a statewide or federal election, it will not appear on the open voter felon audits table provided in the material.

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Staff is also providing its bi-yearly update on the status of the past Voter Felon Audits and District Attorney response information. Attachment M.1 contains statistics regarding the number of initial matches between records of voters and records of felons, as well as the disposition of the cases referred to district attorneys that the Commission has been made aware of. Additional details regarding specific cases are included in the Commission's supplemental materials folder.

Wisconsin Elections Commission

Regular Meeting

Thursday, November 2, 2023

10:00 A.M.

J. Review and Potential Action on the Election Observer Administrative Rule

Please note that the materials for this section will arrive separately by email to the Commission no later than Friday, October 27th. Commission feedback from the Wednesday, October 25th open meeting will be incorporated into the materials and forwarded at that time.



Wisconsin Elections Commission

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DATE: For the November 2, 2023, Commission Meeting
TO: Members, Wisconsin Elections Commission
FROM: Jim Witecha, Chief Legal Counsel
SUBJECT: Analysis of Legal Prescription Processes for the National Mail Voter Registration Form

Open Session Memorandum

Introduction:

At its September 14, 2023, meeting, the Wisconsin Elections Commission (“WEC”) passed the following motion by a 5-1 vote:

Staff is directed to present to the Commission a solution that contemplates prescribing the National Mail Voter Registration Form in compliance with Wisconsin law, to be provided to us in a meeting in the next 30–45 days.

Several possible courses of action will be outlined below, each of which represents a possible solution to the prescription-based issues detailed in *Richard Braun v. Wisconsin Elections Commission*, Case No. 2022CV1336 (“Braun”).

Background:

The Wisconsin Institute for Law & Liberty (“WILL”) filed its summons and complaint in *Braun* with the Waukesha County Circuit Court on September 15, 2022, and the documents were served on the WEC on September 20, 2022. The suit sought declaratory judgment relating to the legality of use of the National Mail Voter Registration Form (“Form”) in Wisconsin. This federal form is made available for use nationally by the United States Election Assistance Commission (“EAC”). In some cases its use is mandatory. 52 U.S.C. § 20505(a)(1). Wisconsin is exempt from mandatory acceptance of the Form under the National Voter Registration Act because the state allows Election Day voter registration at polling places. 52 U.S.C. § 20503(b)(2). However, the form has been accepted in Wisconsin since about 1994, soon after it was developed by the EAC.

Wisconsin Statute § 6.33 provides, “[t]he commission shall prescribe the format, size, and shape of registration forms.” Plaintiff argued that the statutorily required prescription had never been conducted by the members of the WEC. Additionally, statute provides other requirements for Wisconsin’s voter registration forms. WILL

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argued that the Form “...does not comply with Wis. Stat. § 6.33(1) as it is missing several items required by statute.” (Complaint, ¶6). The alleged deficiencies in the Form included a missing statement on felony status and requesting additional information not required by Wisconsin law, such as disclosures on race.

The Honorable Michael P. Maxwell issued his Decision and Order in *Braun* on September 5, 2023. In substantive part, the judge determined that the Form was not properly prescribed by the WEC, nor was authorization for its use promulgated as an administrative rule. (Decision and Order, Page 8).

Discussion and Recommendations:

Legal Definition of “Prescribe/Prescription”

The *Braun* Court provided the following definition and analysis with regard to meeting statutory requirements to “prescribe:”

Wis. Stat. § 6.33 provides in part: The commission **shall prescribe** the format, size, and shape of registration forms. [emphasis added.] The Supreme Court has instructed that the term “prescribe” means “[t]o dictate, ordain, or direct; to establish authoritatively (as a rule or guideline).” *Parsons v. Associated Banc-Corp*, 2017 WI 37, ¶25, 374 Wis. 2d 513, 527, 893 N.W.2d 212, 219 citing *Prescribe*, *Black’s Law Dictionary* at 1373 (10th ed. 2014). Clearly, the legislature intended, and neither party disputes, that *Wis. Stat. § 6.33* requires WEC to approve the National Form. *Id.*

The court noted, in citing *Parsons*, that prescription can occur by rule or guideline. WEC staff agree with the *Braun* Court’s definition but will provide a more specific examination of the questions presented by the members of the WEC. The *Parsons* Court was exploring a provision of the Wisconsin Constitution that allowed a person to waive a jury trial in any manner “prescribed by law.” The Wisconsin Supreme Court’s examination went beyond simply noting that administrative rules or guidance can be used as a method of prescription. The Wisconsin Supreme Court has adopted similarly broad, dictionary-based definitions of “prescribe” in other contexts, such as criminal sentencing minimums/maximums. *See Edelman v. State*, 62 Wis. 2d 613, 620.

It is clear the WEC can issue guidance or promulgate an administrative rule for the purpose of prescribing the Form for use in Wisconsin or carrying out similar prescription processes in other contexts under the agency’s statutory and common law authority. It is also feasible, for example, that the WEC may lawfully prescribe a form for use in the state based upon other dictation, ordaining, direction, order, appointment, authoritative definition, etc., rather than adopting formal guidance or promulgating an administrative rule. That said, it is unclear in case law or statute what those processes may entail. The WEC would substantially mitigate the risk of further legal challenge to the use of the Form in Wisconsin, or at least the “prescription” element that the *Braun* Court focused on, if it voted to prescribe the Form for use in the state through a vote by the body or direction on rule promulgation.

Analysis of the WEC’s Authority to “Prescribe”

Not only did the *Braun* Court specifically note that the WEC had not “properly prescribed *or* promulgated” use of the Form, but there is a sound legal basis to believe Wisconsin Statute does not require the WEC to promulgate

a rule to ensure prescription of the Form. (*emphasis added*). The statutes, at times, specifically require an agency to prescribe by rule. *See* Wis. Stat. § 7.315(2), stating that “[t]he commission *shall, by rule, prescribe* requirements for, and the content of, training required of municipal clerks under s. 7.15 (1m).” Statutes also compel form-specific prescription at times, such as Wis. Stat. § 252.04(10), which requires the Wisconsin Department of Health services to prescribe *by rule* a form that shall be provided to students receiving immunizations. (*emphasis added*)

In this instance, an agency was directed through explicit statutory language to promulgate a rule for the prescription of a form being used in the state. No such plain language was provided by the Wisconsin Legislature in Wis. Stat. § 6.33, and the WEC is free to prescribe use of the Form in accordance with its explicit legal authority, as well as the prescription principles examined by the *Parsons* Court. Wisconsin Statute Chapter 5 provides, among other authority granted the WEC, the following:

Wis. Stat. § 5.05(1): General authority. The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Pursuant to such responsibility, the commission may:

(f) Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

Wis. Stat. § 5.05(16)(c): The commission may reconsider at any time any written directives or written guidance provided to the general public or to any person subject to the provisions of chs. 5 to 10 and 12 with regard to the enforcement and administration of those provisions.

Wis. Stat. § 5.05(1e): Actions by the commission. Any action by the commission, except an action relating to procedure of the commission, requires the affirmative vote of at least two-thirds of the members.

What is more, Wis. Stats. §§ 6.30 and 6.33 detail specific prescription requirements for voter registration:

By mail. Any eligible elector may register by mail on a *form prescribed by the commission* and provided by each municipality. The form shall be designed to obtain the information required in s. 6.33 (1). The form shall contain a certification by the elector that all statements are true and correct. The form shall be prepostpaid for return when mailed at any point within the United States. The form shall be available in the municipal clerk's office and may be distributed by any elector of the municipality. The clerk shall mail a registration form to any elector upon written or oral request. Wis. Stat. § 6.30(4). (*emphasis added*)

By electronic application. An eligible elector who holds a current and valid operator's license issued under ch. 343 or a current and valid identification card issued under s. 343.50 may register electronically in the *manner prescribed by the commission*... Wis. Stat. § 6.30(5). (*emphasis added*)

The commission *shall prescribe the format, size, and shape of registration forms*. All nonelectronic forms shall be printed and each item of information shall be of uniform font size, as prescribed by the commission. Except as otherwise provided in this subsection, electronic forms shall contain the same information as nonelectronic forms. Wis. Stat. § 6.33(1). (*emphasis added*)

These provisions, and others, give the WEC broad authority to interpret and enforce the provisions of elections statutes in Wisconsin. Wisconsin Statute § 6.33(1) clearly gives the WEC authority to prescribe the format, size, and shape of registration forms.

It is important to consider one critical element before examining how the WEC may prescribe a form for use in Wisconsin. That is, what is required for Commission-specific prescription in this instance.

Analysis of WEC Processes for Prescribing the Form

The Wisconsin Supreme Court’s use of a broad prescription standard, “dictate, ordain, or direct; to establish authoritatively (as a rule or guideline),” makes the analysis of how the WEC may prescribe something for use in Wisconsin an easy one. Wisconsin Statute § 5.05(1e), as cited above, vests an explicit authority in the WEC to take such actions by a two-thirds affirmative vote of the members. This standard applies to “any action . . . not relating to procedure of the Commission.”

Prescription of a voter registration form in Wisconsin is almost certainly not considered an act of “procedure of the Commission,” and likely requires an affirmative vote of a two-thirds majority. That said, the WEC must consider that “procedure” is not defined in Wisconsin Statute, case law in a relevant context, or any other valuable source (*e.g.* Wisconsin Open Meetings Law Compliance Guide). It is, therefore, beneficial to provide a bit of additional context below to address any lingering commissioner concerns that prescription is a “procedural” consideration contemplated in Wis. Stat. § 5.05(1e).

The closest thing to a relevant definition of “procedure” found within Wis. Stat. Chapter 5 is found in § 5.05(16)(a), which states, “Annually, the commission shall adopt written policies and procedures in order to govern its internal operations and management and shall annually report such policies and procedures to the appropriate standing committees of the legislature under s. 13.172 (3).” However, this provision of statute is quite specific to one component of WEC operations, and it requires a process to “adopt” the procedures. Indeed, the WEC has annually voted to approve this set of written policies and procedures.

Wisconsin Statutes, Chapter 19, contemplates the General Duties of Public Officials, including Open Meetings of Government Bodies. When considering whether Wis. Stat. § 5.05(1e) was referring to meeting-specific “procedures,” one must note that many open meetings procedures require action or vote of the governing body, not simply an informal adoption of procedure. More specifically, the WEC has a statutory directive to use formalized processes that require acts beyond the simplest of procedure to be voted on:

Frequency of meetings; place. Every commission shall meet on the call of the chairperson or a majority of its members. Every commission shall maintain its offices in Madison, but may meet or hold hearings at such other locations as will best serve the citizens of this

state. The elections commission and the ethics commission shall meet in person at least 4 times each year and *shall conduct meetings in accordance with accepted parliamentary procedure*. Wis. Stat. § 15.06(5). (*emphasis added*)

The WEC has long complied with this statutory requirement by utilizing Robert’s Rules of Order, which frequently requires an affirmative vote of the body, even for procedural matters. Without substantive law otherwise defining “procedure,” as intended in Wis. Stat. § 5.05(1e), it is advisable for the WEC to vote on all substantive issues not exempt from a vote by Robert’s Rules of Order, or those which the WEC uniformly agrees is nothing more than “procedure.” The WEC may also wish to vote and formally designate specific, non-votable items which it feels can be defined as “procedure” for the purposes of future meetings or agency operations.

It is thus logical to infer that prescription of a voter registration form by the WEC must be considered an “action” under Wis. Stat. § 5.05(1e), rather than a “procedure,” which would be exempt from voting and approval requirements. The WEC staff recommendation is that, if the members of the Wisconsin Elections Commission choose to prescribe the Form, they take a vote to do so. This would mitigate further litigation concerns specifically related to the concept of prescription. That said, whether the form should be prescribed at all, and/or whether prescription is just the first legal obstacle to a lawful use of the Form in Wisconsin remains as a critical question before the WEC (*i.e.* Could the *Braun* Court, or another court, move beyond prescription and find other issues with the Form’s use in Wisconsin).

Analysis of WEC Options Relating to Prescription of the Form

Moving beyond consideration of procedure, the WEC must now explore how and whether to prescribe the Form. WEC staff list below all options that were contemplated. This is a comprehensive list, as ordered by the WEC in its motion, with varying degrees of effectiveness or potential compliance. For the purposes of the analysis below, WEC staff will assume a formal vote would be taken on the prescription of the Form, publication of guidance, or other official positions or statements of the commission.

A. The WEC simply prescribes the Form for use in Wisconsin.

As discussed above, the likeliest path towards prescription is simply voting affirmatively to do so with at least a two-thirds majority of the WEC. This would preserve the status quo in Wisconsin (status quo prior to *Braun*, that is). However, the reality is that some of the missing information is still required by statute. A WEC decision to prescribe the Form might be shielded from further scrutiny, in that the WEC has an administrative rule providing, “[i]f information is missing from a voter registration application form, the municipal clerk shall contact the applicant by any means feasible, including in person, by email, facsimile transmission or telephone, to obtain the missing information.” Wis. Admin. Code § EL 3.03(2). This places an affirmative duty on the clerk to seek missing registration information.

The WEC could, if it prescribes the Form for use in Wisconsin, also direct staff to publish guidance ordering clerks to consider the administrative rule and require that they seek the missing information on the Form, which could be listed in that communication, so nothing is missed. The WEC may also direct staff to create and include a formal addendum to the Form, which clerks could use to supplement the Form in the registration record. Many clerks historically attempted to steer registrants to the Wisconsin-specific form or the MyVote

website instead. Any solution selected by the WEC may also include a directive that clerks recommend that solution as the best alternative.

If the WEC opts to prescribe the Form for continued use in Wisconsin, staff recommend also directing the issuance of guidance, promulgation of an administrative rule, or similar action seeking to remedy the other allegations made by the *Braun* plaintiff.

B. The WEC prescribes the Form for use in Wisconsin, but only for specific voter types.

Taking into account the procedural considerations and concerns above, the WEC may wish to prescribe the Form for use in Wisconsin, but only for specified voter types. For example, the WEC emphasized in its last meeting the use of the Form by military, overseas, and similar voters. The WEC's members may want to prescribe the Form only for voters falling under the umbrella of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"). The purpose of prescribing the Form only for UOCAVA voters would be to lessen the potential negative impact of the *Braun* decision on the group of voters who are most likely to use or rely on the Form.

It is important to note that this prescription would have limited benefits. For example, Wis. Stat. § 6.22(3) provides that "Military electors are not required to register as a prerequisite to voting in any election." Though many military voters can and do register, registration using the Form or other registration methods is not fatal to their efforts to vote. Wisconsin Statute § 6.22(1)(b) defines "military elector" broadly, to include uniformed service members, merchant marines, civilian employees attached to the uniformed services, peace corps volunteers, and spouses/dependents of the preceding categories that reside with or accompany the qualifying elector. Thus, a smaller number of UOCAVA or "overseas" voters would remain to benefit from a limited prescription of the Form (*e.g.* temporary overseas voters, permanent overseas voters, etc.).

C. The WEC prescribes the Form for use in Wisconsin with or through an administrative rule.

One additional option would be to prescribe the Form for use in Wisconsin through an administrative rulemaking process. There are compliance concerns with this option, but there is still value in discussing prescription by WEC vote in conjunction with an administrative rule promulgation effort. For instance, the WEC could affirmatively vote to prescribe the Form for use in Wisconsin while also directing staff to begin any of the administrative rulemaking processes detailed below, or another rule option not contemplated by staff herein. Any such rule could include varying degrees of compliance efforts to overcome the alleged Wis. Stat. Chapter 6 deficiencies.

D. The WEC publishes guidance advising clerks on specific actions to take regarding the Form.

If the WEC were to direct staff to issue guidance on its behalf, the options could resemble those for the administrative rulemaking choices. However, without first prescribing the form, the Commission would be limited to guidance concerning what to do if the form is received and could not include any option for accepting the form itself.

If the Commission were to first prescribe the form, that guidance should probably direct some effort to mitigate the risks associated with a Wis. Stat. Chapter 6 deficiency argument.

Potential WEC guidance directives could indicate that the Form is not lawful for use in Wisconsin; the Form is not lawful and staff are directed to contact all relevant third parties using the Form to note this change in writing; if the form is prescribed, that a clerk must obtain certain information before allowing registration using the Form; if the form is prescribed, that the clerk must at least exercise due care in attempting to obtain all statutorily-required information before allowing registration with the Form; etc.

E. The WEC takes no action, as the agency is already in compliance with the Decision and Order.

Finally, the WEC may opt to take no action whatsoever. That said, the WEC may believe it has a duty to protect the potential voter from registration disqualification due to a complicated legal concern, unknown to the registrant, which might disenfranchise them altogether (*e.g.* A disabled voter unable to utilize EDR processes at their polling place, and only warned of the Form's deficiency at the last minute or after the registration deadlines have passed for by-mail and clerk's office registration, may have no viable options for registration).



Wisconsin Elections Commission

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DATE: For the November 2, 2023, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Brandon Hunzicker – Staff Attorney

SUBJECT: Revised form EL-122 Special

Introduction:

On August 4, 2023, the Commission approved redesigns of form EL-122 concerning standard, military & Overseas, and SVD certificate envelopes. This memo offers for the Commission’s consideration and approval a fourth envelope, “EL-122 special,” concerning a unique and infrequently used option available under Wis. Stat. § 6.87(4)(b)5. The option allows a voter in a facility that could have been served by SVDs but was not served by SVDs to have an authorized representative of the facility verify that the voter’s name and address are accurate in lieu of requiring the voter to show an ID.

Following this memo as Appendices 1 and 2 are revised forms to consider. Appendix 3 is revised instructions for the form’s use, and Appendix 4 are copies of the old standard form and the old special form. Appendix 1 adds the exact language of the old EL-122 Special into the recently approved EL-122 Standard form. Appendix 2 modifies the language to improve spacing. Staff propose retaining only part of the current instructions on the Commission’s website regarding the use of this form, which explain the situations in which the form must be used, and instruct clerks to print this form and attach it to a standard EL-122 form as needed.

Discussion:

This memo recommends that the Commission continue the status quo regarding the EL-122 Special form, but modify the language as described below to allow better spacing and to conform to the Commission’s revised forms. All changes approved by the Commission concerning the new standard form are present on the revised special form, and the substance of Box 5 of the old special form, which carried out the statute, is unchanged. This memo also recommends removing the second scenario described in the current instructions, as it does not clearly comply with the statute.

Wis. Stat. § 6.87(4)(b)5. states in full that:

Unless subd. 3. or 4. applies, if the absentee elector resides in a qualified retirement home, as defined in s. 6.875 (1) (at), or a residential care facility, as defined in s. 6.875 (1) (bm), and the municipal clerk or board of election commissioners of the municipality where the facility or home is located does not send special voting deputies to visit the facility or home at the election under s. 6.875, the elector may, in lieu of providing proof of identification, submit with his or her absentee ballot a statement signed by the same individual who witnesses voting of the ballot that

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contains the certification of an authorized representative of the facility or home that the elector resides in the facility or home and the facility or home is certified or registered as required by law, that contains the name and address of the elector, and that verifies that the name and address are correct.

The Commission's instructions concerning this statute understand it to apply in two situations. In the first situation, a voter resides in a facility that is eligible to be served by SVDs but is not served by SVDs. In the second situation, a voter resides in a facility that is served by SVDs, but on two separate visits the SVDs were not able to contact the voter, meaning that Wis. Stat. § 6.875(6)(e) allows the municipal clerk to send the voter an absentee ballot. In both situations, the voter would not have applied for an absentee ballot as an indefinitely confined elector, which allows *the witness* to verify that the voter's name and address are correct in lieu of providing photo ID,¹ and would not have a photo ID on file with the municipal clerk, which exempts the elector from providing the ID for a subsequent request if the voter's name and address have not changed. Wis. Stat. § 6.87(4)(b)2.&3.

Staff do not believe that the second situation would allow the option described in Wis. Stat. 6.87(4)(b)5. That statute applies when “the municipal clerk or board of election commissioners of the municipality where the facility or home is located *does not send special voting deputies to visit the facility or home at the election under s. 6.875.*” (Emphasis added). Therefore, if SVDs are sent to a facility, this qualification would not be met, and voters would not have the option to use the Special form. It is not intuitive why the statute would apply only when SVDs are not sent, rather than both when they are not sent and when they are not able to contact a voter upon two visits, but the express terms of the statute clearly rule out the second option, and staff recommend removing it from the instructions provided to clerks for the use of this form.

Additionally, staff recommend updating a few other lines within the instructions. Staff recommend changing references to Box 5 to Step 4, and changing the sentence stating “the voter has met or is exempt from the photo ID requirement” to “voter exempt from or met POI requirement” in order to match the Commission's newly approved formulation of that sentence. Additionally, Staff recommend the simplified language and the removal of the check box as provided in Appendix 2. The check box is not necessary because if this form is used, one of the two options must be followed, and staff believe that larger text of “attention election inspectors” is more useful for ensuring that one of the processes is followed than a check box.

Overall, this is a form that, if the staff recommendation is accepted, would be used infrequently. Generally, clerks designate SVDs to serve SVD eligible facilities. In addition, many voters have provided photo IDs and have not changed their names and addresses, and many voters, in particular voters living in SVD eligible facilities, apply as indefinitely confined electors. Only when none of these situations apply, meaning that the clerk does not send SVDs though the clerk could, the voter does not have a photo ID on file, and the voter has not applied as an indefinitely confined elector, would the clerk make use of this form. Historically, this situation has been rare, and clerks have been able to simply print a Special EL-122 as needed. Staff recommend continuing this practice and making the changes described above.

Recommended Motion: The Commission adopts the revised EL-122 Special form in Appendix 2 and the instructions in Appendix 3 for use by municipal clerks as needed to comply with Wis. Stat. § 6.87(4)(b)5. Staff shall make the form and instructions available on the WEC website and shall edit the Election Administration Manual and Absentee Voting in Residential Care Facilities and Retirement Homes Manual as necessary to implement this form and instructions.

¹ All forms approved by the Commission comply with this possibility by requiring the witness to agree that “[t]he above statements are true and the voting procedure was executed as stated.”

Instructions

1. Fill this form out by hand, a 4x2.5" Dymo label will NOT FIT.
2. Cut out the form from edge to edge.
3. As close to the edges as possible, apply a **thin** layer of glue stick or rubber cement all over the back of the form and to the certificate side of the envelope.
4. Carefully adhere this form to the envelope.
5. Allow to dry before mailing.

↓ Cut Here ↓

↑ Cut Here ↑

Official Absentee Ballot Certificate & Application

STEP 1

CLERK OR DEPUTY >> Initial Here >>

Voter exempt from or met POI requirement _____

SPECIAL

CLERK OR VOTER must complete this part

Voter Information

- City Name:
 Village Name:
 Town Name:

Election Date (mm/dd/yyyy)

MUNICIPAL CLERK MARKS THIS SECTION IF REQUIRED

Attention Election Inspectors!

- If box is checked, one of the following is required: A copy of photo ID must be enclosed in this envelope **OR**
- The Certification of Care Facility Authorized Representative section of this envelope must be completed (as well as the Certification of Witness Section).

If neither is included, this ballot must be rejected

Name (Last, First, Middle)

Street Address

County

City

State

Zip

Ward

Ald. Dist

STEP 2 VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:

- I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon **OR** I am entitled to vote in the ward or aldermanic district at the election indicated hereon
- I am not voting at any other location in this election
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted
- I requested this ballot and this is the original or a copy of that request

X

Voter Signature

Certification of Assistant (If applicable)

I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter

Assistant Signature

STEP 3

WITNESS must complete this part

I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that:



WITNESS REQUIRED

- I am an adult U.S. citizen
- The above statements are true and the voting procedure was executed as stated
- I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure

X

Witness Signature

Witness Printed Name

Witness Address (Number, Street Name, City)

STEP 4

CARE FACILITY REP. must complete this part

I certify I am an authorized representative of the facility listed. I further certify that this facility is registered or certified as required by law, that the above voter is a resident, and I verify that the name and address of the voter described above are correct.

X

Care Facility Authorized Representative Signature


Name of Facility

Instructions

1. Fill this form out by hand, a 4x2.5" Dymo label will NOT FIT.
2. Cut out the form from edge to edge.
3. As close to the edges as possible, apply a **thin** layer of glue stick or rubber cement all over the back of the form and to the certificate side of the envelope.
4. Carefully adhere this form to the envelope.
5. Allow to dry before mailing.

↓ Cut Here ↓

↑ Cut Here ↑

Official Absentee Ballot Certificate & Application				
STEP 1	CLERK OR DEPUTY >> Initial Here >>	Voter exempt from or met POI requirement _____	SPECIAL	
CLERK OR VOTER must complete this part				
Voter Information		Election Date (mm/dd/yyyy) _____ / _____ / _____		Attention Election Inspectors!
<input type="checkbox"/> City Name: <input type="checkbox"/> Village Name: <input type="checkbox"/> Town Name:		Name (Last, First, Middle)		In addition to steps 1–3, one of the following is required : <ul style="list-style-type: none"> • A copy of photo ID must be enclosed in this envelope • OR Step 4 must be completed If neither is included, this ballot must be rejected
Street Address				
County		City		
State	Zip	Ward	Ald. Dist	
STEP 2 VOTER must complete this part				
I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that: <ul style="list-style-type: none"> • I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon OR I am entitled to vote in the ward or aldermanic district at the election indicated hereon • I am not voting at any other location in this election • I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election • I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted • I requested this ballot and this is the original or a copy of that request 				
X Voter Signature				
Certification of Assistant (If applicable) I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter				
Assistant Signature				
STEP 3 WITNESS must complete this part				
I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that: <ul style="list-style-type: none"> • I am an adult U.S. citizen • The above statements are true and the voting procedure was executed as stated • I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). • I did not solicit or advise the elector to vote for or against any candidate or measure 				
 WITNESS REQUIRED		X Witness Signature		
Witness Printed Name				
Witness Address (Number, Street Name, City)				
STEP 4 CARE FACILITY REP. must complete this part				
I certify I am an authorized representative of the facility listed. I further certify that this facility is registered or certified as required by law, that the above voter is a resident, and I verify that the name and address of the voter described above are correct.				
X Care Facility Authorized Representative Signature				
Name of Facility				

The EL-122 Special Absentee Certificate includes an extra section (Step 4). Step 4 is used only in one uncommon situation:

- An absentee voter resides in an SVD-eligible facility that is NOT served by SVDs.
- Voter applies for an absentee ballot, *but not as an indefinitely confined voter*.
- Voter does not have acceptable photo ID on file with the clerk and does not include ID with the request.
- Because the voter resides in a facility that is SVD-eligible, the clerk sends the ballot to the voter with instructions to enclose a copy of acceptable ID with the ballot, or have the “Certification of Care Facility Authorized Representative” section completed.

When this form is used, the Clerk does **not** initial that “*voter exempt from or met POI requirement.*”

Printing a supply of the EL-122 Special is not necessary. If the situation listed above is encountered, this form can be printed from the WEC website. Clerks may trim the form and affix it to an EL-122 Standard envelope with glue or tape, or determine another method for successfully attaching the EL-122 Special form to a standard size envelope.

OFFICIAL ABSENTEE BALLOT APPLICATION/CERTIFICATION

(Official Use Only) The voter has met or is exempt from the photo ID requirement. Municipal or Deputy Clerk initial here:

Note: With certain exceptions, an elector who mails or personally delivers an absentee ballot to the municipal clerk at an election is not permitted to vote in person at the same election on Election Day. Wis. Stat. §6.86(6).

Voter: Please complete steps **1** through **5** below, in the presence of your witness.

1 Place your voted ballot inside the envelope and seal it. Do not use tape or glue.

2 Complete the section below if not completed by the clerk.
Provide your VOTING address.

Date of Election (month, day, year) County

Municipality (check type and list name) Town Village City of

Voter's Name (Last, First, Middle) including suffix *(Please print legibly)*

Street Address—Provide house number and street name or fire number and street name. OR

If your rural address does not include a house number/fire number and street name, provide rural route number and box no.

City WI Zip Code

Official use only: Ward # District (if applicable) Voted in clerk's office

3 Sign and date this section.

CERTIFICATION OF VOTER *(Required)*

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that I am a resident of the ward of the municipality in the county of the state of Wisconsin indicated hereon, and am entitled to vote in the ward at the election indicated hereon; that I am not voting at any other location in this election; that I am unable or unwilling to appear at the polling place in the ward on election day, or I have changed my residence within the state from one ward to another later than 28 days before the election. I certify that I exhibited the enclosed ballot, unmarked, to the witness, that I then in the presence of the witness and in the presence of no other person marked the ballot and enclosed and sealed the ballot in this envelope in a manner that no one but myself and any person providing assistance under Wis. Stat. § 6.87(5), if I requested assistance, could know how I voted. I further certify that I requested this ballot.

X _____ /_____/_____
▲ Signature of Voter ▲ (All voters must sign.) Today's Date

REQUIRED OF MILITARY AND OVERSEAS VOTER ONLY: I further certify my birth date is: _____/_____/_____

4 Have your witness sign and write their address below.

CERTIFICATION OF WITNESS *(signature and address of witness are required)*

I, the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that I am an adult U.S. Citizen and that the above statements are true and the voting procedure was executed as stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the voter to vote for or against any candidate or measure. I further certify that the name and address of the voter is correct as shown.

1. _____
▲ Signature of ONE adult U.S. citizen witness▲

2. _____
▲ If witnesses are Special Voting Deputies, both must sign. ▲
▼ Address of witness or addresses of both SVDs ▼

1. _____
2. _____

Provide house number and street name or fire number and street name, city, state and zip code. OR
If your rural address does not include a house number/fire number and street name, provide rural route number and box number, city, state and zip code.

CERTIFICATION OF ASSISTANT *(if applicable)* - assistant may also be witness

I certify that the voter named on this certificate is unable to sign his/her name or make his/her mark due to a physical disability and that I signed the voter's name at the direction and request of the voter.

X _____
▲ Signature of Assistant ▲

5 Mail back your ballot. Allow 4-5 days for delivery to ensure your ballot is received by Election Day. Ballots received after Election Day will NOT be counted.

OFFICIAL ABSENTEE BALLOT APPLICATION/CERTIFICATION

(Official Use Only) The voter has met or is exempt from the photo ID requirement. Municipal or Deputy Clerk initial here:

Note: With certain exceptions, an elector who mails or personally delivers an absentee ballot to the municipal clerk at an election is not permitted to vote in person at the same election on Election Day. Wis. Stat. §6.86(6).

Voter: Please complete steps **1** through **6** below, in the presence of your witness.

1 Place your voted ballot inside the envelope and seal it. Do not use tape or glue.

2 Complete the section below if not already completed by the clerk. Provide your VOTING address.

Date of Election (month, day, year) County

Municipality (check type and list name) Town Village City of

Voter's Name (Last, First, Middle) including suffix (Please print legibly)

Street Address—Provide house number and street name or fire number and street name.

City WI Zip Code

Official use only: Ward # District (if applicable) Voted in clerk's office

3 Sign and date this section.

CERTIFICATION OF VOTER (Required)

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that I am a resident of the ward of the municipality in the county of the state of Wisconsin indicated hereon, and am entitled to vote in the ward at the election indicated hereon; that I am not voting at any other location in this election; that I am unable or unwilling to appear at the polling place in the ward on election day, or I have changed my residence within the state from one ward to another later than 28 days before the election. I certify that I exhibited the enclosed ballot, unmarked, to the witness, that I then in the presence of the witness and in the presence of no other person marked the ballot and enclosed and sealed the ballot in this envelope in a manner that no one but myself and any person providing assistance under Wis. Stat. § 6.87(5), if I requested assistance, could know how I voted. I further certify that I requested this ballot.

X _____ /_____/_____
▲ Signature of Voter ▲ (All voters must sign.) Today's Date

4 Have your witness sign and write their address below.

CERTIFICATION OF WITNESS (signature and address of witness are required)

I, the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that I am an adult U.S. Citizen and that the above statements are true and the voting procedure was executed as stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the voter to vote for or against any candidate or measure. I further certify that the name and address of the voter is correct as shown.

▲ Signature of ONE adult U.S. citizen witness▲

▲ Address of witness ▲
Provide house number and street name or fire number and street name, city, state and zip code. OR If your rural address does not include a house number/fire number and street name, provide rural route number and box number, city state and zip code.

CERTIFICATION OF ASSISTANT (if applicable) - assistant may also be witness

I certify that the voter named on this certificate is unable to sign his/her name or make his/her mark due to a physical disability and that I signed the voter's name at the direction and request of the voter.

X _____
▲ Signature of Assistant ▲

5 Enclose a copy of acceptable photo ID, or complete this section

CERTIFICATION OF CARE FACILITY AUTHORIZED REPRESENTATIVE

I certify I am an authorized representative of the facility listed. I further certify that this facility is registered or certified as required by law, that the above voter is a resident, and I verify that the name and address of the voter described above are correct.

▲ Name of Facility▲ ▲ Signature of Authorized Representative ▲
(Certification of Witness section must also be completed.)

(Official use only) MUNICIPAL CLERK MARKS THIS SECTION IF REQUIRED

Attention Election Inspectors! If box is checked, one of the following is required:
✓ A copy of photo ID must be enclosed in this envelope OR
✓ The Certification of Care Facility Authorized Representative section of this envelope must be completed (as well as the Certification of Witness Section).

*If neither is included, this ballot must be rejected.

6 Mail back your ballot. Allow 4-5 days for delivery to ensure your ballot is received by Election Day. Ballots received after Election Day will NOT be counted.

The EL-122 Special Absentee Certificate includes an extra section (Section 5). Section 5 is used only in two uncommon situations:

Number 1

- An absentee voter resides in an SVD-eligible facility that is NOT served by SVDs.
- Voter applies for an absentee ballot, but not as an indefinitely-confined voter.
- Voter does not have acceptable photo ID on file with the clerk and does not include ID with the request.
- Because the voter resides in a facility that is SVD-eligible, the clerk sends the ballot to the voter with instructions to enclose a copy of acceptable ID with the ballot, or have the "Certification of Care Facility Authorized Representative" section completed.

Number 2

- An absentee voter resides in a care facility served by SVDs.
- Voter has applied for an absentee ballot, but not as an indefinitely-confined voter.
- The SVDs have made two visits to the facility, but have not made contact with the voter.
- Voter does not have acceptable photo ID on file with the clerk.
- The clerk mails the ballot to voter with instructions to enclose a copy of acceptable ID with the ballot, or have the "Certification of Care Facility Authorized Representative" section completed.

Clerk checks the box in the shaded area of Section 5.

Clerk does not initial that "The voter has met or is exempt from the photo ID requirement."

Printing a supply of the **EL-122 Special** is not necessary. If one of the situations listed above is encountered, this form can be printed from the WEC website, trimmed to fit and affixed to an EL-122 Standard envelope with glue or tape.



Wisconsin Elections Commission

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

DATE: For the November 2, 2023, Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Brandon Hunzicker, Staff Attorney

SUBJECT: Potential Complaint Form Updates

Introduction:

The Wis. Stat. Chapter 5 administrative complaint form available on the Commission’s website, the EL-1100, has not been significantly updated since the Commission was formed in 2016. The EL-1100 is used by complainants who submit complaints under Wis. Stat. § 5.05, § 5.06, and § 5.061, although it is not required for complainants to use this form to submit their complaint. Staff propose redesigning the form and potentially researching the substance of the “sworn” statement. Over the last several years, the number of complaints submitted to the WEC has increased significantly. Many complaints are deficient, and the design of the form itself may be contributing to some of these deficiencies. Staff believe that a clear, step-by-step process on the complaint form would encourage individuals filing a complaint to provide all information required by statute to properly file a complaint with the Commission. It is also the intent of staff to develop a set of instructions that can be used in conjunction with the new form, likely on the complaint website page, along with some in-form instructions.

The purpose of this memo is to seek guidance from the Commission concerning a potential redesign of the complaint form. Specifically, staff seek guidance concerning: A) whether the form should be redesigned; B) how many new forms should be designed; and C) whether the current certification provided by the complainant is sufficient for all types of complaints received by the Commission.

Discussion:

A. Should the Commission’s complaint form be redesigned?

Staff believe that the Commission’s complaint form should be redesigned to address several common deficiencies. The current form, which follows this memo as Appendix 1, does not directly explain what information is required to submit a sufficient complaint, asks for some information multiple times, and contains at least one ambiguous section. As a result, required information is often missing, and staff spend a significant amount of time communicating with potential complainants over procedural requirements. Staff propose redesigning the form as a step-by-step list with 7 required parts to clarify for potential complainants how to properly complete the form. A general sketch of the proposed redesign text is provided below, though the final product would differ aesthetically:

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Administrator
Meagan Wolfe

1. Complaint Type

Please circle the statutory process that governs your complaint (Note: you should choose only one statutory process per complaint; if you feel that your allegations fall under more than one statutory process, you should submit separate complaints under each process):

5.05 (Election Law Violation)

5.06 (Violations of or Appeals of Decisions of Election Officials)

5.061 (Help America Vote Act Violation)

2. Complainants

Please provide the following information about yourself and anyone filing this complaint with you:

Name

Residential Address

Mailing Address (if different)

Telephone Number (optional)

Email (optional)

3. Respondents

Please provide the following information about the individual or individuals whom you allege violated or improperly administered election laws:

Name

Official title (if 5.06 is circled)

Mailing Address

Telephone number (if available)

Email address (if available)

4. Applicable Statutes

Please cite each statute within Chapters 5 to 10 and 12 of the Wisconsin Statutes, as well as any other laws relating to elections, other than laws relating to campaign financing, that you allege were violated or improperly administered. The Commission cannot accept a complaint that does not cite specific provisions, including the correct subsections, of election law.

5. Allegations

Set forth in detail the facts that establish **probable cause** to believe that a violation occurred. Be as specific as possible as it relates to dates, times, individuals, and actions involved. Use as many separate pages as needed and attach copies of any supporting documentation, evidence, or affidavits.

6. Sworn Statement

Each complainant listed above in section 2 must have this form sworn before a notary or other official able to swear oaths.

[Notary section discussed in section C of this memo]

7. Filing the Complaint

Please send this completed form to the Wisconsin Elections Commission
Email: elections@wi.gov. Please put your name and “Complaint” in the email header
Mail: Wisconsin Elections Commission P.O. Box 7984 Madison, WI 53707-7984
Fax: 608-267-0500

B. How many new forms should be designed?

Currently, the Commission uses one combined form for each of the three complaint types that may be filed with the Commission under Chapter 5 of the Wisconsin Statutes.¹ Because each complaint type requires a different statutory procedure, any ambiguity concerning the type of complaint prevents staff from accepting a complaint as properly filed. The first step outlined in (A) above (“circle which statutory process governs your complaint: 5.05; 5.06; 5.061”) is intended to ensure that each potential complainant specify which complaint type, and therefor which complaint procedure, applies to the form.

Another option would be to design three different forms, one for Wis. Stat. § 5.05 complaints, one for Wis. Stat. § 5.06 complaints, and one for Wis. Stat. § 5.061 complaints. Benefits of this option include designing each form to only obtain required information for that specific type of complaint, providing information on the form concerning the procedures that will accompany that complaint type, and potentially including certification language specific to the type of complaint. A drawback of creating different complaint forms is that potential complainants may submit the wrong type of form for the complaint they wish to file, though the design of the Commission’s complaint page may reduce that possibility. Overall, the Commission’s decision regarding question (C) below may tip the balance for or against designing multiple forms.

C. Should staff research and suggest potential modifications to the certification statement?

The combined complaint form includes as a certification statement:

I, _____, being first duly sworn, on oath, state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

This language is required by Wis. Admin. Code § EL 20.03(4), however, Chapter EL 20 only applies to § 5.06 complaints. If the Commission wished to use different certification language for

¹ This memo does not address ballot access challenges. The Commission has authorized rulemaking concerning ballot access challenges, and any form related to those processes should accompany that rulemaking. In any case, ballot access challenges have not historically been submitted to the WEC using the EL-1100.

different complaints, it likely could implement that change. It is clear in statute that both § 5.05 complaints and § 5.061 complaints must be sworn (§ 5.061 says “verified”), but neither statute provides a specific statement to accompany that action. Staff could research possibilities for the certification statements for future discussion. Research would cover both options for sworn statements as well as how such statements could be implemented. It is possible that an administrative rule would be needed to implement specific language required for specific complaints.

Conclusion:

Overall, staff recommends redesigning the complaint form in a manner similar to that suggested in (A), above. Staff seek guidance from the Commission concerning whether one or three complaint forms should replace the current form, and whether the sworn statement should be uniform or whether it can or should vary between complaint types. Though staff do not believe that a Commission vote is needed at this stage, the Commission would need to vote to approve the final design of any new complaint forms, and staff seek guidance concerning whether and how to proceed.



Wisconsin Elections Commission

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

DATE: November 2, 2023

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared and Presented by:
WEC Staff

SUBJECT: Revised Uniform Instructions Update

1. Background

At its September 7, 2023 meeting the Commission was presented with three concepts for revised Uniform Instructions and considered proposed language on ballot return guidance and correcting ballot mistakes. The Commission expressed a preference for version H.4 (as labeled in the September 2, 2023, meeting materials) and directed staff to make additional revisions to improve legibility and to continue work to refine and assess the revised Uniform Instructions. Feedback on the design from municipal and county clerks has been uniformly positive. The latest version of the revised Uniform Instructions is attached to these materials as Appendix N.1 (version 8).

2. Finalizing Revisions

Subject to the Commission's additional feedback, staff propose further evaluation of the revised design with voters and election inspectors around the state. With Commission approval, staff will conduct usability testing over the next six weeks employing two techniques: (1) in-person assessments at various locations around the state; and (2) remote assessments conducted through the mail with volunteer voters. These tests are intended to evaluate the effectiveness of the new design and to identify any potential sources of voter confusion not previously noted. Results from usability testing will be presented to the Commission at a date to be determined in December 2023.

During the same period as usability testing, staff will adapt the draft design features the Commission has embraced, to date, and apply them to the other version of the instructions currently available for central count jurisdictions and UOCAVA voters. This will ensure all instruction sets have a consistent appearance and function. Central count and UOCAVA instruction sets will likewise be presented to the Commission in December.

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Administrator
Meagan Wolfe

3. Commission Review

At a December 2023 meeting, the Commission will have the opportunity to consider feedback from the usability sessions and may issue further guidance or opt to approve the Uniform Instructions at that time. Should the Commission decide to make further changes, staff recommend that final approval of the revised design take place no later than the January 9, 2024 ballot access meeting. This deadline will ensure that clerks have adequate time to adopt and print the new instructions.

4. Proposed Motion

The Wisconsin Elections Commission directs staff to complete usability testing and development of final revised Uniform Instructions for Commission review in December as described in this memorandum. The Commission also schedules a meeting for December __, 2023 at [time] for this purpose.

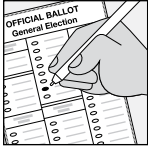
Uniform Instructions for Wisconsin Absentee Voters



STEP 1 Read and follow the instructions on your ballot.
Mistakes may prevent your votes from being counted.

STEP 2 You must vote your ballot in the presence of an adult witness:

- Mark your ballot in the presence of your witness.
- Your witness cannot tell you who or what to vote for and cannot see the choices you make on your ballot.



Who can be a witness?

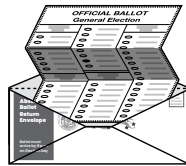
- A witness must be a U.S. Citizen who is at least 18 years old.
- For military or overseas voters, your witness must be at least 18 years old but is not required to be a U.S. Citizen.
- A witness can be a friend, spouse, family member, neighbor, etc.

Who cannot be a witness?

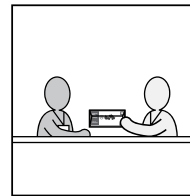
- A candidate on the ballot for this election.

If you're having trouble finding a witness or have questions about the witness requirement, please contact your municipal clerk.

STEP 3 Refold your voted ballot and place it inside of the return envelope.



STEP 4 Seal the envelope in the presence of your witness.



Make sure your envelope is completely sealed

STEP 5 Fill out the required sections of the absentee return envelope.

Required Elements

VOTER

Your voter information (may already be complete)

Signature

WITNESS

Signature

Printed Name

Address

Official Absentee Ballot Certificate & Application

CLERK or DENY Clerk or Voter must complete this part

1 Voter Information

City Name: _____ Election Date (mm/dd/yyyy): _____
 Village Name: _____
 Town Name: _____
 Name (Last, First, Middle): _____
 Street Address: _____
 County: _____ City: _____
 State: _____ Zip: _____ Word: _____ Ass. Dist: _____

2 VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stats. § 22.02(1), that:

- I am a resident of the ward or of the city/county district of the municipality in the county of the state of Wisconsin indicated herein.
- I am entitled to vote in the ward or city/county district of the election indicated herein.
- I am not voting at any other location in this election.
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election.
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 22.12, if requested assistance, could have looked.
- I requested this ballot and this is the original or a copy of that request.

X
 Voter Signature
 Certification of Assistant (if applicable)
 I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name on the direction and request of the voter.
 Assistant Signature: _____

3 WITNESS must complete this part

If the undersigned witness, subject to the penalties for false statements of Wis. Stats. § 22.02(1), certifies that:

- I am an adult U.S. citizen.
- The above statements are true and the voting procedure was established as stated.
- I am not a candidate for any office on the attached ballot (except the office of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure.

WITNESS REQUIRED

X
 Witness Signature: _____
 Witness Printed Name: _____
 Witness Address (Number, Street Name, City): _____

STEP 6 Return your ballot.

Unless you are a voter with a disability, you must personally return your own ballot and it must be received in time to be delivered to your polling place **no later than 8:00 p.m. on Election Day.**

- Mail it back. Allow at least **one week** for mail.
- Drop it off at your municipal clerk's office.
- Drop it off at your polling place or central count location.
- Voters with disabilities have the right to assistance in returning an absentee ballot. The voter's assistant can be anyone who is not the voter's employer, an agent of the employer, a representative of their labor union, or a candidate on the ballot.
- **Absentee ballots may not be returned by email or fax.**

Getting Assistance

If you need help reading or filling out your ballot or absentee return envelope, you may ask for assistance from anyone who is not your employer or a representative of your labor union. **Your assistant may also serve as your witness.** Explaining how to fill out your ballot or return envelope is not “assistance.”

With your ballot	With your absentee return envelope
<ul style="list-style-type: none">• If someone signs your absentee return envelope on your behalf, make sure they also sign in the <i>Certification of Assistant</i> section.• Your assistant may also serve as your witness.	<ul style="list-style-type: none">• Your assistant must sign in the <i>Certification of Voter Assistance</i> section.• Your assistant can read your ballot to you or fill out your ballot under your direction but cannot tell you how to vote.

Ballot Damage & Mistakes

If you make a mistake while marking your ballot or completing the return envelope, **please contact your municipal clerk.** They can also field questions about how to request a new ballot and return it if you make a mistake.

You can find their information below or by scanning the QR code.



myvote.wi.gov/en-us/My-Municipal-Clerk

Voter Photo ID

- If you have received your ballot, then a copy of your photo ID is already on file or you are exempt from the requirement. You do not need to provide another copy of photo ID unless instructed by your clerk.

If you have any questions, please contact your municipal clerk for assistance.

Municipal Clerk Contact Information

(Name of Municipal Clerk)

(Name of Municipality)

Phone:

Email:

Fax:

State Election Official Contact Information Wisconsin Elections Commission

Help Desk: (608) 261-2028
Email: elections@wi.gov



Check absentee ballot return status, find voter information, and more on MyVote.wi.gov



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 November 2, 2023 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Brandon Hunzicker – Staff Attorney

SUBJECT: Guidance on 30-Day Indefinitely Confined Letters

Introduction:

Staff seeks clarification concerning the Commission’s guidance on the indefinitely confined voter (IC) mailing list. Staff is developing a process in WisVote that will help clerks efficiently manage the mailing list, and encountered a potential issue between the Commission’s current guidance in the Election Administration Manual and the governing statute, Wis. Stat. § 6.86(2)(b). The discussion below presents the issue and two possible motions, one applying the current guidance and other applying a stricter read of statute.

Discussion:

IC voters receive an absentee ballot automatically “for *every* election.” Wis. Stat. § 6.86(2)(a) (Emphasis added). The term “election” by definition: “means every public primary and election.” Wis. Stat. § 5.02(4).

Currently, the Commission’s guidance excludes primary elections and only requires letters to be sent after spring, general, or special elections:

If an indefinitely confined elector fails to cast and return a spring, general or special election ballot, the clerk shall send a 1st class letter or postcard informing the voter that their name will be removed from the list unless the voter applies for renewal within the 30-day period.

However, the statute appears to direct clerks to send mailing list removal letters to indefinitely confined voters who fail to return a ballot for *any* election, rather than just to IC voters who fail to return an absentee ballot for Spring, General, and Special Elections. Wis. Stat. 6.86(2)(b) states that:

If an elector fails to cast and return *an absentee ballot received under this subsection*, the clerk shall notify the elector by 1st class letter or postcard that his or her name will be removed from the mailing list unless the clerk receives a renewal of the application within 30 days of the notification. (Emphasis added).

The emphasized language above refers back to the language of the previous subsection that explains when an IC voter receives ballots automatically, i.e., “for every election.” Wis. Stat. § 6.86(2)(a). In other words, § 6.86(2)(b) appears to state that if an IC voter fails to cast and return an absentee ballot each time they received one, i.e., “for every election,” then the clerk should mail the notification of removal letter.

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Administrator
Meagan Wolfe

The issue centers upon when an IC voter should receive a 30-day notice letter—after they fail to return a ballot after *any* election, as § 6.86(2)(b) suggests; or only if they fail to return a ballot after a Spring, General, or Special Election, as Commission guidance instructs? Importantly, the removal at issue here is merely removal from the automatic mailing list, and it does not affect a voter’s status as an active, registered voter.

Despite the statutory language, there is an important practical reason for the current guidance. The 30-day timeline for an IC voter to respond to the clerk’s letter often overlaps with the absentee ballot mailing date for subsequent elections. For example, the 2023 Spring Primary occurred on February 21 and the 2023 Spring Election occurred on April 3. Even if a clerk managed to send all 30-day notice letters the day after the February 21 election, not a simple task given a clerk’s other responsibilities surrounding an election, the voters would have until March 23 to let the clerk know that the voter intended to remain on the mailing list. However, under Wis. Stat. § 7.15(1)(cm), clerks must mail absentee ballots for existing requests, which includes all IC requests, 21 days before a Spring Election. That deadline this year was March 14. Therefore, in the best circumstance, voters had until March 23 to tell the clerk that they wanted to remain on the mailing list, but clerks only had until March 14 to mail those very same ballots. Therefore, a clerk would not have been allowed to remove a voter from the mailing list until after sending the voter the ballot for Spring Election.

The above example illustrates a situation where some IC voters could have received a ballot for the April 3 election, even though they did not return a ballot for the February 21 election. The current Commission guidance avoids this result by excluding primary elections from the notice letter requirement of § 6.86(2)(b) since primary elections are often held in such close proximity to other elections.

A discussion of this specific issue was last recorded in minutes by the GAB on May 21, 2013. The discussion took place in the context of voting in residential care facilities. Below is a copy of the minutes concerning this topic:

Discussion regarding concerns about whether a clerk should remove a voter from the permanent absentee list if he or she does not vote in a primary. The manual states that clerks should not remove a voter for failure to return a primary absentee ballot, while statutes specify a process of notification and removal if an elector fails to cast and return an absentee ballot. Judge Deininger noted that statutes do not specify a deadline by which the clerk must send out notifications, so a clerk could wait until the general election to see if the voter returned that absentee ballot. He also noted that the statutes should be cleaned up.

The GAB approved the current guidance within the care facility voting manual, and the guidance in that manual is substantively identical to that within the Election Administration Manual but includes this additional sentence: “[t]his process does not apply to voters who do not return a ballot for a primary election.” The Commission has not altered this guidance within either manual.

Taking the GAB comments into consideration, there may be an intermediate process that could allow clerks to still manage the mailing list and also more clearly comply with the statute. As Judge Deininger noted, the statute does not specify a date by which clerks must mail the notice, and allows voters to apply to remain on the list within 30-days of the notification. However, the statute does apply to all IC absentee ballots and expressly states that “[t]he mailing list . . . shall be kept current by all possible means,” which strongly indicates that voters should be removed from the list before receiving the next ballot, when possible. A clerk could potentially mail the notices of failure to vote in a primary after voting has concluded for the immediately following Spring, General, or Special Election if the clerk would be required to send out the notice after being required to send absentee ballots.

Under this scenario, a clerk may need to mail a combined notice for two elections if the voter also does not return a ballot for the following Spring, General, or Special Election, but the clerk would be able to mail all of the notices for the two elections at once, rather than having to go through two separate mailing processes for this statute. This would result in less additional work for clerks but would not otherwise change the fact that IC voters who fail to return a ballot for any election would be removed from the mailing list as soon as possible. Under the current guidance, the failure to return a primary ballot would not result in a notice being received or an IC voter removed from the mailing list, whereas the process described in this and the prior paragraph would result in voters receiving such a notice for failure to return a ballot in any election, regardless of whether a voter also returns a ballot for the immediately following Spring, General, or Special Election. Given the fact that a clerk cannot remove a voter from the list until after the clerk would be required to mail the next ballot to IC voters regarding some elections, the process described here, though odd, may be the best reading of the statute.

Notably, not all elections will generate this issue. For example, the Partisan Primary occurred on August 9, 2022, and the General Election occurred on November 8. If a clerk had mailed the notices on August 10, IC voters would have had until September 8 to apply for continuation on the mailing list. Clerks did not need to send out absentee ballots until 47 days prior to the General Election, which was September 22. Therefore, in this instance, clerks could remove voters from the mailing list before sending absentee ballots for the General Election. The possible motion below would account for the differences between various primaries and only allow a combined notice when a clerk would not be able to take action concerning a mailing list before the next election's absentee ballots would be mailed.

This issue is being brought to the Commission's attention again because of a process staff are currently developing in WisVote to allow clerks to generate the 30-day notice letters for all identified voters at one time rather than having to do so individually. Currently, clerks must independently send these notice letters, and may consult local counsel if they believe notices must be sent more frequently. The current WisVote process only allows clerks to generate letters for one record at a time, leading to a time-consuming process for jurisdictions with large numbers of voters requiring contact. Clerks can and do prepare the letters outside of WisVote, but this requires more specialized knowledge that is not common to all clerks, while also requiring them to track the 30 days outside of WisVote. WEC staff has had many requests from clerks to improve the process within WisVote so they can generate multiple letters at a time rather than being limited to generating them individually. Clerks would not be required to use the new process in WisVote and can continue to do so independently with input from local counsel, but this staff developed option in WisVote available for all clerks, would greatly increase the efficiency of the process as well as ensuring the correct deadlines are applied. This process of allowing bulk generation of letters is being implemented for 2024 elections, but staff have the option of developing the process to apply to each election as described above, or only for Spring, General, and Special Elections depending on the decisions made by the commission.

Possible Motions:

Possible Motion 1: Staff shall apply the Commission's current guidance when it updates WisVote to allow clerks to manage sending notices to Indefinitely Confined voters when such voters fail to return an absentee ballot for any Spring, General, or Special Election.

Possible Motion 2: The Commission modifies its guidance concerning the notice clerks send to Indefinitely Confined voters to state that: "If an indefinitely confined elector fails to cast and return an absentee ballot for any election, including primaries, the clerk shall send a 1st class letter or postcard informing the voter that the voter's name will be removed from the list unless the voter applies for renewal within the 30-day period. Clerks should send out such notices as soon as practicable, but not later than 30 days before a clerk would be required to mail absentee ballots for another election. If a clerk would be required to send absentee ballots for an immediately

following election before a clerk could remove any voters from the mailing list, clerks should send the notice as soon as practicable after the immediately following election and the notice should reflect any failure to return a ballot for either election.” Staff shall update clerk manuals and apply this guidance in applicable circumstances, including updates to WisVote to allow clerks to manage sending notices to Indefinitely Confined voters when such voters fail to return an absentee ballot for any election.



Wisconsin Elections Commission

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DATE: For the November 2, 2023, Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by Elections Commission Staff

SUBJECT: Commission Staff Update

CONTENTS

General Operations

1. Elections Team Report
2. Voters Team Report
3. Data Quality & Reporting
4. Accessible Voting
5. Absentee Voting
6. Addressing & Districts

Training & Equipment

7. Badger Book Report
8. Clerk Training Report
9. Voting Technology Report

Communications

10. Public Outreach
11. Help Desk/Customer Service Report

Administration

12. Financial Services
13. Procurements
14. Agency Meetings & Presentations

Wisconsin Elections Commissioners

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Administrator
Meagan Wolfe

GENERAL OPERATIONS

1. Elections

The Town of Presque Isle in Vilas County has a Special Election on November 14, 2023. Staff have been assisting that municipality with their election tasks and deadlines, as well as working on thoroughly testing the system upgrade functionality in their assigned election-related task areas.

In preparation for the April 2, 2024, Spring Election, staff have been reviewing and improving the various reports that are available to the public on the WEC website ahead of the January 2, 2024, filing deadline. The improvements will increase readability of the reports and help answer questions staff have received in the past about candidate status and outstanding ballot access documents.

2. Voters

The MyVote website is the Wisconsin Elections Commission's main voter information tool. The website allows voters to register to vote online during open registration, start the process during closed registration, request an absentee ballot, find their polling place for the next scheduled election, view sample ballots, track their absentee and provisional ballot status, and more. MyVote is a critical tool that both Wisconsin voters and clerks have come to rely on.

MyVote usage has continued at the expected low but steady rate in the absence of a statewide Fall Election cycle. Since the last scheduled Commission meeting, there have been several small increases in MyVote usage from residents finding their way to the MyVote site in error while looking for information for local elections. The most recent increase in usage was due to National Voter Registration Day on September 19, 2023, where the site had a 10 percent increase in visitors, compared to the weeks before and after this day.

Matching the lower usage level, comments directed to the Commission by users of the MyVote site have also been fewer in the months since the April election. Recently there have been brief increases in MyVote comment volume due to unknown writing/comment campaigns misidentifying the MyVote site as a direct contact point for elected officials.

3. Data Quality & Reporting

Data quality queries are run every day in the months prior to an election in order for Commission staff to monitor potential data entry errors or missing information in WisVote, then contact and work with clerks to resolve the errors. Commission staff continuously work with municipal and county clerks to meet reporting requirements following all state and federal elections.

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

General Election. The reports are posted for each state on the EAC’s website eac.gov/research-and-data/studies-and-reports. The WEC also regularly publishes voting statistics (formerly EL-190 reports) that summarize the data submitted by municipal clerks. These reports are available on the WEC website at elections.wi.gov/statistics-data.

2022 General Election

- 1,800 municipalities reconciled their voting statistics for all reporting units.
- 49 municipalities outstanding, encompassing 61 reporting units.

2023 Spring Primary Election

- 1,815 municipalities reconciled their voting statistics for all reporting units.
- 34 municipalities outstanding, encompassing 39 reporting units.

2023 Spring Election

- 1,819 municipalities reconciled their voting statistics for all reporting units.
- 30 municipalities outstanding, encompassing 38 reporting units.

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. As of October 12, 2023:

- 2022 General Election – 51 municipalities with incomplete reports
- 2023 Spring Primary Election – 68 municipalities with incomplete reports
- 2023 Spring Election – 98 municipalities with incomplete reports

ERIC Movers Mailing

The Quarter 3 (Q3) 2023 Movers Mailing was sent out on September 29, 2023, to a total of 53,416 voters.

Table 1: Summary of Movers Mailings 2022 to present

Year, Quarter	Total Movers	Possible Movers ¹	Registered ²	Inactive ³	Requested Continuation at current address	Rate confirm current address
2023 Q3	53,416	52,016	1,108	292	107	0.2%
2023 Q2	29,721	21,661	1,476	6,584	219	0.7%
2023 Q1	32,551	17,555	6,357	8,639	255	0.8%
2022 Q4	31,187	15,405	5,693	10,089	135	0.4%
2022 Q3	57,555	18,837	25,093	13,625	488	0.8%
2022 Q2	61,012	17,888	27,734	15,390	593	1.0%
2022 Q1	55,032	18,406	28,302	8,324	806	1.5%

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

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

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

Badger Voters

Badger Voters is a website established by the WEC to provide a simple and automated way for the public to request voter data lists and candidate nomination papers.

FY24 figures include requests and net revenue received through October 19, 2024. Note that nomination papers are offered at no charge and thus not included in the “Requests” and “Purchased” columns.

Deployment of the improved Badger Voters website took place on May 21, 2023. Commission staff continue to monitor the Badger Voters site since deployment to confirm all changes have the intended impact on user experience and that no technical issues were introduced with the update.

Table 2: Badger Voters Revenue

Fiscal Year	Requests	Purchased	% Purchased	Net Revenue	Nomination Papers
FY2024	99	92	92.3%	\$105,911	1
FY2023	1,126	995	88.3%	\$792,827	204
FY2022	1,059	963	90.9%	\$407,025	1185
FY2021	1,335	1,108	82.9%	\$1,131,859	307
FY2020	1,291	1,134	87.8%	\$619,907	402
FY2019	617	473	76.6%	\$328,015	NA
FY2018	706	517	73.2%	\$182,341	NA
FY2017	643	368	57.2%	\$234,537	NA
FY2016	789	435	55.1%	\$235,820	NA

Note: Prior to FY2020 the Net Revenue figure is for gross sales and does not account for any refunds.

4. Accessibility

The Accessibility Advisory Committee has been meeting monthly since May to update the questions on the Polling Place Review Survey. The survey has not been updated since 2014 and still referenced the Government Accountability Board and accessible voting equipment that has been decertified. Other changes to survey questions are being made to increase concrete data gathered and improve efficiency during reviews. The updated survey will be used starting at the Spring Primary in February 2024.

Similarly, the database used to store data from polling place review surveys and the reporting system where clerks respond to results, both called AccessElections, are also being updated for the 2024 election cycle. The database is being brought into WisVote, so data about the accessibility of a polling place can be stored in the polling place’s record. Moving forward, AccessElections will only refer to the reporting system used by clerks to view the results of surveys conducted on their polling places. This will remain outside of WisVote since many clerks are not WisVote users. Updates to this system will improve the usability of the website.

5. Absentee

The project to revise the uniform instructions remains underway and is discussed in a stand-alone memorandum. In the coming weeks, staff plan to conduct usability sessions with both clerks and the general public to evaluate the effectiveness of the new design.

6. Addressing & Districts

There were two new incorporations in the state since the Spring Election.

A portion of the Town of Wrightstown in Brown County was incorporated in June to become the Village of Greenleaf. WisVote was updated to accommodate their special incorporation election.

The Town of Rib Mountain in Marathon County was incorporated to become the Village of Rib Mountain in July. WisVote was updated in August to reflect this change in order to facilitate a September special election for new village board members.

7. Security

In addition to resuming security TTX training, the security team continues to evaluate options for improving the overall security posture of Wisconsin's statewide voter registration database. These include options for improving user authentication protocols and potential threat identification.

TRAINING & EQUIPMENT

8. Clerk Training

In October, the security team resumed conducting security tabletop exercise training. These are discussion-based trainings in which challenging scenarios related to election administration are presented and participants discuss how to appropriately respond or address each scenario.

The rollout of these revamped trainings have been considerably smooth and hiccup-free, although there is still room for improvement. The security team would like to see these training courses grow and become a routine part of a clerk's election training regimen.

Following this memorandum as Attachment 1 is a summary of initial certification, election administration, and WisVote training conducted by WEC staff, and available to clerks and their election officials in The Learning Center. WEC staff also attended several clerk conferences since the last Commission meeting.

Commission staff provided focused election training through its election administration and WisVote webinar training series. The election administration webinar "New Clerks Class" introduced new clerks to the agency and staff and provided information on training requirements for local election officials and the wide variety of resources available for them in The Learning Center. Recent webinars reviewed the new absentee certificate envelope and appointing election officials for the 2024-2025 term.

WisVote staff provided several webinars that wrapped up the spring elections and reviewed the 4-year voter maintenance process. Commission staff are currently planning the next WisVote webinar training series, expecting it to be available to clerks by mid-November. Commission staff are also reviewing the WisVote User Manual in preparation for releasing a new version by the end of 2023. The updated version will include any changes made to WisVote as a result of the upcoming CRM upgrade, along with any other WisVote updates deployed in 2023.

Election administration staff is also reviewing manuals, forms and other materials for needed updates or modifications for the 2024 election year.

The WEC Training Team sent out a clerk survey to evaluate current training offerings and make plans for future improvements and development. Clerks were invited to participate in a series of feedback sessions based on the responses received from survey. Clerks were asked for their thoughts on how best to communicate training requirements and resources, suggestions for new materials, and any constraints they had for taking and reporting training in a timely manner.

WEC staff presented the Clerks Institute with information about the Candidate Lifecycle and a First Year Clerks Class. Staff also participated in the Wisconsin Municipal Clerk's Association summer conference, Wisconsin County Clerk Association fall conference and the Wisconsin Towns Association annual convention. Topics included an update on the Badger Book program, training requirements and resources and the new absentee certificate envelope and available subgrant programs.

9. Badger Book Program

In 2023 an additional 95 municipalities confirmed that they either purchased Badger Books already or intend to do so by January 31, 2024. This brings the anticipated number of users in 2024 to over 300 municipalities (roughly 17% of all municipalities), covering nearly 1,000,000 registered voters (30 percent of the state's total). As previously reported, staff are spending the remainder of 2023 focusing on program improvements. This includes revisiting existing training offerings/content, software enhancements, and researching alternative hardware solutions.

Given the growth of the program and a new level of interest in learning how to use e-pollbooks, the Badger Book team conducted open houses for election officials throughout the state to give interested parties the chance to view both the hardware and the application in use. Each open house was well attended by interested clerks, election inspectors, voters, and elected officials.

Staff also redesigned the introductory training for new users and created a refresher training for veteran users. The Badger Book team, consisting of 10 staff members, are spending 3 weeks in October and November training over 500 clerks and chief inspectors, consisting not only of new users from those 95 municipalities mentioned above, but also clerks who have taken new jobs in Badger Book municipalities, county clerks wishing to support their municipal clerks on the e-pollbook functions and processes, as well as veteran Badger Book users on the subject of advanced troubleshooting. Staff are also conducting Train-the-Trainer to certify veteran Badger Book clerks to offer training to other new municipalities in the hopes those trainers can assist with the effort of onboarding in the future.

Badger Book team members and Legal team also created a Memorandum of Understanding (MOU) to codify the relationships between and expectations of WEC and each Badger Book municipality. The MOU was sent to the over 200 current Badger Book users as an assigned activity in the Learning Center. The deadline for the first group of municipalities to submit their signed copies is 12/1/2023. It will be sent to the 95 new municipalities sometime in November, once they have all completed their introductory training.

A software update for improving the user interface, better workflows, and processes when the data is uploaded into WisVote is forthcoming. Badger Book clerks will download the update from WisVote and upload the file to their server machines via secure USB.

Defining the structure and future growth of the Badger Book program has been an important goal for this year, with the major focus being on ensuring the program can continue its growth sustainably for years to come.

10. Voting Technology

The voting equipment team has been focusing on performing certification testing campaigns for Election Systems & Software, Clear Ballot Group, Dominion Voting Systems, and Hart InterCivic. Each certification campaign has been presented or will be presented to the Commission in a stand-alone memo. In total, staff conducted certification testing campaigns on six individual electronic voting systems in 2023.

In addition to the multiple certification events, the voting equipment team has also been receiving and reviewing various Engineering Change Orders (ECOs). All ECOs are reviewed by staff before being presented to the WEC Administrator and Chair – in accordance with state law and the policies adopted by the full Commission. Once staff have completed all the required tasks associated with the various certification campaigns, staff will work to present their findings to the administrator and chair for review and full documentation will be sent to the vendor should they be approved. Currently staff is in receipt of three complete applications:

1. ES&S ECO 1155
2. Clear Ballot Group ECO 13406
3. Clear Ballot Group ECO-COTS-117

Staff expects to receive additional ECOs in the last months of 2023 and will perform the necessary review process as required.

COMMUNICATIONS

11. Outreach

Newsletter

By the time the Commission meets, the newsletter team will have published Volume III, Issue XVIII of its biweekly clerk newsletter. Since the last staff update in April 2023, newsletter team staff have written feature stories on about 10 municipal or county clerks. The newsletter has also served as an important medium through which to communicate critical information to clerks, such as dates, deadlines, and WEC programs they can participate in. The team is also continuing to work on streamlining editorial processes to ensure consistency and accuracy of the newsletter product.

Voter Outreach Events

Over the summer and into the fall, Administrator Wolfe has attended several voter outreach events across the state organized by nonpartisan civic groups. She has taken these opportunities to educate members of the public in attendance about how Wisconsin's election system works and why voters can have trust in it. Administrator Wolfe plans to continue attending such events through next year's election cycle.

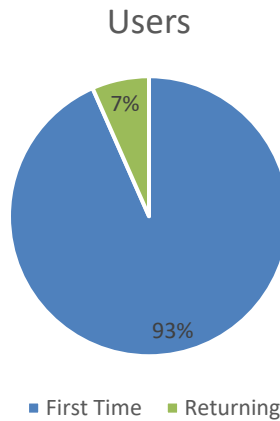
Style Guide

Over the summer and fall, members of the Public Information Office (PIO) have been working to create a draft version of an agency Style Guide to incorporate a consistent style – in terms of grammar, word choice, and formatting – into the agency's written materials. Once the PIO team has completed a draft, it will include wider agency staff input before the document is ready for use.

Website

Since the spring election, staff have monitored the use of elections.wi.gov through WEC's GA4 (formerly Google Analytics) account. On an average weekday, the website drew about 1,200 users. On July 18 (AD 24 Special Election), that number increased to 1,900. As expected, the traffic returned to the daily average the next day.

From April 28 to October 18, there have been 87,076 new visitors to the website, and the most common way they find it is through a Google search.



Below is a list of the 10 pages most frequently accessed April 28-October 17:

1. Home
2. Clerks
3. Search
4. Election Results
5. Calendar
6. Election Forms
7. Voter Registration & Proof of Residence
8. Clerk Communications
9. Voter Registration (Statistics & Data)
10. Elections

Page title and screen class	Views	Users	Views per user	Average engagement time
	808,807 100% of total	93,192 100% of total	8.68 Avg 0%	1m 27s Avg 0%
1 Wisconsin Elections Commission	149,540	32,743	4.57	0m 21s
2 Clerks Wisconsin Elections Commission	30,800	3,164	9.73	1m 02s
3 Search Wisconsin Elections Commission	29,427	3,387	8.69	1m 29s
4 Election Results Wisconsin Elections Commission	27,002	7,218	3.74	0m 30s
5 Calendar Wisconsin Elections Commission	24,573	5,476	4.49	1m 08s
6 Election Forms Wisconsin Elections Commission	20,594	2,866	7.19	1m 26s
7 Voter Registration and Proof of Residence Wisconsin Elections Commission	16,559	5,442	3.04	0m 55s
8 Clerk Communications Wisconsin Elections Commission	15,909	1,925	8.26	1m 27s
9 Voter Registration Statistics Wisconsin Elections Commission	15,829	3,417	4.63	0m 32s
10 Wisconsin Elections Wisconsin Elections Commission	14,900	4,406	3.38	0m 37s

Staff continue to monitor user experiences on elections.wi.gov and are actively working with the website developer and host to improve the search functionality as it is a known issue.

12. Elections Help Desk & Customer Service

The Elections Help Desk staff is supporting more than 2,200 active WisVote users while also answering calls and emails from the public and election officials. Staff are monitoring state enterprise network and data center changes and status, processing voter cancelations and voter address verification postcards. Help Desk staff has been serving on and assisting with various project and development teams. Staff continues to maintain WisVote user and clerk listserv email lists and contact information and administer WEC’s O365 email system. The staff continues to administer the WisVote Active Directory system and the Elections Learning Center, maintaining system security.

In October our operating systems were upgraded to Windows 11 and 21 older laptops were replaced that could not be upgraded to Windows 11. The Help Desk staff also routinely make clerk updates when they occur to ensure accurate information in WisVote. The agency’s use of Zendesk has helped improve communications to clerks and voters in a timely matter. This platform was adopted over many months and directly addresses a recommendation from the Legislative Audit Bureau.

Customer Service Call Volume

April 2023	2,060
May 2023	627
June 2023	670
July 2023	515
August 2023	543
September 2023	548
October 2023 (1 st -4 th)	89
Total for Reporting Period	5,052

Customer Service Email Volume

elections@wi.gov

April 2023	3,189
May 2023	3,489
June 2023	2,296
July 2023	1,880
August 2023	2,108
September 2023	2,010
October 2023 (1 st -4 th)	327
Total for Reporting Period	15,299

Address Verification Postcards Mailed

April 2023	23,268
May 2023	5,918
June 2023	3,079
July 2023	3,652

August 2023	3,804
September 2023	6,243
October 2023 (1 st - 4 th)	1,748
Total for Reporting Period	47,712

Voter Cancellations Received by Email

April 2023	41
May 2023	39
June 2023	57
July 2023	59
August 2023	52
September 2023	55
October 2023 (1 st – 5 th)	11
Total for Reporting Period	314

ADMINISTRATION

13. Financial Services Activity

The WEC financial staff has performed the following financial services activities since the April 28, 2023, Staff Update to the Commission:

- Staff has continued to process the disbursement of federal Election Security grant funds through the .gov municipal subgrant, Accessible Voting Equipment subgrant, and the Absentee Ballot Redesign subgrant and follow up each disbursement with an email confirmation of expected funds and an award letter.
- Over June-August, the financial staff has been working to perform all procurement and financial year-end activities for the state fiscal year 2023 (FY23) June 30 close, running queries, inquiries, and reports, completing transaction and account reviews, and creating adjusting journal entries and budget journal entries when appropriate.
- On April 12, 2023, staff submitted the first quarter financial report for our WEM/FEMA Election Cyber Security subgrant.
- On April 14, 2023, staff submitted to the Wisconsin State Controller’s Office (SCO) our FY24 STAR operating budget request.
- On April 28, 2023, staff submitted to the SCO our bank certification report.
- On April 26, 2023, staff submitted to the U.S. Election Assistance Commission (EAC) the second quarter Federal Financial Report (FFR) covering January 1 through March 30, 2023 (federal fiscal year October 1 – September 30).

- On May 11, 2023, staff submitted to the SCO our Records Disposition Authorization (RDA) schedule for expired electronic records of financial transactions by performing transaction reviews, disposition designations, bundling, and approvals.
- On June 2, 2023, staff submitted to the SCO Treasury our agency's annual SinglePoint access and permissions review.
- On June 21, 2023, staff submitted to the SCO our designation of agency reconciler.
- On July 7, 2023, staff submitted the second quarter financial report for our WEM/FEMA Election Cyber Security subgrant.
- After working with McBride, Lock & Associates accounting firm to supply documentation and information for our routine federal audit since our entrance conference on October 13, 2022, on July 13, 2023, financial staff and management met with representatives from the EAC and McBride, Lock & Associates for our federal audit exit conference.
- On July 14, 2023, financial staff and management met with the EAC for an audit exit conference debrief.
- On July 19, 2023, financial staff and management met with the EAC to discuss the EAC's audit response.
- On July 26, 2023, staff submitted to the EAC the third quarter Federal Financial Report (FFR) covering April 1 through June 30, 2023.
- On August 4, 2023, staff completed our agency's FY23 budget lapse transactions.
- On August 10, 2023, financial staff and management met with the EAC to discuss Wisconsin's response to the report of our routine federal audit.
- On August 15, 2023, staff verified all FY23 Form 78s for our agency's twenty appropriations.
- On September 6, 2023, staff submitted to the SCO all necessary accrual entries.
- On September 20, 2023, staff met with the STAR IT team from the Wisconsin Department of Administration (DOA) to reconcile FY24 to date Badger Voters revenue.
- On September 22, 2023, staff submitted to the SCO our Appropriation Overdraft Report showing no appropriations in overdraft.
- On September 27, 2023, staff submitted to the SCO audit team our agency's Prompt Payment Report showing all FY23 payments were prompt.

- On October 2, 2023, staff submitted to DOA our 2021-2023 Biennial Report, as required under s.15.04(1)(d).
- On October 10, 2023, staff submitted the third quarter and final financial report for our WEM/FEMA Election Cyber Security subgrant showing all funds expended.

In addition, staff has performed the following on a monthly basis:

- Staff continued to perform and submit to the SCO scheduled month-end close queries, inquiries, and reports. Staff conducted the necessary adjusting entries to resolve any discrepancies.
- Staff continued to validate Wisconsin Department of Administration (DOA)'s monthly Diverse Spend Reports.
- Staff continued to participate in monthly DOA virtual user group webinars pertaining to Project Costing, Accounts Receivable and Billing, Accounts Payable, Travel and Expenses, and Asset Management.
- Staff continued to participate in the virtual PCard Administrators Group to discuss issues pertaining to the Wisconsin Purchasing Card (PCard) and in the State Agencies Purchasing Council (SAPC) to discuss procurement topics and updates.
- Staff continued to participate in the Financial Leadership Council meetings at SCO.

14. Procurements

The following 34 Purchase Orders totaling \$1,529,018.13 have been processed since the April 28, 2023, Staff Update to the Commission:

- A \$4,400.00 Purchase Order was written to Environmental Systems Resource Institute for five ArcGIS Online Creator subscriptions with maintenance.
- A \$1,307.97 Purchase Order was written to Paragon Development Systems for an HP Workstation and Camtasia license.
- A \$2,347.00 Purchase Order was written to Paragon Development Systems for an Apple Mac Mini, monitor, keyboard, mouse, and maintenance package.
- A \$4,310.72 Purchase Order was written to SHI International Corp. for several license subscriptions of Adobe Acrobat Pro, InDesign, Photoshop, and Illustrator.
- A \$2,664.24 Purchase Order was written to SHI International Corp. for a Confluence software license.

- A \$2,541.00 Purchase Order was written to Cenveo Worldwide Limited for different versions of the absentee ballot envelopes for usability testing of the Commission's redesign.
- A \$10,606.30 Purchase Order was written to the WI Department of Corrections for 54 board room chairs.
- A \$46,389.00 Purchase Order was written to Paragon Development Systems for 21 HP ZBook computers.
- A \$3,120.00 Purchase Order was written to Paragon Development Systems for 20 USB-C Docking Stations.
- Six Purchase Orders totaling \$922,480.00 were written to Knowledge Services for six IT Developers' services for the state fiscal year. This expense, over \$100,000 was approved by the Commission as part of the Biennial budget and at the June 1, 2023 Commission meeting.
- A \$3,750.00 Purchase Order was written to AT&T Mobility for an annual subscription to the RAVE communication system.
- A \$3,600.00 Purchase Order was written to LexisNexis for online legal research access.
- A \$24,108.00 Purchase Order was written to Paragon Development Systems for 21 staff computers with maintenance.
- A \$1,054.00 Purchase Order was written to Paragon Development Systems for two high-display computer monitors.
- A \$99,980.00 Purchase Order was written to SHI International Corp. for ZenDesk Suite.
- A \$105,000.00 Purchase Order was written to Carahsoft Technology Corporation for redevelopment of the Learning Center training site. This purchase over \$100,000 was approved by the Commission at their March 3, 2023 meeting.
- A \$391.00 Purchase Order was written to Paragon Development Systems for a Quadro T1000 4GB graphics card.
- A \$3,600.00 Purchase Order was written to Environmental Systems Resource Institute for ArcGIS online credits.
- A \$316.89 Purchase Order was written to Vanguard Computers for notebook one carrying case and eleven backpacks.
- A \$15,922.90 Purchase Order was written to SHI International Corp. for five Visual Studio software licenses.

- A \$67,017.12 Purchase Order was written to Insight Public Sector for OPSWAT endpoint monitoring.
- A \$257.70 Purchase Order was written to SHI International Corp. for five Adobe Acrobat Pro license subscriptions.
- A \$1,368.00 Purchase Order was written to Paragon Development Systems for six Badger Book thermal printers with cables.
- A \$99,995.04 Purchase Order was written to Carahsoft Technology Corporation for Acquia Cloud platform.
- A \$82,088.56 Purchase Order was written to SHI International Corp. for ElasticSearch.
- A \$3,117.67 Purchase Order was written to SHI International Corp. for LastPass password manager.
- A \$491.02 Purchase Order was written to SHI International Corp. for Adobe Creative Cloud.
- A \$15,900.00 Purchase Order was written to SHI International Corp. for SmartyStreets address verification.
- A \$894.00 Purchase Order was written to Paragon Development Systems for six staff headsets.

All purchases accurately followed the Wisconsin State Procurement Process.

15. Meetings and Presentations

WEC staff attended the following events in the four months preceding this meeting of the Commission:

July 10-14, 2023	Badger Book Open Houses Absentee Certificate Envelope Usability Testing
July 18, 2023	WI-ISAC Cybersecurity Meeting
July 24-27, 2023	National Association of State Elections Directors Conference
July 25, 2023	Meeting with the U.S. Postal Service
July 28, 2023	ERIC Summer Conference

August 3, 2023	Clear Ballot Public Voting Equipment Testing
August 8, 2023	Enterprise IT Meeting
August 15, 2023	WI-ISAC Cybersecurity Meeting
August 16, 2023	CISA National Elections Security Exercise: Tabletop the Vote
August 23, 2023	Wisconsin Municipal Clerk's Association Conference Enterprise IT Meeting
September 6, 2023	Wisconsin DMA Homeland Defense Seminar State IT Directors Council Meeting
September 12, 2023	Homeland Security Council Meeting
September 13, 2023	Badger Book Train-the-Trainer
September 18-19, 2023	Wisconsin County Clerk's Association Conference
September 19, 2023	WI-ISAC Cybersecurity Meeting
September 25, 2023	Winchester Academy Presentation
September 28, 2023	ERIC Board of Directors Meeting Dominion Voting Equipment Public Testing
October 4, 2023	State IT Directors Council Meeting
October 9-13, 2023	Voting Equipment Results Transmission Testing
October 20, 2023	Virtual Elections Security TTX
October 24, 2023	Wisconsin Towns Association Conference
October 25, 2023	National Association of Secretaries of State Meeting
November 1, 2023	Disability Vote Coalition Meeting State IT Directors Council Meeting

ATTACHMENT #1

Wisconsin Elections Commission’s Training Initiatives
4/28/2023 – 11/2/2023

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Municipal Clerk	<p>2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.</p> <p>MCT Core class is available in the WisVote Learning Center and in-person training classes with certified clerk-trainers.</p>	3 hours	<p>All municipal clerks are required to take the training; other staff may attend. Clerks may attend refresher once per 2-year term.</p>	<p>In-Person 4</p> <p>16-section online presentation with quizzes</p>	<p>65</p> <p>105</p>
Chief Inspector	<p>Required training for new Chief Inspectors before they can serve as an election official for a municipality during an election.</p> <p>CIT Baseline class is available in the WisVote Learning Center and in-person with certified clerk-trainers.</p>	2-3 hours	<p>Election workers for a municipality. Current chiefs and clerks may attend refresher once per 2-year term.</p>	<p>In-Person 11</p> <p>7-section online presentation with self-evaluation</p>	<p>279</p> <p>93</p>
Election Administration and WisVote Training Webinar Series	<p>Series of programs designed to keep local government officials up to date on the administration of elections in Wisconsin.</p>	60 + minute webinar training sessions hosted and conducted by Commission staff.	<p>County and municipal clerks, chief inspectors, poll workers, election registration officials, and school district clerks.</p>	<p>5/16/2023: 4-Year Maintenance; 6/30/2023: WisVote Grab Bag; 7/18/2023: WisVote Voter Records; 9/29/2023: New Clerks Class; 10/11/2023: Absentee Cert Envelope; 10/25/2023: Appointment of Election Officials: What to Expect in a Polling Place Survey.</p>	<p>50 – 500 per live webinar; posted to website for clerks to use on-demand.</p>

ATTACHMENT #1

Wisconsin Elections Commission’s Training Initiatives
4/28/2023 – 11/2/2023

WisVote Training	Online training in core WisVote functions – how to navigate the system, how to add voters, how to set up elections and print poll books.	Varies	New users of the WisVote application software. Two user types, Clerk Role for full access and Data Entry Role for certain tasks.	Online	Not tracked
<p>July 17, 2023: Clerks Institute (Lifecycle of a candidate)</p> <p>July 19, 2023: Clerks Institute (First year clerks: What you need to know about elections)</p> <p>August 23, 2023: Wisconsin Municipal Clerks Association Annual Conference</p> <p>September 18, 2023: Wisconsin County Clerks Association Fall Conference</p> <p>October 24, 2023: Wisconsin Towns Association Annual Convention</p>					
<p>The Learning Center (TLC) statistics, April 28-October 17:</p> <ul style="list-style-type: none"> • 3.8 thousand users with the most accessing it since September 18 <p>Here is a list of the 10 most accessed TLC modules for this period:</p> <ol style="list-style-type: none"> 1. MCT Core 2. EA Webinar Series 3. WisVote Introduction 4. WisVote Webinar Series 5. WisVote Absentee Voting 6. Baseline CIT 7. Badger Books 8. WisVote Voter Management 9. Securing Elections Series, Security Awareness 10. WisVote Election Management 					