

April 28 OPEN MEETING AGENDA

- A. Call to Order**
- B. Administrator’s Report of Appropriate Meeting Notice**
- C. Public Comment**
- D. Approval of Previous Meeting Minutes ----- Pg. 3**
 - 1. February 2, 2023**
 - 2. February 28, 2023**
 - 3. March 3, 2023**
 - 4. March 14, 2023**
- E. Discussion on the Commission’s March 8 Advisory ----- Pg. 23**
Committee Meeting, Election Observer Rulemaking
Processes, and Possible Consideration of Election
Observer Rule Text
- F. Voting Equipment Certification Schedule ----- Pg. 101**
- G. Accessibility Report ----- Pg. 105**
- H. Discussion of 4 Year Maintenance Postcard Approval ----- Pg. 143**
- I. Discussion of Absentee Envelope and Certificate Redesign -- Pg. 153**
- J. Staff Update ----- Pg. 195**



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
9:00 a.m. February 2, 2023

Open Session Minutes

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

Staff present: Cody Davies, Sharrie Hauge, Regina Hein, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Sara Linski, John Smalley, Riley Vetterkind, Robert Williams, Riley Willman, and Meagan Wolfe, all by teleconference.

A. Call to Order

Commission Chair Millis called the meeting to order at 9:06 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Public Comment

Eileen Newcomer

Eileen Newcomer appeared on behalf of the League of Women Voters of Wisconsin and provided comment on the 2022 General Election Voting Equipment Audit results, the 2022 General Election Accessibility Audit Report, the absentee envelope certificate redesign, and the election observer scope statement. She noted that the League also provided written comment to the Commission including their Spring Election 2021-2022 Spring Elections Post-Election Report.

Barbara Beckert

Barbara Beckert appeared on behalf of Disability Rights Wisconsin and the Disability Vote Coalition and asked the Commission to take action to protect the rights of disabled voters regarding Judge Peterson's August 2022 order. She also provided comment on the 2022 General Election Accessibility

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Audit Report and the election observer scope statement. Ms. Beckert noted that she also submitted written comment to the Commission.

Discussion.

Jaelyn Sadler

Chippewa County Clerk Jaelyn Sadler stressed to the Commission the importance of the timeline for the absentee certificate redesign project.

Trent Miner

Wood County Clerk Trent Miner voiced concerns about recent communication between the WEC and Wisconsin county clerks concerning certification of candidates for the Spring Primary ballot, the ballot order drawing, and the constitutional amendment questions on the Spring Election ballot. He noted that he also submitted written comment to the Commission.

Discussion.

Kathy Burgert

Kathy Burgert, Observer Coordinator for the Outagamie County Republican Party, provided comment on the election observer scope statement.

Joe Waldman

Joe Waldman, Campaign Manager for All Voting is Local, provided comment on the absentee envelope certificate redesign and the election observer scope statement.

Discussion.

Matthew Rothschild

Matthew Rothschild, Executive Director of the Wisconsin Democracy Campaign, provided comment on the election observer scope statement and called for Commissioner Spindell's resignation.

Mary Jo Thompson

Mary Jo Thompson was unable to join the meeting and unavailable to provide comment once contacted.

Julie Seegers

Julie Seegers reiterated Kathy Burgert's comments and provided additional comment on the election observer scope statement. She noted that her submitted written comment included comments from seventeen observers sent to her as part of an informal survey she conducted.

Sandy Juno

Sandy Juno appeared on behalf of the Wisconsin Election Integrity Network and provided comment on the 2022 General Election Voting Equipment Audit Report, the absentee envelope certificate redesign, and the election observer scope statement. She noted that she also submitted written comment to the Commission.

Discussion.

Paddy Noone

Paddy Noone appeared as a concerned citizen and provided areas of concern he and his family observed in the last few election cycles, as well as suggestions based on their observations.

Kim Pytleski

Oconto County Clerk Kim Pytleski provided comment on the Commission's possible legislative recommendations, including cleaning up the language of Wis. Stat § 8.37.

Discussion.

D. Approval of Previous Meeting Minutes

MOTION: To adopt the open session minutes for the October 28, 2022, November 30, 2022, and January 10, 2023 meetings.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

E. Closed Session

MOTION: To adjourn into closed session pursuant to Wis. Stat. § 19.85(1)(g).

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

The Commission convened into closed session at 9:51 a.m.

The Commission reconvened into open session at 11:17 a.m.

F. 2022 General Election Voting Equipment Audit Report

Administrator Wolfe presented background information and results of the 2022 Post-Election Voting Equipment Audit. Elections Specialists Robert Williams and Cody Davies then provided details of the audit's findings.

Discussion.

MOTION: The Commission accept this as the final report of the 2022 Post-Election Voting Equipment Audit. The Commission determines the effective error rate of the 2022 General Election Post-Election audit as 0.0%, and directs staff to provide additional training to local election officials to mitigate the future possibility of the equipment/human error/s identified in Table 5 of the 2022 Post-Election Voting Equipment Audit.

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

G. 2022 General Election Accessibility Audit Report

Elections Supervisor Riley Willman presented a summary of the 2022 Accessibility Review Program.

Discussion.

MOTION: Ask staff to look at suggestions on how people with disabilities can be assured of privacy when using Dominion voting equipment, ask staff to list the fifty best polling sites with the least noncompliant issues, and ask staff to develop a disability toolkit with appropriate signage and election notices to be made available to all municipalities.

Moved by Commissioner Spindell. Seconded by Chair Millis.

Discussion.

MOTION: To divide the question.

Moved by Commissioner Jacobs.

Discussion.

FRIENDLY AMENDMENT: Staff will return to the Commission with available and/or recommended resources to be made available to clerks for disability access to voting.

Proposed by Commissioner Jacobs. Accepted by Commissioner Spindell.

Discussion.

Commissioner Jacobs withdrew her motion to divide Commissioner Spindell's motion.

AMENDED MOTION: Ask staff to look at suggestions on how people with disabilities can be assured of privacy when using Dominion voting equipment, ask staff to list the fifty best polling sites with the least noncompliant issues, and ask staff to develop a disability toolkit with appropriate signage and election notices to be made available to all municipalities. Staff will return to the Commission with available and/or recommended resources to be made available to clerks for disability access to voting.

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

Motion carried 6-0.

H. Election Day Registration Post Card Reporting Guidance

Staff Attorney Brandon Hunzicker presented the memo concerning updating guidance for municipal clerks related to the Election Day registration period.

Discussion.

MOTION: Adopt the revised Election Day Registration Post Card Reporting Guidance to be sent to Wisconsin's clerks before the February 21 Spring Primary, with the following language amending the last sentence of the fifth paragraph of the redlined guidance on page 60-61 of the Commission's meeting materials:

After you investigate an undeliverable postcard, unless you believe beyond a reasonable doubt that the individual does not qualify as an elector or is not properly registered, the WEC recommends that you not refer such cases to the district attorney.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

The Commission took a break at 12:48 p.m.

The Commission returned at 1:16 p.m.

I. Subgrants Update

1. **.gov Program**
2. **Election Security to Munis**
3. **New WEM Grant**

Deputy Administrator Robert Kehoe provided updates on the .gov program and the 2022 Election Security Subgrant to Municipalities. He also presented background information on the new Wisconsin Emergency Management grant offered to the WEC.

MOTION: The Commission directs staff to accept the Wisconsin Emergency Management Homeland Security Grant Program Award in the amount of \$100,000 and to apply the funds towards cybersecurity expenses as specified in the grant terms.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

J. Absentee Envelope Certificate Redesign (present timeline for implementation)

Elections Specialist Cody Davies presented background information and a timeline for implementation for the absentee envelope certificate redesign.

Discussion.

MOTION: Direct staff to develop a timeline that would allow to present final versions of the certificate and mailing envelope to the Commission no later than the September 20, 2023 Commission meeting. Staff will circulate to the Commission a proposed revised timeline in the next 30 days.

Moved by Chair Millis. Seconded by Commissioner Thomsen.

Discussion.

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

Motion carried 6-0.

K. Consideration for Approval of Scope Statement 089-22 Concerning the Conduct, Regulation, and Accommodation of Election Observers

1. Consideration of Scope Statement

Attorney Hunzicker summarized the progress of the election observers scope statement and reviewed forthcoming actions the Commission would need to make to move it along in the process.

Discussion.

MOTION: Pursuant to Wis. Stat. s. 227.135(2), the Wisconsin Elections Commission today, February 2, 2023, approves Scope Statement SS 089-22, concerning the Conduct, Regulation, and

Accommodation of Election Observers. In drafting the language of the rule, staff are directed to follow the guidance of the Commission as found in the minutes of this February 2, 2023, open session meeting.

Moved by Commissioner Spindell. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

2. Rule Drafting Discussion and Consideration of Forming an Advisory Committee and Using Informal Consultations under Wis. Stat. § 227.13

Attorney Hunzicker initiated discussion on options to form an advisory committee or use the informal consultation process as allowed by Wis. Stat § 227.13.

Discussion.

MOTION: Form an advisory committee chaired by Wisconsin Elections Commission staff.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

Attorney Hunzicker stated that the next step was to determine who would be on the advisory committee.

Discussion.

MOTION: Direct staff to contact the following organizations to ask them to nominate individuals to be a member of the advisory committee, and send the list of members to the Joint Committee for the Review of Administrative Rules:

- Each political party, who will be asked to nominate four people. One must be a current municipal clerk, one must be an individual who is a current poll worker, and one must be an election observer.
- The Wisconsin Municipal Clerks Association, who will be asked to nominate up to three clerks.
- Disability Rights Wisconsin, who will be asked to nominate one individual.
- Forward Latino, who will be asked to nominate one individual.
- Souls to the Polls, who will be asked to nominate one individual.
- Common Cause, who will be asked to nominate one individual.

Moved by Chair Millis. Seconded by Commissioner Thomsen.

Discussion.

Commissioner Bostelmann requested that League of Women Voters of Wisconsin be added to the list. Chair Millis agreed and clarified that the poll worker nominated by the parties must have served in that capacity within the past two years.

Commissioner Jacobs clarified that the fourth individual to be nominated by the Republican and Democratic Parties can be anyone of the parties' choosing.

FRIENDLY AMENDMENT: Add the following organizations:

- The Wisconsin Election Integrity Network, who will be asked to nominate one individual.
- True the Vote, who will be asked to nominate one individual.

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

Chair Millis clarified that the election observers nominated by the political parties also must have served in that capacity within the past two years.

Commissioner Jacobs clarified that the nominated individuals must be Wisconsin residents.

Discussion.

FRIENDLY AMENDMENT: Invite the Libertarian and Constitution Parties to nominate one individual each.

Proposed by Commissioner Glancey. Agreed to by Chair Millis and Commissioner Thomsen.

Attorney Hunzicker asked whether the Commission wanted to approve the final list of nominated individuals at a Commission meeting, ideally prior to April. Commissioner Thomsen and Chair Millis indicated that was not necessary and directed staff to move ahead with forming the committee once they had the final list.

Commissioner Thomsen clarified that Forward Latino and Souls to the Polls had already nominated individuals: Yolanda Santos Adams and Anita Johnson, respectively.

Commissioner Glancey and Chair Millis clarified that the Wisconsin Municipal Clerks Association is encouraged to nominate clerks of three different-sized municipalities.

AMENDED MOTION: Direct staff to contact the following organizations to ask them to nominate individuals to be a member of the advisory committee, and send the list of members to the Joint Committee for the Review of Administrative Rules:

- The Republican and Democratic Parties of Wisconsin, who will be asked to nominate four people. One must be a current municipal clerk, one must be an individual who has worked as a poll worker

in the past two years, and one must be an individual that has worked as an election observer in the past two years.

- The Libertarian Party, who will be asked to nominate one individual.
- The Constitution Party, who will be asked to nominate one individual.
- The Wisconsin Municipal Clerks Association, who will be asked to nominate up to three clerks, preferably representing municipalities of various sizes.
- Disability Rights Wisconsin, who will be asked to nominate one individual.
- Forward Latino, who will be asked to nominate one individual.
- Souls to the Polls, who will be asked to nominate one individual.
- Common Cause, who will be asked to nominate one individual.
- League of Women Voters of Wisconsin who will be asked to nominate one individual.
- The Wisconsin Election Integrity Network, who will be asked to nominate one individual.
- True the Vote, who will be asked to nominate one individual.

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

Motion carried 6-0.

MOTION: Adopt numbers 2-4 on page 72 of the materials and have the matter brought back on the agenda for the April 28, 2023 Commission meeting:

2. Based on the Scope Statement, public comments, and existing Commission guidance on election observers, staff should develop an agenda for discussion at the first meeting of the advisory committee, with the ability of the committee to suggest additional items for discussion during the meeting.
3. Hold the first meeting and record minutes of the discussion.
4. Staff send the minutes of the meeting to each Commissioner.

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

Discussion.

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

Motion carried 6-0.

L. Discussion of Possible Legislative Recommendations

Administrator Wolfe introduced the agenda item and asked for Commission input in creating the Wisconsin Elections Commission's legislative agenda.

Discussion.

The Commission determined they would provide their suggestions for legislative agenda items to staff, who would then present them at a future meeting for a longer discussion. Chair Millis stated he did not think a motion was necessary, but that he would put it on the agenda for the April 28, 2023 Commission meeting.

Administrator Wolfe asked if the Commission wanted staff to solicit input from clerks. Chair Millis answered yes.

M. Staff Update

Administrator Wolfe presented an update on general activities of election administration staff, WisVote staff, and reconciliation and statistical reporting.

Discussion.

Administrator Wolfe presented an update on the ERIC Movers mailing.

Discussion.

Administrator Wolfe presented an update on the Badger Book program.

Discussion.

Administrator Wolfe presented an update on Badger Voters.

Discussion.

Administrator Wolfe presented an update on voting equipment, the Elections Help Desk and customer service center, communications, and financial services activity.

Discussion.

Administrator Wolfe presented an update on procurement and meetings and presentations.

N. Discussion and Consideration of Changes to the Delegation of Authority

Chair Millis stated that he had put this item on the agenda but no longer believed that the current meeting was a good time to discuss it.

O. Adjourn

MOTION: To adjourn.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

The Commission adjourned at 3:12 p.m.

####

February 2, 2023, Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

February 3, 2023

February 2, 2023, Wisconsin Election Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

April 28, 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
7:45 a.m. February 28, 2023

Open Session Minutes

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

Staff present: Sharrie Hauge, Robert Kehoe, Anna Langdon, Sara Linski, 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 7:47 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Closed Session

MOTION: To adjourn into closed session pursuant to Wis. Stat. § 19.85(1)(g)

Moved by Commissioner Glancey. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

The Commission moved into closed session at 7:49 a.m.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

D. Adjourn

The Commission adjourned in closed session at 8:10 a.m.

####

February 28, 2023, Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

February 28, 2023

February 28, 2023, Wisconsin Election Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

April 28, 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
1:00 p.m. March 3, 2023

Open Session Minutes

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

Staff present: Brandon Hunzicker, Robert Kehoe, Anna Langdon, Sara Linski, 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 1:00 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. Internal Control Plan

Administrator Wolfe presented the Wisconsin Elections Commission's 2023 Internal Control Plan to the Commission.

Discussion.

MOTION: Approve WEC 2023 Internal Control Plan and authorize staff to submit the Plan to the Chief Clerks of the Senate and Assembly for distribution to the appropriate standing committees and to the State Controller's Office.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

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

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Motion carried 6-0.

D. HAVA Grant Spending Proposal

Deputy Administrator Robert Kehoe presented the spending proposal for the 2023 HAVA election security grant funds awarded to the Wisconsin Elections Commission by the U.S. Elections Assistance Commission.

Discussion.

MOTION: To approve the three motions on page 57 of the Commission's materials:

Motion #1: The Commission directs WEC staff to submit a \$16.54 request to the Department of Administration requesting the acceptance of HAVA election security grant funds.

Motion #2: The Commission directs WEC staff to develop an Absentee Ballot Envelope Redesign subgrant program, Accessible Voting Technology subgrant program, and Learning Center modernization program, as outlined above, in order to apply 2023 HAVA election security grant funds.

Motion #3: The Commission directs WEC staff to submit the 2023 HAVA Security Grant spending plan to the US EAC outlining the concepts outlined above.

Moved by Commissioner Thomsen. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

E. Consideration of a One-Time Deviation from the Delegation of Authority Pertaining to Wis. Stat. § 5.06 Complaints and Commission Meeting Requests

Chair Millis confirmed with Administrator Wolfe that there was nothing to discuss for agenda items E and F.

F. Possible Discussion and Action on Wis. Stat. § 5.06 Complaints Relating to Local Ballot Access Decisions

See above.

G. Closed Session

MOTION: To adjourn into closed session pursuant to Wis. Stat. § 19.851.

Moved by Commissioner Jacobs. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

The Commission convened into closed session at 1:27 p.m.

H. Adjourn

The Commission adjourned in closed session at 2:04 p.m.

####

March 3, 2023, Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

March 3, 2023

March 3, 2023, Wisconsin Election Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

April 28, 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
5:00 p.m. March 14, 2023

Open Session Minutes

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

Staff present: Joel DeSpain, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Jim Witecha, and Meagan Wolfe, all by teleconference.

A. Call to Order

Commission Chair Millis called the meeting to order at 5:05 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. Closed Session

1. Consultation with Legal Counsel Regarding Litigation

MOTION: To adjourn into closed session pursuant to Wis. Stat. § 19.85(1)(g).

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

Chair Millis clarified that the Commission would not reconvene into open session.

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

Motion carried 6-0.

The Commission convened into closed session at 5:06 p.m.

D. Adjourn

The Commission adjourned in closed session at 5:56 p.m.

####

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

Anna Langdon, Help Desk Staff

March 15, 2023

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

Julie Glancey, Commission Secretary

April 28, 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 April 28, 2023, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Brandon Hunzicker, Staff Attorney

SUBJECT: Election Observer Rule Advisory Committee Summary and Discussion

Introduction:

This memo discusses Scope Statement 089–22, concerning the Conduct, Regulation, and Accommodation of Election Observers, following the first meeting of the Commission’s Advisory Committee on Election Observers. This memo presents a staff summary of topics discussed during the meeting. A document with minutes produced from the Advisory Committee meeting follows this memo.

After receiving the Commission’s approval to proceed during the September 21, 2022, Commission meeting, staff submitted the Election Observer Scope Statement to the Governor, who approved it on October 20. On November 30, the Commission approved a notice for a preliminary hearing and public comment period, which was held on January 17, 2023. On February 2, the Commission considered the preliminary comments, approved the scope statement, voted to form an advisory committee, and directed staff to hold the first meeting, which was held on March 8. This memo summarizes the major topics of discussion from the March 8 Advisory Committee meeting, with an emphasis on points of agreement and disagreement.

The Commission is not bound to take any specific action in light of the committee meeting, but it may use the minutes and this summary memo to inform its decisions concerning the contents of the rule. Instead of recommended motions, this memo provides several options for the Commission to move forward with its election observer rulemaking.

Discussion:

This discussion section contains two parts. First is a staff summary of the Advisory Committee meeting, which is intended merely to highlight the most prominent points of discussion that took place during the meeting without adding additional commentary. This summary does not follow the chronological order of the Committee meeting but rather attempts to group similar ideas together under a question to facilitate discussion by the Commission. Second is a section detailing additional considerations from Commission staff.

1. Staff Summary:

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

The Commission will likely need to consider each question below during rulemaking. Each paragraph following a question covers a discussion, comment, request, or thought from the Advisory Committee meeting that relates to the question and that may help guide the Commission's rulemaking decisions.

Thematically, there was close to unanimous agreement that the Commission should bring consistency and clarity to observing elections across the state. There was also broad agreement that observers play an essential role and can bring transparency to the voting process and increase confidence among electors, particularly if everyone understands their own role of either voter, election official, or observer. There was a desire to create the conditions for positive relationships between observers and poll workers.

a. What time of day does Wis. Stat. § 7.41 apply?

- i. Discussion concerning whether the observer rules will apply before 7 a.m. to allow observers to see the setup and zeroing of voting machines.
- ii. Discussion of whether the observer rules will apply after 8 p.m. when election inspectors become canvassers.

b. Where does Wis. Stat. § 7.41 apply?

- i. There was not any debate that Wis. Stat. § 7.41 applies to polling places, anywhere serving as an in-person absentee voting location, a meeting of a board of absentee ballot canvassers, and facilities that are being visited by special voting deputies.
- ii. There was a difference of opinion concerning whether Wis. Stat. § 7.41 applies to the process of in-person return of absentee ballots, already voted and within certificate envelopes, to municipal clerks and the transfer of absentee ballots from the municipal clerk to polling places or boards of absentee ballot canvassers. There was discussion of the meaning of the word "cast" as used in Wis. Stat. § 7.41 and whether this process involves "casting" a ballot. There was also discussion about the WI Supreme Court's recent decision regarding the in-person return of absentee ballots to municipal clerks in *Teigen v. WEC*.
- iii. There was a comment concerning whether alternative absentee ballot sites that are mobile may need specific rules to accommodate observers.
- iv. While there was general agreement that recounts are observable, there were questions concerning whether the same observer rules should apply. A comment stated that a recount cannot be effectively executed if individuals need to stay 3 to 8 feet away from canvassing activities and suggested that any applicable observer rules should treat recounts differently from voting processes and that candidates and their counsel should be given priority and the ability to move as needed. There was also a question raised as to whether canvassers would regulate recount observers.

- v. There were comments concerning observing pre-election equipment testing, post-election equipment audits, and county canvasses and whether the observer rules would apply to those processes.

c. Who may be an observer under Wis. Stat. § 7.41?

- i. Wis. Stat. § 7.41 refers to “any member of the public” but excludes “a candidate whose name appears on the ballot.” The Committee discussed how the number of individuals representing the same organization may be limited.
- ii. There was discussion concerning the rights of individuals representing non-partisan or independent groups to be able to observe, with a comment that it would be incorrect to limit observers to only representatives of the two major parties.
- iii. There was a suggestion that there be no less than one observer per ward at the polling place for all of the wards that polling place serves, in terms of individuals from the same organization, no less than one observer at each processing table and tabulator at central count, or recount, and then no less than two at the municipal clerk’s office or alternate site during in-person absentee voting.
- iv. There was some disagreement over whether individuals who may be members of an organization must identify themselves as representing that organization, or whether an individual, regardless of any membership, may observe simply as an independent member of the public.
- v. There was discussion concerning whether any such limitation would apply for the whole day or merely for when a particular member is present, i.e., if an organization sends members to observe in shifts, a limitation should apply to the number of members present at any given time, rather than the total number sent by the organization.
- vi. There was discussion on whether out-of-state observers could be limited differently than in-state observers. There was agreement and disagreement with limiting out of state observers differently than in-state.

d. What are the “public aspects” of the voting process subject to observation?

- i. There was discussion on the rule providing a definition of public aspect that clarifies exactly what is observable as well as what is not observable.
- ii. There was discussion over confidential information that observers would not have access to, such as guardianship information, driver’s license, birth date, Social Security number, information concerning an accommodation, or other photo IDs or proof of registration documents that are shown to election inspectors. Additional comment that a discussion concerning a guardianship order and whether or not voting rights have been removed should be able to take place privately. There was broad agreement that confidential

information cannot be viewed by observers, but also a desire for clarity about what is confidential and what is observable.

- iii. There was discussion that voters may feel intimidated if documents that they bring to register or use to check in to vote could be seen.
- iv. There was a request to be able to observe the reason an absentee ballot is rejected.
- v. There was a request for observers to be able to see Badger Book screens when used to check in voters, so that notices concerning absentee ballot requests or returns can be seen.
- vi. There was a request that polling place plans take election observers into account, so that all public aspects can be viewed.

e. How should chief inspectors and municipal clerks implement the 3-to-8-foot requirement?

- i. There was discussion over what to do if the 3-to-8-foot requirement cannot be met by a polling place, with agreement that the WEC should be notified if a polling place cannot meet the requirement.
- ii. There was a comment that municipal clerks and chief inspectors need to plan and set up polling places with observers in mind so that the 3-to-8-foot requirement can be met.
- iii. There was a comment that election inspectors need space to be able to work and voters need space to be able to easily check in, receive a ballot, and to privately vote. There were multiple agreements with this idea.
- iv. There was discussion that the locations of observers should be planned to minimize interactions with voters, such as not being along the pathway between voters getting ballots and entering voting booths. Observers being in the wrong place can lead to conversations.
- v. There was discussion about the potential need for multiple observer locations within one polling place if there are multiple check-in tables and multiple tables where voters can register to vote. If absentee ballots are processed in a separate area, there may need to be an observer station for that area as well. There was broad agreement that multiple observer locations may be needed.
- vi. There was a comment that observers do not like being kept in a box and should be able to move freely within the polling place but remain at least 3 feet from any election process, allowing for all public aspects to truly be observed. Being kept in one location can prevent all public aspects from being observed. There was agreement and disagreement with this point. Further discussion ensued about defined observer areas and the ability of observers to move between the areas along designated routes. There was a comment that

managing a polling place might become more difficult if observers were able to move freely.

- vii. There was discussion that 3 to 8 feet defines a length, but does not clearly define a width, which would determine how large the observer area is and how much the observers can move about.
- viii. There was a comment that 3 feet should be the default and should be preferred, with 8 feet used only if necessary. There was some disagreement with this point in favor of discretion for clerks and chief inspectors to choose locations as long as they meet the 3-to-8-foot requirement.
- ix. There was a request for observers to be stationed behind election inspectors at check-in tables to be able to see and hear voters as they state their names, with some agreement and some disagreement with this point.
- x. There was a comment that a separate area for observers to specifically observe remaking ballots (Wis. Stat. § 5.85 asks for witnesses to be present), could save time overall by allowing observers to know what is happening and to view all the remaking processes without needing a separate introduction each time.
- xi. There was also discussion about leaving municipal clerks and chief inspectors the flexibility to place observation areas, and agreements with this point.
- xii. There was discussion that voters may feel intimidated if they are able to be followed throughout the polling place by observers.

f. What information should be provided to observers?

- i. There was discussion on providing information to observers, including and potentially in addition to the rules that would be promulgated by the Commission. This could include training materials such as videos or paper documents that can be handed out to observers.
- ii. There was discussion about providing information concerning: how and on what grounds to properly challenge a voter for cause; the rights of individuals with disabilities to receive assistance; the process to follow if an observer believes that election activities are not being administered properly (i.e. who in the chain of command to contact about such concerns both on Election Day and at other times); and what observers do and do not have access to on Election Day. There was also discussion about providing different sets of information depending on what is being observed (ex: SVD observers would receive information concerning facility requirements and how voters may receive assistance, but not information concerning remaking defective ballots).

g. What interactions between observers and election inspectors and observers and voters are appropriate?

- i. There was a comment that no interactions between voters and observers can be initiated by an election observer, and that election observers should direct voters to the chief inspector, municipal clerk or their designee, upon receiving a voter question, unless the voter initiates a proper request for voter assistance from the observer. Electors must ask for help if they desire it, rather than observers offering, though observers are not obligated to provide voting assistance.
- ii. There was a comment that there should be no interactions between observers and voters outside of allowable assistance that voters can receive if they choose. There was some agreement and disagreement with comments that it should be more open-ended as long as not disruptive, and that saying hello should not be prohibited.
- iii. There was comment that only the chief inspector, the municipal clerk or their designee should be communicating with the election observers, especially on Election Day, and that any comments that observers would like to make should be directed to special voting deputies in those types of facilities. There was some agreement and disagreement with this point, with others saying that there needs to be a balance between the ability for observers to ask questions of the chief inspector or another designated representative of the election officials on the site. Another comment suggested that chief clerks or municipal clerks should be able to designate someone else to interact with observers and may approve of observers talking to other election inspectors.
- iv. There was discussion and agreement that observers should be given a warning, possibly in writing, before being removed from observing. There was support for the idea that a written record be sent to the WEC if an observer is removed from a voting location.
- v. There was some discussion on interactions with voters after the voter had left the 100-foot zone around the polling place entrance, with some stating that it could be harassing, and others stating that it may be informing a voter of rights they were not aware of.
- vi. There was a comment that clearly distinguishing observers from election inspectors might minimize confusion and lead to fewer interactions.

h. What accommodations should be provided to observers?

- i. There was general agreement that observer areas should be accessible to people with disabilities.
- ii. There was discussion concerning observers who may need sufficient space for mobility equipment, chairs, or other disability aids.
- iii. There was discussion concerning providing observers chairs if needed, along with access to restrooms.

- iv. There was also discussion that there should be a plan in place for each polling place concerning observers and accounting for chairs, bathrooms, and disability aids.

i. Should accessibility reviewers be considered observers?

- i. There were comments stating that accessibility reviewers are not observers and should not be bound by the observer rules.

j. What specific rules are needed for observing within facilities served by Special Voting Deputies?

- i. There was discussion concerning the unique privacy issues posed by observing voting in a facility that is also the voter's home.
- ii. There was some discussion suggesting that SVD voting is a restrictive process serving a vulnerable population that may be more likely to need voting assistance, and that rules may need to specifically address this issue.
- iii. There was discussion concerning requiring observers to comply with facility health requirements.
- iv. There was discussion concerning the need to balance fair election and voter integrity with voter privacy.
- v. There was discussion concerning the sole ability of a court to remove the right to vote, that individuals who have lost the right to vote should not be able to vote, and that individuals who have not had the right to vote removed by a court should neither be prevented from voting if they choose to vote, or pressured or coerced to vote if they do not choose to vote.
- vi. There was discussion concerning the confidential nature of incompetency determinations, which in most cases would not be available to observers, though they would be available to the voter's municipal clerk and the election officials charged with determining challenges against the absentee ballot.
- vii. There was discussion that staff members of facilities served by SVDs have federal requirements to allow residents to vote, and that SVDs are generally trained and able to provide proper assistance to voters who require assistance.
- viii. There was discussion that some individuals may not be able to leave their rooms and subsequent discussion on whether observers should be able to enter a voter's room to observe the SVDs administering voting. There were different opinions on how to sufficiently observe the voting process if it occurs in a voter's room. One comment suggested that observers have been able to remain in a hall and witness SVDs ask the voter if the voter wishes to vote and the voter's response. There was also a comment on

investigating possible alternative, technological means of observing any voting process occurring within a voter's room.

- ix. There was a question on whether Election Registration Officials working in residential care facilities can be observed under Wis. Stat. § 7.41.

k. How should the observer sign-in log be regulated?

- i. Wis. Stat. § 7.41(1) states that each observer “shall print his or her name in and sign and date a log maintained by the chief inspector or municipal clerk”.
- ii. There was a question concerning whether chief inspectors and municipal clerks have the discretion to require more than names and dates on the sign-in log. There was discussion about the common practice of asking observers for residential addresses on sign-in logs, with some agreement and some disagreement that this was necessary or useful.
- iii. There was a question concerning whether there needs to be a check out and a check back in if an observer leaves and comes back, with some disagreement that there should be a check out since there may be a need to travel between polling places.

l. Should cameras and other technology used by observers be regulated?

- i. There was discussion that limiting cameras is to protect voters, and that if no voting is taking place, such as at meetings of absentee ballot canvassers, canvasses, or recounts, there should be no prohibition of cameras. There was some disagreement about allowing cameras where voting is not occurring with the opinion that cameras at central count may be disruptive to the canvassers.
- ii. There was discussion and general agreement with the current WEC guidance prohibiting observers from taking pictures and videos, though also discussion of observers being able to use phones for texting and Internet access, though not for making voice calls.

m. Should the rules address potential public health events or other emergencies?

- i. There was some discussion on rules that would address health or emergency issues.

n. What should be the scope of the Commission's observer rules?

- i. There was a comment that best practices do not need to be part of the rulemaking, and that overly restrictive or confusing rules are unlikely to help the observation process.
- ii. There was a comment and discussion that the rules should be designed to help those administering elections by providing rules that can be grasped and followed and facilitate fair elections.

- iii. There was a recommendation that the final rules be informative, useful, easy to interpret, and brief.

2. Additional Considerations from Staff

- a. Considering the discussions about where and when Wis. Stat. § 7.41 applies, even if the Commission finds that it does not have the authority to regulate certain locations and times as part of this rulemaking, that does not mean that those processes cannot be seen by members of the public. A Venn diagram forms between what the Commission can regulate under Wis. Stat. § 7.41 and what may be observed in some manner by members of the public concerning elections. Further, an opinion of the Attorney General, OAG 5-14, discusses the difference between voting activities and canvassing activities, and the Commission should likely consider that opinion when deciding whether Wis. Stat. § 7.41 applies to canvassing activities.
- b. Once these rules are finalized, they will have the force of law and observers may be able to file Wis. Stat. § 5.06 complaints on the basis of them. There likely would not be an expansion of Wis. Stat. § 5.05 complaints that could be filed against observers because the Commission's observer rules will not be interpreting or implementing anything in Chapter 12 of the Wisconsin Statutes. Though there are implications concerning electioneering and election-related information prohibitions in Wis. Stat. § 7.41, the Commission would only be able to clarify the process by which municipal clerks and chief inspectors would enforce those rules against observers, rather than interpreting the prohibitions themselves.
- c. Some of what was discussed at the Advisory Committee meeting and presented above may be more appropriate as guidance than as part of a rule, and the Commission may wish to consider creating and updating guidance to complement the final rules.
- d. The Commission's past draft rules and its current guidance discuss the media, and the Commission may wish to consider whether media fall under the observer rules or not, and how to treat them if they do.
- e. The City of Milwaukee Election Commission expressed a concern that because the Executive Director is not a member of the clerks' association, there was not an opportunity for Milwaukee to be chosen as a clerk representative. The Commission may wish to discuss whether the City of Milwaukee should have some form of representation on the Advisory Committee if it meets again. The Commission may also wish to consider the fact that no Wisconsin Towns were represented on the Advisory Committee.
- f. Staff has done preliminary research into the rules and laws regulating observers in surrounding states, and staff can answer questions about this research and take it into consideration moving forward in the rulemaking process.
- g. The Commission indicated an interest in having observer rules in place before the 2024 General Election. For that to occur, the draft rules should be complete in terms of Commission actions, leaving only review by the Joint Committee for the Review of Administrative Rules (JCRAR)

and the Governor, by January 2024. The paragraph below presents a high-level summary of steps that must occur in the rulemaking process.

Following Commission approval of the proposed draft rule language, staff will complete the Fiscal Estimate and Economic Impact Analysis (EIA), and the Regulatory Flexibility Analysis. The draft documents will be posted to the Commission website for a public comment period based on the associated economic impact of the proposed draft language. After the end of the comment period, any suggested edits/changes will be weighed by the Commission, and applicable changes may be made in the draft documents. Once approved, the documents will be submitted to the Legislative Reference Bureau (LRB) for publication in the Wisconsin Administrative Register, along with a notice that the Commission has submitted the proposed permanent rule to the Rules Clearinghouse. Staff must then hold a public hearing with an additional public comment period.

The final rule package will then be submitted to the Governor for approval, along with a notice submitted to the JCRAR. JCRAR and the standing committees will have a 30-day review period, with the option to extend, if needed. After approval, the rule promulgation and publication process could then be followed.

Possibilities Moving Forward:

1. Direct staff to schedule a special Commission meeting to discuss the Advisory Committee material, potential draft language, and potential future Advisory Committee meetings in more detail. The Commission may direct staff as to how to best present or use the information obtained through the Advisory Committee meeting to prepare for the Commission's special meeting.
2. Direct staff to conduct research on specific topics addressed by the Advisory Committee or otherwise related to the observer rule for presentation at a Commission meeting and/or to the Advisory Committee.
3. Direct staff to bring a limited number of specific questions before the Advisory Committee.
4. Direct staff to use all material collected to perform an initial draft of the rule language. The Commission may decide what to include and exclude from rulemaking during the April 28 Commission meeting or the Commission may direct staff to consider all options, and have staff draft versions of rules that come down on different sides of a decision. The Commission could also direct staff to use parts of the former draft rules that the Commission believes would be relevant and applicable to the needs of this rulemaking. If this option is preferred, subsequent possibilities would be to:
 - Direct staff to schedule a Commission meeting to discuss the draft text.
 - Direct staff to schedule a second meeting of the Advisory Committee to discuss the initial draft text and record minutes of the discussion, send the minutes and revised text to each Commissioner, and present discussion of the Advisory Committee meeting to the Commission.



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

Advisory Committee Meeting Concerning Admin. Rule Statement of Scope SS 089-22
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
9:00 a.m. March 8, 2023

Advisory Committee Meeting Minutes

Members present: Mark Gabriel- Constitution Party representative
Nikki Elsen- Clerk, selected by the Democratic Party
Karen Huffman- Poll worker, selected by the Democratic Party
Robert Newby- Election observer, selected by the Democratic Party
David Kronig- Democratic Party representative
Jim Sewell- Libertarian Party representative
Lana Lee Helm- Poll worker, selected by the Republican Party
Debbie Morin- Election observer, selected by the Republican Party
Ryan Retza- Republican Party representative
Erin Grunze- Common Cause Wisconsin representative
Barbara Beckert- Disability Rights Wisconsin representative
Yolanda Adams- Forward Latino representative
Eileen Newcomer- League of Women Voters representative
Ken Dragotta- True the Vote representative
Anita Johnson- Souls to the Polls representative (joined meeting at 10:59 a.m.)
Julie Seegers- Wisconsin Election Integrity Network representative (joined meeting at 9:45 a.m.)
Caroline Fochs- Clerk, selected by the Wisconsin Municipal Clerks Association
Diane Coenen- Clerk, selected by the Wisconsin Municipal Clerks Association
Toya Harrell- Clerk, selected by the Wisconsin Municipal Clerks Association

Michelle Nelson, clerk, selected by the Republican Party was not able to attend.

Staff present: Joel DeSpain, Brandon Hunzicker, Caitlin Jeidy, Matthew Kabbash, Anna Langdon, Jacob Walters, Riley Willman, Jim Witecha, and Meagan Wolfe, all by teleconference.

A. Call to Order

Staff Attorney Brandon Hunzicker called the meeting to order at 9:02 a.m.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

B. Staff Report of Meeting Notice

Attorney Hunzicker noted that the meeting was not noticed for any specific action items, but he would give an introduction in a few minutes. He stated that staff went through the full Chapter 19 notice requirements for an open meeting, so the meeting had been fully noticed.

C. Staff Introduction

Attorney Hunzicker introduced himself and gave an overview of the meeting and how it would proceed. He noted that Caitlin Jeidy, Jacob Walters, Matthew Kabbash, and Riley Willman were on the call. He stated that other staff members may be on the call from time to time, such as Meagan Wolfe, Robert Kehoe, and Jim Witecha.

Attorney Hunzicker provided the Advisory Committee with background information and general instructions for the meeting:

- The Commission is working to promulgate a rule interpreting and implementing Wis. Stat. § 7.41 on election observers.
- This meeting is noticed for a broad discussion on the narrow topic of election observers, and I will ask each Committee member to ensure that everything that you discuss today is related to election observers.
- The purpose of this meeting is to gather the unique perspective of each Committee member, and the more specific you can be in your comments, the more clearly the six Commissioners of the Wisconsin Elections Commission will be able to weigh your comments as they make decisions about the language of the rule. That said, today we will not be discussing the specific language of the future rule, but rather what the rule should accomplish, what it needs to do and what it should not. This is not a debate, and we will not be voting on issues.
- I will ask each member to respect the perspective of everyone here today for each issue. This is your opportunity to present an argument to the Commission about the future rule. Everyone here has a perspective on voting, and how this future rule can fairly interpret and implement this statute. I'd also like to note that it is very likely that Commissioners will be watching this meeting today as members of the public.
- If you agree with the previous perspective, it might be useful to simply note your agreement for the record, and to expand upon any specific points that you want to address rather than repeating what other members have said. Just the same if you disagree with the previous perspective, you may wish to respectfully note your disagreement and explain why you disagree.
- My intent for the structure of this meeting is to first allow each member to speak and address each agenda item. I will call on members from a list, for this purpose. Members may simply state agreement or disagreement with previous statements, and no one is required to speak on each item. After everyone who wishes to has spoken, I will open up the floor and ask if anyone has a follow-up point or would like to address something another member has said. We do have a full agenda; please make your comments and discussions reasonably brief.
- We are taking detailed minutes of today's meeting, and all the points that you make will be communicated to the six Commissioners at the April 28, meeting of the Wisconsin Elections Commission.

Attorney Hunzicker made a note about public records:

- This meeting today very likely qualifies as a public meeting, and the public records law also very likely applies. Records made in your capacity as a member which is limited to advising the Commission on election observers may be considered public records. If you have a question and wish to send an email, I would suggest that you communicate only with Commission staff or at least include Commission staff in that email. That way, any records related to this Committee will be in the possession of Commission staff, and you would not be responsible for maintaining those records.
- So again, this is a very narrow aspect of the public records law. This Committee has been created for a single limited purpose, and only records created in your capacity and fulfilling that purpose could be considered public records. But there is a chance that those records could be asked for by a member of the public. So, I just wanted to make everyone aware and suggest that if you do send any emails related to this Committee, that you send those in between Commission staff.

D. Committee Member Introduction

Attorney Hunzicker asked each member to state their name and a few words about the perspective that they will bring on the topic of election observation. He went in the order that was sent to the Joint Committee for the Review of Administrative Rules, which was sent to all members.

Mark Gabriel- Constitution Party representative

- My name is Mark Gabriel, I'm a part of the Constitution Party of Wisconsin and the secretary of our executive committee. I'm happy to be a part of the Committee today and look forward to participating with everyone, and thank you to WEC staff for all the information you provided for us.
- I look forward to the discussion, and I think election observers are very important for our election process. They serve an important place to keep everything open and I look forward to reviewing everything.
- I did have a question. I was wondering if what we're doing or what the Commission is planning to do is to replace Chapter 4 of the old GAB [Government Accountability Board] document that was provided. Is that what the Commission will be doing?

Attorney Hunzicker answered Mark Gabriel's question:

- The document that I provided to all the Committee members is a draft of a potential rule on election observers. This was never fully promulgated, so this particular draft you got never had the force of law.
- We are not so much replacing this as creating a rule for the first time.
- The Commission does have guidance on the topic of election observers, which has been in place for roughly ten years, which is based off this document. But we are not replacing this document so much as creating a new rule which will have the force of law instead of the guidance which has existed up to this point.

Nikki Elsen- Clerk, selected by the Democratic Party

- My name is Nikki Elsen; I am the city clerk for La Crosse. I'm very excited to be part of this group discussion as well.
- What I'm looking for and interested in bringing forward is just some consistency and clarity with the observer rule. Being a city clerk, we train our election inspectors, and they often come to us with

questions about where they put observers and the conduct of observers and the clarity is not always there in the current rule. So I'm just hoping to see some consistency and clarity in that.

Karen Huffman- Poll worker, selected by the Democratic Party

- I'm Karen Huffman. I am the assistant chief at one of the polling places in Mequon, Wisconsin. I look forward to hearing the perspectives of everyone else on the Committee, and I am in agreement with Nikki's point.
- I do very much support having observers in the polling places, but as assistant chief, I'm also acutely aware of how they fit into the process, so I hope to share any information and feelings or thoughts with you if they are relevant.

Robert Newby- Election observer, selected by the Democratic Party

- Bob Newby; I am a poll observer. My perspective is that both proximally in each voting situation and in the big picture of what we are contemplating as underlying reasons that we consider the interest of each individual voter and the rights of that person to have a calm and appropriate forum in which to express their vote.

David Kronig- Democratic Party representative

- David Kronig, I use he/him pronouns. I am the Voter Protections Director and the in-house counsel at the Democratic Party of Wisconsin. It's been my privilege to serve in this role since February of 2020, in which time I have seen statewide election observer programs in nine statewide primaries and elections encompassing thousands of volunteers at polling places all around the state.
- In this Committee, I'm looking forward to keeping in mind the principle that Bob just espoused, and which is what we train our election observers to keep at top of mind, which is that the role of an election observer in helping to ensure transparency in the process is ultimately to serve the voters so that they have confidence in the fairness of elections, and that they are fully able to vigorously exercise the right to vote.

Jim Sewell- Libertarian Party representative

- I have been a Libertarian Party member for over thirty years, and in the past have served on the executive committee to the state party.
- I have observed the recount for the Racine Unified referendum in 2020.
- I have been an election inspector for the last four elections in Racine.

Attorney Hunzicker did not see Michelle Nelson in the meeting. She had indicated to WEC staff prior to the meeting that it was unclear whether she could make it to the meeting.

Lana Lee Helm- Poll worker, selected by the Republican Party

- I'm Lana Lee Helm; I am a chief inspector in Menomonee Falls and a special voting deputy, other areas, glad to be a part of this commission.

Debbie Morin- Election observer, selected by the Republican Party

- My name is Debbie Morin. I've been an election observer since 2008. I've been involved in recruiting election inspectors and election observers for the past few years, so I'm looking forward to seeing if we can get some productive advice for our Commissioners, so we can have some really good elections going forward.

Ryan Retza- Republican Party representative

- My name is Ryan Retza. I was the former RNC Election Integrity Director during the 2022 cycle, starting all the way back in August of 2021. I am now joining in a volunteer capacity, but obviously similar to what David's position is with the Democratic Party of Wisconsin, were involved with recruiting, training, and shifting election observers and election inspectors statewide, and look forward to a productive discussion today on creating a uniform set of rules for observers around the state.

Erin Grunze- Common Cause Wisconsin representative

- My name is Erin Grunze, and I am representing Common Cause Wisconsin today. Common Cause is a nonpartisan citizen political reform advocacy organization since 1970, and there are members throughout the state and every county of this state. I myself have been working on voting and elections since 2015, and I am a lifelong Wisconsinite, like I'm sure many of you are as well.
- My interest here today and in representing Common Cause Wisconsin is to help the Commission through our conversation in coming up with clear rules, much to the same things that others have said, and wanting to find that balance between the role of the observer, the election official and the voter so that they are all able to perform their duties, and voters being able to cast their ballots confidently and without intimidation, election observers to be able to see the process and note what is working and what needs to be improved, and election officials to be able to perform their jobs and get us the results and help ensure our democracy.

Barbara Beckert- Disability Rights Wisconsin representative

- I'm Barbara Beckert with Disability Rights Wisconsin. DRW is the federally mandated protection and advocacy system for people with disabilities in our state, and we're charged with protecting the legal and human rights of Wisconsinites with disabilities, including voting rights. The Help America Vote Act mandates protection and advocacy agencies like ours to ensure the full participation in the electoral process for voters with disabilities, including registering to vote, casting a ballot, and accessing polling places, and recognize that this is a group of voters who historically has had barriers to participate in our democracy.
- We recognize the very important role of election observers, and we want to ensure that that role is informed by an understanding of the federally protected and state rights of voters with disabilities to accommodations that allow them to participate in casting a ballot.
- We do have a voter hotline, we do a lot of training, and we assist voters with disabilities and older adults in all settings, including care facilities in the community and in other institutional settings.
- I look forward to a good discussion, and also ensuring that our observers have the information that they need regarding the rights of voters with disabilities.

Yolanda Adams- Forward Latino representative

- I am Yolanda Adams; I am representing Forward Latino, a national organization here in Wisconsin, and I live in Kenosha, Wisconsin, and I have been for probably three decades filled in in all the roles of registering people to vote back years ago, more recently election observer for civil rights organizations such as NAACP, League of United Latin American Citizens, Forward Latino, Urban League, and I strongly believe that we need election observers, but they all need to be following the same rules and understand the same rules and regulations, so that any incidents are reported and corrected that happen at the polls. So polling places, sometimes we just need a set of eyes to ensure that the process is fair and it's equal to everyone.
- I'm very excited to be on this commission, and any input I can provide, I'm here to do that. I am myself an elected official; I am the School Board President of Kenosha Unified School Board. I served twenty years ago, and I'm back on again, so I also have an interest in making sure when people are voting, that everything is fair.

Eileen Newcomer- League of Women Voters representative

- I'm Eileen Newcomer; I am the Voter Education Manager for the League of Women Voters of Wisconsin. We're a nonpartisan organization whose mission is to empower voters and defend democracy. We lead, if not the largest, one of the largest nonpartisan election observer programs in the state, and have had observers at polling places on Election Day, central count, present during early voting, during the post-election equipment audits, and during the recount in 2020.
- One of my hopes today is to talk about the full scope of all the processes that are observable by observers, because I think that it is really true what other have said about needing to strike the balance between access for observers and election officials to be able to do their job, and then also for voters to be able to cast a ballot without intimidation as well and I think that there's been a lot of attention specifically on Election Day, but as there has been increased interest in observing all process of our elections, I think it will be important for us to look at how do we give observers access to those other components of the election process as well.

Ken Dragotta- True the Vote representative

- My name is Ken Dragotta. I'm with the nonpartisan True the Vote. I have thirty plus years in election integrity work. I have been involved in a number of activities, including training observers, directing recounts for judicial candidates as well as the Republican Party, and I have been a canvasser in Waukesha County.

WEC staff worked throughout the first portion of the meeting to get Anita Johnson and Julie Seegers on the call. Attorney Hunzicker clarified that they could do their introductions at any point during the meeting, and that staff would let him know when they were able to join.

Caroline Fochs- Clerk, selected by the Wisconsin Municipal Clerks Association

- I am Caroline Fochs; I am the city clerk for the City of Mequon. I have been here about nine years, but have almost twenty-five years of experience in local government. I have eight polling places here in Mequon. We are probably considered a medium-sized municipality.
- I have managed observers during in-person voting, absentee voting at the polls, at our care facilities, at recounts, and also at audits, so I've seen a lot of different scenarios where observers have participated.

- I, like everybody else, believe it's a very important part of election administration, and I, like some others had mentioned, would like to see some consistency, and maybe to button down some of the rules that we currently are using and hopefully make sure that all of the observers are treated equally across the municipalities, whether it's a small municipality or large.

Diane Coenen's introduction was interrupted by technical issues. She dropped off the call at 9:29 a.m. and rejoined at 9:30 a.m.

Toya Harrell- Clerk, selected by the Wisconsin Municipal Clerks Association

- My name is Toya Harrell and I am the village clerk in Shorewood. I've been a village clerk for about sixteen months now, and like Nikki had said earlier, I'm looking for consistency in language of what the observers can do and what they can't do, and also some language that kind of notates something that says that election observers aren't the enemy, they are there to ensure that the integrity of the votes and the voting process is being done correctly, and in Shorewood they're a great asset to us, so if there could be something that just states that they're there to make sure the voting process is done correctly and according to the state statutes, that would be great.

Diane Coenen- Clerk, selected by the Wisconsin Municipal Clerks Association

- I am Diane Coenen, clerk for the City of Oconomowoc for twenty years and previously I worked in the Village of Butler for six years, administering elections throughout the whole 26 years.
- I share with the other speakers that I'm looking for clarity for the observers at the polls, the care facilities, and also in the clerk's office during in-office voting. I have had observers for all of it, but to tag onto that I'm also looking for clarity for the special voting deputies on how to work with or treat observers, the clerks themselves, and also the chief inspectors and poll workers. That is more through training, the latter three that I mentioned, but I think it's important because there should just be a set of rules because I have found throughout time that different poll workers or chiefs or SVDs do not follow the rules or know always how to handle the observers when they are maybe doing something they shouldn't be doing.

Attorney Hunzicker reiterated that if any members entered the meeting later, he would give them the opportunity to introduce themselves.

E. Clarification of Terms Within Wis. Stat. § 7.41

- **“The observation areas shall be not less than 3 feet from nor more than 8 feet from the table at which electors announce their name and address to be issued a voter number at the polling place, office, or alternate site and not less than 3 feet from nor more than 8 feet from the table at which a person may register to vote at the polling place, office, or alternate site.”**
 - **What time of day does § 7.41 apply?**

Attorney Hunzicker introduced the agenda item:

- Wis. Stat. § 7.41 is the primary governing statute of election observers, and this is what the scope statement the Commission has put out and approved is going to be interpreting and using to create an election observer rule. So the terms found in that statute really are the bedrock of what the

Commission is able to work with, what the Commission would be able to clarify and interpret for a set of rules applicable to the entire State of Wisconsin.

- I had pulled out a number of the key terms for this agenda item. There will also be an opportunity at the end to bring any other topics that anyone thinks is worth discussing. Some of these terms and items are going to blend together a little bit. It might be that some things are addressed earlier; they could also be addressed later. There will be some overlap, so I simply want to make it clear that you know you'll have multiple opportunities to bring up a point.
- But if it does fit into this first item, I think it would be worth bringing up now, and we can then move onto the other items and address anything that hasn't been addressed for those items.
- So the first term to clarify within Wis. Stat. § 7.41 on the agenda is kind of the primary logistical sentence in this statute, and I'm going to read the sentence and I would expect that this is going to be one of the longer discussions here. I did put it first for that reason, just because a lot of the logistical issues are going to center around this language so this is a very important piece of the statute.
- So, "The observation areas shall be no less than 3 feet from, nor more than 8 feet from the table at which electors announce their name and address to be issued a voter number at the polling place, office, or alternate site and not less than 3 feet from nor more than 8 feet from the table at which a person may register to vote at the polling place, office or alternate site," and I have a subpart there: what time of day Wis. Stat. § 7.41 can apply. This is a much smaller issue. I just thought it would be best addressed along with the location.
- I'm going to first go through each Committee member on my list. I'm going to change the order a little bit and call on everyone, let everyone get a chance to speak and then open up the floor after everyone's had the chance to speak for any discussion or further points.

Erin Grunze- Common Cause Wisconsin representative

- I guess one of the questions I have from this point is, if it's physically impossible to accommodate the 3-8 foot rule in the polling location, what are election officials and observers to do within that space? I myself have voted in a space that wouldn't accommodate that, and so there should be some kind of guidance or specification on what happens if that can't be accommodated. I don't really have any other comments except to say that I think there needs to be some space between the observers and the election officials who are performing their job. If an election observer is interested in the, let's say, registration process, then they should sign up to be an election official and work the polls in that capacity if that's what they're interested in doing.
- But we need to give voters privacy to cast their ballot, and we also need to give election officials space to perform their jobs. So I think that 3 feet is a good amount of space, and then to balance that, the election observers do need to be within a space that they can observe the process and see it and see it out. So it is a delicate balancing act, so I understand the complications that this statute has.

Barbara Beckert- Disability Rights Wisconsin representative

- I would agree with the points that Erin made, one additional area that I would raise is, there may be observers with disabilities, and may have some accessibility requirements. So it's important that the observation area be accessible. You know, like people may need a chair to sit on. For example, if they have difficulties standing, they may need access for mobility-related equipment, a walker or a power chair. So I just wanted to elevate those issues in regard to the space where the observers are located, that it would be important to address those.

Yolanda Adams- Forward Latino representative

- I can agree with the 3-8 foot rules. One thing we have observed in Kenosha that I'd like to maybe add somewhere is that the observers should not be in the pathway of voters entering or exiting the booths, and I'll give an example: in one of the Kenosha polling places it was rather small, and the voters were walking past the tables where the observers were at, and they tend to want to talk so they'll recognize you, and they'll say "Hi," and they'll want to talk. And we had a number of observers that were removed because they responded back, "Hello," or whatever, and immediately got removed. So they need to be not in the pathway of the voters, so that there is not that communication going on that's not the observer's fault, but it's just the friendliness of some of the voters that entered the space.

Eileen Newcomer- League of Women Voters representative

- One of the things that I want to bring up at this part of the discussion is observing both early voting and central count. And so I know in this list, here it says "polling place, office or alternative site," and so I do think it is important to consider: what does this look like during early voting and what does this look like at central count, whether it may be multiple stations where ballots are being processed? And so having access at those multiple stations, I think might be important to consider.
- Similarly, at polling places on election day, some of the best layouts that I've seen is when they've had multiple designated locations, one for observers to view the check-in process, and another for observers to view the registration process because with the way that a lot of places are laid out. it's not really practical to have one location where you're 3-8 feet away from both check-in and registration.
- And then I do want to lift up Barbara's point about accessibility, and making sure that there is the option of chairs available, or if somebody brings their own chair that they're able to set it up. I know in practice we've seen a few places that have kind of tried to make it uncomfortable for observers to be there by not allowing them access to chairs or bathrooms.
- And also to lift up Toya's point, where she mentioned that observers are there to help with the process, and they play a key role, and they're not the enemy. And so I think that if there are ways that we can work on having language around that too, that would be very helpful.

Ken Dragotta- True the Vote representative

- With regard to Wis. Stat. § 7.41, I guess the first thing that I would hope that staff would remind people is that there actually are no rules that have been promulgated. That's the purpose of what we're doing. What we do have is guidance from WEC and we have statutes. With regard to Wis. Stat. § 7.41, it's a very subjective statute. I think we need to drill down and provide some reference, for example, starting where, with regard to the 3-8 foot distance. Are we looking at actual election materials? Are we looking at the back of the chair of an election inspector?
- So that would be one issue, and then also, with regard to recount distances, at recounts, we're much closer than three feet to the election material. In order for a recount, and of course I've done many, many recounts here in Wisconsin. With regard to recounts you can't effectively execute a recount and get done in the prescribed amount of time if you are 3 to 8 feet away. So those are issues that I hope we can resolve, make sure we're going in the right direction.

Julie Seegers entered the meeting at 9:45 a.m. Attorney Hunzicker allowed her to introduce herself and discuss agenda item E.

Julie Seegers- Wisconsin Election Integrity Network representative

- I'm Julie Seegers and I live in Kenosha County, and I'm representing the Wisconsin Election Integrity Network, that brings people together across the nation to discuss and find solutions to bring more transparency, and therefore more confidence to our elections. I started a couple years ago helping with the poll worker program in Kenosha County, and then I was asked to work for the RNC, recruiting, training, and observing and supporting observers in Racine and Kenosha County. And now I'm the Integrity Elections Chair for the Republican Party of Kenosha County, and I'm looking forward to joining the amazing folks who want to continue to work toward a transparent election process, so that our elections in Kenosha County have integrity as well as in the whole State of Wisconsin. So thank you to the Commission for inviting us to discuss this, and I'm looking forward to a nonpartisan discussion to improve the process for observers in our state.

Julie Seegers clarified where the Committee was in the agenda with Attorney Hunzicker.

- As far as clarification of terms within Wis. Stat. § 7.41, I feel it's so important, because from polling place to polling place and central count to central count, etc., there just isn't consistency regarding this, and the areas are too gray, so we at the Wisconsin Election Integrity Network would like to see observers be able to roam, staying 3 feet away from any process that would interfere with elections, so basically, that's what we would like to see right now.
- I have a lot of experience talking to observers and they're very frustrated that they are kept in a box in many places. You can't observe all aspects of the voting process if you're kept in a boxed-in area, so that's what we would like to see. And I think that that's what every person, Democrat, Republican, Libertarian, everybody alike would like to see; I'm just getting in on this, so that's what I'm assuming everybody would like to see, so that's where we are at.

Caroline Fochs- Clerk, selected by the Wisconsin Municipal Clerks Association

- I do like the 3 to 8 foot rule from the perspective of a clerk. I think it would be difficult for our chiefs on site if we had multiple observers roaming throughout the day, so I would not be in favor of that aspect of it, because chiefs are not only managing everything that's going on in the poll site, they are also managing observers to make sure that they are doing and saying what they should be.
- Also, I'm not sure why it specified that it is 3 to 8 feet from the poll books or registration. I did have a couple of observers that were interested in viewing the absentee processing, and different aspects other than those two areas. So to have it narrowed to that, I don't know if that's necessary or not.

Diane Coenen- Clerk, selected by the Wisconsin Municipal Clerks Association

- I want to tag onto Julie's comments that there's the 3 to 8 feet, but we measure that as distance that the observer would stand behind that station. But what would be the width? So can they move around? We do kind of box them in at this time. And so, they have a 5 foot width that they could kind of walk back and forth so they can hear one of the poll workers better or if the voter is standing, say, to the left side of the table and we've got the observers more to the right, can they even hear some of them? So that would be something to look at.
- I agree with the comments I'm hearing so far from the other participants, but underneath that section, the first bullet point, there's another one that says, what time of day does it apply? Do you want us commenting on that? Because I have something that I would say on that: the polls are open from 7 a.m. to 8 p.m. I would think that would be the standard, but observers also can stay after the polls

close, because it is considered an open meeting. So do we have to regulate that after the polls close or just during the voting? So that's something to think about.

Toya Harrell- Clerk, selected by the Wisconsin Municipal Clerks Association

- I was looking at the brochure for the election observers, and one thing that I noticed is that the footage that they're supposed to be is not stated in the brochure and that should be something that should be in the brochure, because that's something we actually give them, and that I also give out, to make sure that our chief inspectors look over as well when it comes to consistency, and I think what's in the state statute should be reflective of what's in the brochure, so that it doesn't feel as though when you're given this brochure, it doesn't have that language in there, so sometimes I cut and paste the statute so that they see that it says statutorily, you're supposed to be no less than 3 and no more than 6 feet.
- Also, some of us have different setups when it comes to elections; some of us use, like myself, we use Badger Books so that encompasses everything- the registration piece and everything. So maybe it should be something where there should be some sort of election plan where the setup is for people who use Badger Books and the people that use the paper poll books and paper registrations to try to say where the election observers should be placed. Because for us, because everything is housed on that e-pollbook system. They're pretty much in the center of the polling location so that they can really swivel and see everything, and that might not be the case for other polling locations.
- But I really do think that what was stated previously about the end of the night, I think that should be a little bit more visible in that packet, so that they can see that yes, they can stay end of night to see that whole process as well. But I just think, moving forward, that we should have language that reflects the state statutes so that they know, this is something that's mandated and not something that each polling location makes up willy-nilly.

Mark Gabriel- Constitution Party representative

- I appreciate everyone's comments. I would make the comment that just as we need to make accommodation for electors with disabilities, we should make accommodations for election observers. So in reference to there not being room, well, that really is an issue for the clerks and the election workers, to make sure that things are set up, so that in a way that you know these requirements can be met. If you're in such a tight place that you can't allow an observer in this 3 to 8 foot area, something is wrong. We need to do a better job to accommodate for election observers and do our setup so that we keep that in mind, and then also regarding Julie's comment about roaming, as long as the observer isn't interrupting people getting in people's way, as long as they're kind of out of the way, I don't see a problem with enabling them to move from, say, being near the registration table to moving to where people are giving their information, getting their voter number or tally slip. I've been a chief election inspector, and I've worked with election observers generally for the big elections, the general election for national candidates. But I have not had a problem; it has always worked well for us. They've been able to be where they wanted to be.
- And so far as width, I always took the 3 to 8 foot as being kind of a diameter thing, or at least like a half moon thing, where you can't get behind a table, but they could move around within that area. And so I'm okay with giving them a little more flexibility about where they are and not just sticking them in an area and saying, okay you can't move. You know you're stuck in this area for the rest of the day or however long you're here.

Nikki Elsen- Clerk, selected by the Democratic Party

- I would really echo the comments of Caroline. She basically said everything I had written down here. So I too, agree with the 3 to 8 feet. We have typically found that to be accommodating in most of our polling locations we do have to provide multiple spaces just because one observation area typically does not lend those distances from both the registration and the poll book table. So we do typically have two areas.
- I do also, when I say I echo Caroline's comments, we have had questions about observing the absentee processing area and observing where ballots are issued so they can hear the ballot instructions. We do make an area available near the absentee processing. So, in a lot of our polling places, we have three different areas and we do allow the observers to go from one area to the other. But I do think it would be important that they still be in those defined spaces rather than kind of roaming free throughout the polling site, and I think my concern is, I think it would open the door a little bit for more interaction with the voters. The observers know that they're not supposed to necessarily interact with the voters, but the voters may feel like the opportunity is there then to interact, and that just might open it up for, somebody mentioned earlier that observers talking to voters, they were removed from the polling place. I don't think you'd want to open that door, so that would be one of my concerns about observers just roaming. But, like I said, we do allow them to move from one area, if they want to observe the registration for an hour and then move to the poll book area. If you have more than one space, I think that would be acceptable.
- I know there has also been question about being behind tables. I would like the flexibility to be able to decide where those areas are, as long as they are within the defined space requirement. I don't think the comfort level would maybe be there with the workers if they had somebody behind them. So I would like to have that flexibility about where we place the designated areas as long as we're within the space requirements.
- And then to touch on the time of day that was brought up, I know there was a question about the close of polls, but we have also had a lot of observers come; our poll workers arrive at 6:00 a.m. because there is quite a bit to do to set up the polling place before the polls open at 7:00 a.m., and we have had observers arrive at 6:00 a.m. that want to observe and we have not permitted their admittance into the space until 7:00 a.m. So having that clarified would be helpful.

Karen Huffman- Poll worker, selected by the Democratic Party

- I did have a couple thoughts, and the first one is that I think it's important for us to remember what I think was the intent of the 3 to 8 feet rule, and that was to allow observers to see and hear what was going on as clearly as possible. I'm guessing that's about 3 feet, but far enough away that it doesn't invade the privacy of the voter or make the voters feel somewhat intimidated.
- As far as roaming, I think it's important, from my perspective, that observers be allowed in the periphery, for instance, of a site, because if they roam between two tables where you have bookies that culminate with the receiving a ballot and voting, if you have the observers going through there, I think there is room for, or the feeling of, an invasion of privacy or unintended intimidation. So I think staying along the periphery is important.
- Time of day is important too, in the periphery because, say, at closing when we're pulling the ballots out of a machine, and if we're picking it up and we're moving it over to a table, if you have somebody too close there within reach of a ballot, I would consider that a problem. So I think you always have to consider the intent and the particular process they're observing.
- My last point would be also about being in a position where they can see the entire process from start to finish. So, if they're on the periphery again, between 3 and 8 feet, most likely they have the ability to see the opening of, say, pre-numbered and absentee ballots to putting them in a stack,

taking them over and putting them in the machine, and so I think that's a really important to the puzzle is for observers to be able to see the whole process start to finish.

Robert Newby- Election observer, selected by the Democratic Party

- I agree completely with what Karen and Nikki just said, with a couple of variations. Thinking from the voter's perspective, and having experienced other observers being in the same place that I was observing, I think that roaming can be very disruptive and I disagree strongly with the idea of roaming. I would certainly accept the idea of there being designated spaces that the observer could go between, and of course the observer to be able to leave the room, for instance, to go make a phone call or to go to the bathroom or something.
- The most interesting poll observing place that I was given by a chief inspector was in the middle of a round room in which the voting was taking place. I could see everything, it was great. She did make a square on the floor with tape for me to sit within, that my feet could barely fit in, but I liked that too.
- I'd love to see the rule be in a structure somewhat like this: the existing text for 3 to 8 feet, except in the following circumstances: and so, for instance, in the circumstance of the observation after the voting is done, of the count, or except in the circumstance of going between two areas. It would make it clear, that the 3 to 8 foot corridor or window is the standard, but that it's not a rigid standard that applies to every single circumstance.

David Kronig- Democratic Party representative

- I want to agree with all of the folks who have said that there needs to be flexibility. I think that there are polling places, and I think particularly clerk's offices during the in-person absentee voting period, where simple physical space constraints have to be taken into account; clerks can't simply up and move their offices. So I think that any rule needs to be designed with flexibility for clerks and chief inspectors to make the best decision and arrangement for their particular office or polling place, and that they're the best-positioned people to know what will be best for their spaces and their communities.
- I also think that, as Karen and Bob have said, any rule needs to account for the fact that voters are entitled to privacy and having their personal information, such as their photo IDs, or their proof of residency documents, if they are same-day registrants, protected and not subject to scrutiny, and that having observers too close to those sorts of activities can be intimidating for voters. So any rule needs to make sure that we are protecting voters from feeling intimidated.
- I also want to push back a little bit on this idea of observers being able to roam. I agree with all of the folks who have said that it could be problematic for the reasons of voter intimidation and disrupting the polling place. The other thing I just want to note is that I think it would also be potentially unlawful. The statutory language clearly contemplates that there is a designated observer area, and so deviating from that, I believe, could be contrary to what this statute says.

Jim Sewell- Libertarian Party representative

- I agree most with Julie Seegers and Mark Gabriel. We're allowing people to roam around as long as they're not intimidating voters, disrupting.
- As to the 3 to 8 foot rule, the statute specifically says it's at those distances from registration and check-in, so I don't know if having other areas would not be complying with the 3 to 8 foot rule would be in violation of the statute, because it seems to be specifically for those two areas.

Attorney Hunzicker noted that Clerk Nelson was still absent from the meeting.

Lana Lee Helm- Poll worker, selected by the Republican Party

- I appreciate so much all the different viewpoints. I too would think that the goal of this statute is to enable observers to observe. That's what it says, "to observe all aspects of the voting process," and so I think a lot of it is our view of observers that they are not the adversary, that we can look at them, as I think Toya said earlier, an important part of the process and an asset. As a result of that, perhaps in that rule, saying, "The observation areas shall not be less than 3 feet," it's hard to observe much even at 3 feet unless you have really good bifocals. But we could say something like, "or if by a reasonable judgment of the chief inspector, that it could disrupt the voting process, not more than 8 feet." I think that's the goal. I mean three feet, it's hard to see much, but yes, there are instances where the, the statute says "to 8 feet," but that should be the very outside bounds, and I agree with the point of whoever said it that if your polling place does not have room for that, then maybe you should rethink a polling place. Now where I work, we did just move to a new space where we have more room, and it is so much nicer to be in, but that obviously is for the clerks to decide.
- But then also we could say something about, "unless the polling place setup permits observers to be mobile within the polling place." And where I'm located we have one registration table, we have the, of course, the pollbook tables, we have absentee processors in the polling place. It's in a gym; it's a very spread-out spot, so you could have one observer that would be mobile and unobtrusively going from spot to spot. And then also, even at times, looking at the tabulator. No, not looking at people putting their ballots in, but obviously to see what the vote count is to see, you know, there are opportunities where I could see them wanting to observe that which would be fine.
- I agree with the flexibility. I think that's the goal, to be flexible, that every polling place does not have the same constraints, and so it should be up to the chief inspector or the designee.
- I think somebody mentioned having the not being close to election officials, which I would disagree with that, because as an observer, if they have a question, they are supposed to talk to the chief inspector, so you can't say, "Oh, they can't be close to election officials."

Debbie Morin- Election observer, selected by the Republican Party

- I have been taking notes, listening to everyone, and just jotting down things because it's hard to keep track of it with so many of us. But I do agree with, I noticed that they're talking about, in the expired rules, that there's two areas that they're talking about: registration, or the one that you said, that you gave to us -- registration or where they state their name and address in order to vote. But I do think what needs to be included in there is observing, first of all, the absentee ballot processing. That's very important, when absentee ballots are being remade, that observers are there to be able to watch that process.
- Also, observing in, if there's an ERO that goes into a residential care facility, is that to register people in that facility, we get to watch registration in the polling place, are we then allowed to watch the public registration of residents in residential care facilities? That's not included in there.
- The other thing that's relatively new is the electronic poll books where you don't have two poll workers or election inspectors handling the poll books, it's just one. That's more important to have an observer when you have one poll worker working alone, just to instill the sense of confidence in the process.
- Some of these issues that we're talking about, I'm looking at the expired rules and they're talking about, if you can't accommodate the 3 to 8 foot rule, then "the municipal clerk shall record on the Inspector's Statement the actual location of the observation area and the reasons why it could not be located within the 3-8 feet. The municipal clerk shall, within seven days of the election, provide to

the board the portion of the Inspector's Statement which documents the reasons why the observation area could not be located within the 3-8 feet." So that's alright, the election is over, seven days at least, I don't know if anyone has followed through with it, has done any of this. But I'm looking at this, especially with the idea that observers are not the enemy or the adversary, and polling places are to be designated at least 30 days before Election Day, that this stuff should be done in preparation as a prevention of all this drama will take place on Election Day, where you know, you're kept in a little box or cage or whatever you want to call it, as an observer, and then the chief trying to run an election, and you're just trying to get their attention to see if you can get any closer. So I like the comment that someone said, we need to do a better job to accommodate for election observers on Election Day, so when you're working on the floor plan or you're selecting the polling place you need to keep that in mind that you need to have this space for observers, that you're not to just put all your machines in place, and where the registration table is going to be, and where they check in and not even give a thought to the observer area, to incorporate them in the planning process to avoid all these problems that we have on Election Day.

- And then I like the idea of flexibility. You have to incorporate that in there but have all these areas included.
- And then, I might have gone to the same place Robert did to observe, because it was a round room, and I was in the middle, and I needed a chair that swiveled, but otherwise I just turned around in my chair to see the whole thing happen. But the problem I saw, at first it was really uncomfortable, because when the voters came in the first person they saw was me sitting in the middle of the room by myself, like I was being singled out for something I did wrong, so they came in, but the other thing they did was they saw my face, and they wanted to ask me questions, and I would have to point them over to the election workers.
- And then the only other thing was with the see and hear. My experience, this has been a few years now, but I was observing in a room that echoed a lot, and I had stayed in the little box that the chief inspector, this goes to the idea that observers should be welcomed, I don't think she wanted to have observers. I was the only observer and I had the taped out box, and she put me way in the back of it, not close to the 3 feet, and I could not hear, and she said, "No, you have to stay where I put you," and I said, "I understand that you're in charge and I have to listen to what you say, but I also have a right to hear what's being said." So instead of moving me closer, she told every one of her election inspectors to shout out and repeat the name in a shouting fashion of the voter that came, so everyone was uncomfortable, and then I would hear the poll workers say to each other, "Why do we have to shout out the person's name?" And she was having them do that so that she could have me hear instead of moving me a little closer. She did that, and I just shrugged my shoulders like, she's in charge, this is what she told me to do. So there are some times when you need to be able to look at observers as somebody who's there to help ensure that the process is done correctly, that there can be confidence in the process, and not to see them as someone who's trying to make your life difficult.

Ryan Retza- Republican Party representative

- This is the good part about going last, is I can just say I agree with lots of people, so I'm going to run down the list.
- First off, I do agree with Barbara with Disability Rights Wisconsin, providing chairs upon request of the election observers; that was an issue we did run into last cycle, in addition to at least providing the observers the opportunity to use a bathroom within the facility that the polling place serves is another important thing that we ran into in terms of the accessibility side of things.
- I also wanted to say I did agree with kind of staying out of voters' ways, since obviously the voters are there to vote. One thing that may be helpful is staying 3 to 8 feet behind the tables at which the

voters check in or register, and obviously, so long as confidential information is protected, such as driver's license numbers, social security, date of birth and all that.

- In addition to that, providing multiple areas, I believe that was Nikki that brought that up, providing multiple areas for observers to go between is something that I personally could support as well, just because there are a lot of different areas of a polling place that can't always be properly observed if you're stuck in a corner on the other side of the room. So that's one thing I did certainly agree with there as well.
- Additionally, I do agree with Diane's point that the close of the polls is an open meeting, but also, I think that the opening of the polls should also be considered an observable process. I know in the GAB rule in 4.01(i), it includes the opening of a polling place prior to the commencement of voting. So that's something I certainly agree with as well.
- And to Toya's point, electronic poll books and paper poll books, I also think, should be treated a bit differently as well since again, there is only one inspector overseeing that as opposed to the two overseeing the identical copies of the paper poll books. So that's just one point I wanted to make.
- And the rule that Debbie or Lana mentioned, in 4.02(5) of the GAB rule that was never promulgated, I do agree with that process that if a 3 to 8 foot distance cannot be achieved with those multiple locations within the polling place, that the clerk shall then prepare a report to the Commission, but also on top of that, it could be within the Commission's purview to review those reports, and if there are any instances where that 3 to 8 foot distance could, in fact, have been provided to the observers that they could then order that space be provided for the next election by a majority of the Commission vote.
- To David's point, I know he mentioned that Wis. Stat. § 7.41 does specifically state an observation area, but also it does include the plural, observation areas. So again, just going back to the point of providing spaces for observers to go between, preferably behind the tables, to stay out of the voters' way would be something that would be good for the process in my opinion.

Attorney Hunzicker asked if there was anyone who didn't get the first opportunity to comment on the agenda item. Julie Seegers noted that because she came in late, she wasn't able to elaborate like she would have liked and asked to say a couple more things. Attorney Hunzicker allowed her to do so.

Julie Seegers- Wisconsin Election Integrity Network representative

- There were 1,700 shifts of Republican observers in November for the General Election. There was not one complaint against any of them, and I imagine we would have heard if there were complaints against Democrat observers as well, and we didn't hear anything, so they were really well-trained. And observers want to respect the rules, and they want to respect the chief election inspectors that they do have, say, in their polling places and in central count, etc. So it really is in violation of the Wis. Stat. § 7.41 statute if they can't observe all aspects of the voting process, and they do know, because they are well-trained. They do know that they are not supposed to interfere with any of the voters so that's one thing I wanted to say.
- And then, as far as the time of day, yes, I think there is a lot to observe before the doors are open to the voters. One is observing the zeroing of the machines. I have had several observers say that if they're not let in the door and they ask to see the zeroing of the machines, that chief election inspectors don't have time, or they deny them of doing that, and also it's really good for observers to go in early so they can see where the designated placement of the observers is and be able to challenge that before their doors open, because again, the chiefs are busy, and they need to get that resolved before their doors open. So I think it's really important to let them in because it's not consistent from one polling place to the next.

- Ryan mentioned the bathroom situation; there are two chief election inspectors in Racine that don't allow, and it's consistent. They did it two elections in a row now. They won't allow chairs to be provided, even though the principals at the schools did say that they would bring chairs, and would allow observers to use the restrooms, and they weren't allowed. So we had observers standing for five, six hours in their shifts, and they wanted to do their due diligence and not leave because they felt like they were doing their duty as an observer to stay and observe, so I wanted to bring that up.
- Somebody mentioned sitting in the middle of the room, that that might be a good thing. You can't observe all aspects of the voting process if you're sitting in the middle of the room. There should be, maybe roaming isn't the right word. Somebody mentioned maybe having stations for observers, but I bet that there are many people on this call that don't even know what is on the Badger Book screen when an elector comes in and they present their ID, and then searched on the screen, what comes up on that screen. I bet most people don't know it is just the address and the name, and that's exactly what an observer is allowed to hear, is the address and the name. You're standing 3 feet behind, you can't even come close to seeing the details of the date of birth on a driver's license, so also, what's on that screen that would be good for observers to be able to see, is if a person received an absentee ballot or not. I was told by a few people that have used Badger Books that that little detail is on the screen, and I was also told by the poll workers that they don't have a lot of time to actually look at that and make sure that there isn't duplicate voting. That's something that an observer can observe as well.

Attorney Hunzicker called on Committee members in the order in which they raised their hands.

Caroline Fochs- Clerk, selected by the Wisconsin Municipal Clerks Association

- Just a couple points of emphasis: take this scenario going back to the potential of observers roaming. Take a gym situation, and you have, basically, your poll workers almost in a semicircle for the flow. If you have the observers on the periphery, which I think most people would do, and they are allowed to roam within that half circle, there could be a scenario where an observer shadows a voter. When they are checking in, the observer is right there, when they go to the booth, the observer follows then when they go to the ballot box, the observer follows. A scenario like that would be intimidating. I'm not saying it would happen often, and it could even be the perception of the voter that they're being shadowed. Having that unlimited roaming I don't think is a good idea, and on the other hand, to have them roam on the inside with the other voters, again isn't a good idea due to them conversing with the voters, or being portrayed as an election official, and having voters approach them for details or information.
- Again, I think the stationed approach is good. We allow them to move from station to station as long as they stay within the area that we have designated for them. They can basically go anywhere they want as long as they stay seated.
- Another scenario we had was where observers were moving from poll site to poll site. We have two poll sites in a school. I would like to see some controls on that, because that was very disruptive for both of the chiefs, and I think that once you leave, there should be a check-in and check-out, but once you leave, that was your shift, or, I mean we do allow for bathroom breaks and things like that, but I think that you should have to check out and not be able to get up and move from poll site to poll site.
- One other point, I'd like to give a shout out to the smaller municipalities. I think the reason it says in the statute, "if you have room," is because a lot of clerks up north, if you have a population of, say, 500 people, you have one option for a polling site, and that's it. You have one school, you have one municipal building. So even here in Mequon, I don't have unlimited choices for polling sites. I'm

very lucky I have four churches and four public buildings, but I think you need to keep that in the statutes just for those that don't have any options.

Eileen Newcomer- League of Women Voters representative

- I want to agree with some of the things that some people have said in relation to the comment about observers roaming around. I do think that having stations and having people be able to rotate between stations is helpful, so that observers have access to see the multiple components of the voting process, but the idea that observers would be able to roam around makes me worried about the possibility of intimidation of voters, and also just the perception of observers being more likely to be disruptive of aspects of the voting process. So I just wanted to name that.
- I also wanted to comment on observing in-person absentee voting, and I think that there was a comment about there just needing to be a lot of flexibility, and I think that flexibility does need to be balanced with some specificity about what observers can observe during the in-person absentee voting process and where they can be located, whether that's on the public side of the counter if the in-person absentee voting is happening at the clerk's office, and where they are to be located where it balances privacy for the voter, and then also for the clerk to be able to conduct their role. I know that because there hasn't been really any specific guidance for these aspects of observing outside of the polling place on Election Day; there has been conflict between some observers and clerks, and even legal counsel for the municipality about what do people have access to, so I think if we spell it out in this rule, that will help reduce the conflict and also have more consistency from municipality to municipality so observers know what to expect when they're going in to observe these other aspects of the voting process.
- One example of this that occurred was in Green Bay, where there was an observer who wanted to follow the absentee ballots from the clerk's office to central count, and then there was conflict about whether or not that person could observe that process or not, and so some of these things could be spelled out and remove that point of conflict before Election Day when things are already tense, because there are a lot of moving parts and things going on.

Attorney Hunzicker noted that Committee members attending via phone could dial *9 to raise and lower their hand.

Barbara Beckert- Disability Rights Wisconsin representative

- A few comments responding to the good dialogue here this morning: the concept of multiple stations that has been talked about is something that we would be supportive of to give observers access to different aspects of the voting process. We share the concern that some people have mentioned about the idea of observers being able to roam; that is not something that we would be in support of. We're concerned that that could potentially be intimidating and could also cause confusion.
- In addition, I wanted to reflect a little bit on the need to balance the voter privacy and the right to observe, and there are a couple of specific situations that I was thinking about, and how these would be handled with the guidance we're talking about. So confidential voters, that would be one situation and the other situation would be, information about guardianship is confidential. So if you have a voter who is either unsure of their right to vote because of a guardianship, or thinks they have the right to vote and may not, I'm just wondering about how that is handled in a way that protects the privacy of that voter, and that that should not be a discussion that observers are privy to based on the protections and state law for that information to be private.
- Finally, one of the other speakers, I think it might have been Julie, made a comment about observers being well-trained, and I guess I wanted to go back to that and maybe get some clarification, because

my understanding is that there is not currently any kind of required training for observers, and maybe I'm not correct about that. I always think training and education are a good thing, but I didn't think that was required. If that's the case, I don't think we can make assumptions that people are well-trained. If it is the case, then I would like to see such training include information about rights and accommodations for voters with disabilities because we often see that election workers, poll workers, and chiefs and so on, are not consistently familiar, and that people are denied their rights to accommodations. So certainly I don't think observers have a requirement currently to be trained. And maybe you can clarify that, Brandon.

Attorney Hunzicker responded to Barbara Beckert's request:

- I can say that there is no particular training requirement for observers. I know that many organizations that send observers do their own trainings, but there isn't a required training for observers.

David Kronig- Democratic Party representative

- I wanted to clarify my prior comment and make clear that we do support there being multiple observation areas. I just want to uplift that process that Clerk Elsen referenced, having observation areas for the check-in table and the registration table and the absentee ballot processing area, and that's something that we have seen and adopted in a number of different municipalities and generally our observers find that that works really well and allows them to see everything that they might want to see while being as unobtrusive as possible.
- I also just wanted to make note, I know this will be something we discuss further down the agenda, possibly next on the agenda, but there have been references throughout this discussion to there being a right to observe all aspects of the voting process and I just want to clarify and make sure that we are discussing this in terms of the statutory language, which states that there is a right to observe all public aspects of the voting process, and to keep clear that there are, as Barbara and others have referenced, parts of this process that are not public and for which confidentiality is critically important.

Erin Grunze- Common Cause Wisconsin representative

- Since I went early, I just wanted to come back around, as well as just make sure it gets into the notes that at Common Cause, we would also like to see the areas defined in that there could be multiple areas to see multiple processes of voting, but that roaming observers would not be something that we would support, just for smoothest of process and operation, and the chaos that could be introduced into the polling place. But designated multiple areas so that observers are able to see those areas, and as long as there's flexibility within the requirements, we would support that as well.

Ryan Retza- Republican Party representative

- I just wanted to make note that I'm sure the Republican Party of Wisconsin would strongly disagree with the notion that observers can only frequent polling places only once. I know that parties and other groups, whether they be disability rights groups or political organizations deploy attorneys and redeploy attorneys and other observers to locations if there are any reported issues. So that's just something I just wanted to make sure I noted for the record there, and again, just re-emphasizing support for multiple observation areas within a polling place that observers can go to and from, as long as they don't get in the way of any voters.

- And then I just wanted to thank David for his clarification there, and also agree that any confidential aspects of the voting process should remain protected.

Ken Dragotta- True the Vote representative

- I've been doing this for over thirty years, and I can tell you that in the beginning we were invited to sit at the table with the election inspectors, and quite frankly it went smooth, everything was nice, we weren't standing behind people, making them feel uncomfortable. What really has changed is the politics, and I'd like to see that role backwards a little bit.
- Roaming is a necessary part of observing, because in most cases, as I've been doing this for many years, I have been able to help the chief inspector. In fact, many times the chief inspector has asked me for direction on issues. If I'm looking at the tabulating machine, and then I look at the pink slips, if there are multiple machines, multiple wards, in order for me to ascertain whether or not we have an over, an under or if we're spot-on with the count, there are a number of things I need to do. I need to move around. I need to go to the tables that are issuing the ballots. I need to go to the machine. Without the ability to do that, if I'm restricted to a specific location, I'm unable to do that. So roaming is a necessary part of observing the public aspects of voting. The concept of a penalty box, which is what it is, is as offensive as can be. I understand that chief inspectors and clerks may have an issue with providing access, because they've got a job and they want to get it done, but they have to remember that this is a public process. This is not their process, it's a public process.
- The last point I want to make is: anybody on this call, if they have eyesight where they can look at a document like a driver's license, or even the screen on Badger Books from 8 feet, and be able to ascertain any information, the answer is no. A distance of 3 feet really should be the distance. The maximum distance, unless, of course, there are other mitigating circumstances, with the exception: if there are individuals who are being protected where the information shall not be exposed, those people need to be protected and I'm all for that. But the belief that observers need to be placed in a penalty box is offensive, and it's contrary to the intent of the statutes.

Mark Gabriel- Constitution Party representative

- One thing that I think would be helpful, Brandon, maybe you could help us with this, just in keeping our discussion on point and not getting into things that are outside of the law is by referring back to the law, which is Wis. Stat. § 7.41. So this whole concept of roaming actually is not consistent with what the law says, but it does say that, "the observation areas." And again, that is plural, so it could be different areas. And it should be, in order to meet the requirement that election observers can readily observe all public aspects of the voting process, which is just reading from the law, and that the 3 to 8 feet from the table So that right there, I mean, we're a nation of laws, and so this is what we have to work with. The legislature would need to change the law for there to be roaming so it's really not a discussion. We're limited to what the law says. It's 3 to 8 feet right now. If people want that changed, they should talk to their legislators, so that's another process. But if for our discussion we could stay on point, that would be helpful and maybe limit a lot of unnecessary discussion.

Attorney Hunzicker responded to Mark Gabriel's comments:

- I think any member is certainly free to make a point about the statute and refer to the statutes. I think my role is really more just to moderate between discussion. So if anyone has a reasonable interpretation of the statute, today it's really just about getting all the ideas on the table. There will certainly be more room and more time later for the Commission to discuss specifics of what the

statute allows and what the statute doesn't allow. But certainly, everyone here is free to bring that up at this meeting.

Robert Newby- Election observer, selected by the Democratic Party

- As a technicality for the Commissioners who are writing this 3 to 8 foot if it ends up being that, that wasn't entirely clear to me reading it if the observation area needs to be the width between 3 to 8 feet, or if the chief inspector gets to designate some place within that 3 to 8 foot area, for instance, the chief inspector could make it 8 feet. If that were clarified in the final write-up of this, that would be helpful.

Debbie Morin- Election observer, selected by the Republican Party

- I just had a couple of things: on one of the later comments, 3 to 8 feet in the statutes, I think what we're looking at is that the administrative rules are amplifying the statutes, so we're going to stay within the 3 to 8 feet. But then we're going to define, 3 feet is what we really want, but if it's absolutely necessary, you can go out to 8 feet. We were going to kind of amplify what the statutes say, not add extra. We're not going to say 2 to 12 feet. We're going to keep in within 3 to 8 feet. But now we have to define how that's going to read, is that correct?

Attorney Hunzicker responded to Debbie Morin's question:

- Yeah, I think that is probably correct. The Commission has the authority to interpret and implement what is found in the statute, and it's a matter of everyone here giving a reasonable interpretation of what those words mean and how they can be successfully implemented.

Debbie Morin- Election observer, selected by the Republican Party

- The other thing I had, someone mentioned some issues of observing outside of the polling place in the clerk's office during in-person absentee voting, where can they sit, can they get behind the counter, which, it starts to be a gray area there, and I know she had said something about when the ballots are being moved from the clerk's office to the central count and someone wants to follow, the other issue to add to that one that was brought to my attention is the right to be able to observe when in-person absentee voting is over. So the Monday before the election there is no in-person absentee voting in the clerk's office, but voters are bringing in their ballots, and some of that interpretation is well, if they're bringing in their ballot to return their ballot, that's a public aspect of the voting process, and we would want to be in the clerk's office to observe. There is that contention again: "Well, we no longer have voting. We have a lot to do. You can't be in the office," balanced with the fact, while people are returning their ballots, we want to be able to observe that process. So there's another issue. I think it was Eileen that brought that up, to add to those issues as well.

David Kronig- Democratic Party representative

- I just wanted to disagree for the record with a couple of points that Ken made. This notion that observer areas are a penalty box is something we certainly would disagree with, and I think the statute would disagree with as well.
- Wis. Stat. § 7.41(2) says, "The chief inspector or municipal clerk shall clearly designate observation areas for election observers, and so to my read, that is the legislature telling us that there should be clearly designated observer areas, and then anything outside of that would be contrary to the law.

- I also want to state our disagreement with a couple comments that seem to suggest that an observer area at 3 feet is preferred, and I think the language of the statute gives no preference between 3 and 8 feet. It just has to be somewhere within that range, and we would support a rule that gives chief inspectors and clerks the flexibility to designate what works best for their space and community.
- I also want to disagree with any suggestion that there is a right for observers to inspect the documents that voters are presenting in order to get their ballot or register to vote. I think those are confidential, or contain confidential information, and need to be protected.

Julie Seegers- Wisconsin Election Integrity Network representative

- Claire, in response to her comment, I have never heard a complaint of the observers shadowing voters. There is a chief election inspector of 21 years at a large polling location in Kenosha County who allows the observers to roam and in those 21 years she's never ever seen a roaming observer disrupt a voter, except for one time, and it was an ACLU lawyer from Illinois. So I think we would have heard of people getting kicked out, because that would be a kick out-able offense, so to speak, if an observer was doing that. So I say a roaming observer, when they're trained, and speaking of which, addressing the training of observers: the Republican Party strongly recommends that anybody who signs up to observe through their program, it is strongly suggested and all the observers that I know and recruited and trained, went through the training through the Republican Party. I think that the pamphlet that is provided observers has a lot of good information, but it doesn't include everything. And a Zoom training provides discussion and questions.
- As far as rights for accommodation, one hundred percent for sure, we need to accommodate everybody to be able to be behind the tables, and to observe every aspect of the voting process.
- Also, as far as the term "roaming" and the observation areas, maybe we can all agree that observers can roam from observation area to observation area. And again, these can be challenged by an observer at the beginning before the doors open. So again, I would suggest that they are able to see that before the voters are let in.
- Also, again I'm just going to reiterate that for Badger Books, there is only one person that sits in front of a Badger Book. With the paper polling books there are two people, so to be able to let an observer be behind the person with a Badger Book as well as people with the paper polling books, all they will be able to observe from 3 feet again, is just hearing the name and address and seeing the name and address on the screen, and seeing if they had already received an absentee ballot, so again, it's very important for observers to be able to observe that process too.
- Also, in central count, there are central count areas that do not allow observers to observe even the processing of the certificates. There are central count places that put them just in the middle of the room, where there is nothing that can practically be observed in central count in the middle of a room. So again, observers in the Republican Party, through the RNC program, are trained to know what to see on these certificates and to challenge. So again, we understand that the people who are processing these certificates are trained to know what to look for. But it's still the job of the observers to observe all those aspects as well.

Lana Lee Helm- Poll worker, selected by the Republican Party

- I was going to address one comment that was made by one of the municipal clerks about the observers staying seated, and that is nowhere in the statute or in the requirements that they have to stay seated. So I was just going to highlight that and that often an observer might need to, even if you have a designated area, stand up to be able to hear or observe, or maybe they are tired of sitting, but just highlighting that comment.

The Committee took a break at 10:59 a.m.

Anita Johnson joined the meeting at 10:59 a.m.

The Committee reconvened at 11:06 a.m.

Attorney Hunzicker requested that Committee members state their name and which organization they were representing, if any, when speaking. He gave Anita Johnson the chance to introduce herself and comment on agenda item E.

Anita Johnson- Souls to the Polls representative

- Hi, I'm Anita Johnson. I am from Souls to the Polls. I am very sorry that I'm late; I just got into Savannah, Georgia, so I'm still trying to get settled. If you could just let me get settled a little bit more, then I can join in on the conversation.

Attorney Hunzicker said that when she had a chance to speak on the next agenda item, she could also speak on agenda item E.

Barbara Beckert- Disability Rights Wisconsin representative

- I just wanted to have a brief comment about the discussion of observers being able to see what is on the screen of Badger Books, and that just came up at the end, so I didn't have a chance to address it. My concern is that I believe the Badger Books display not-public information, including drivers' license number and the last four digits of the social security number. So if that is the case, I don't think that would be appropriate for observers to be viewing that, just as it's been pointed out that they aren't able to view documents that people present that have confidential information, so I wanted to raise that concern.

- **“The observation areas shall be so positioned to permit any election observer to readily observe all public aspects of the voting process.”**

Attorney Hunzicker introduced this section of the agenda item. He stated that for this section, instead of going down the list he would call on Committee members who raised their hands.

Ryan Retza- Republican Party representative

- Building on what the old unpromulgated GAB Chapter 4 rule stated here in 401(i), I gave a little more of an actual thought to this and it might be helpful to clearly define what public aspects are, such as waiting in line to vote by the electors, the election day registration process, the registration process in the municipal clerk's office during special voting deputy visits, or whenever registration officials visit facilities prior to 5 p.m. on the Friday before the election, the recording of electors under Wis. Stat. § 6.79 which goes back to what was already in this unpromulgated rule, the elector's receipt of a ballot in a polling place, or return of the ballot to the office of the municipal clerk, the deposit of a ballot into a ballot box or a tabulator at a polling place, a challenge to an elector's right to vote, the issuing of provisional ballots, and then, additionally, this is a bit more of an exhaustive list that I added on here as well: curbside voting, reviewing absentee certificate envelopes for sufficiency, viewing the public aspects of electronic or paper poll books and registration lists, and ballot remaking. Then also, again, making sure that nothing in that definition

applies to any confidential aspects of the voting process, such as non-public information about an elector who received a confidential listing or viewing non-public information being provided by any elector on a registration form such as their social security number, date of birth, or driver's license number.

Eileen Newcomer- League of Women Voters representative

- I just want to reiterate and agree mostly with what Ryan just said about, it would be helpful to clearly define the public aspects of the voting process and have guidance on how observers can access those things, and then also delineate what is not public, and what observers do not have the right to see. Some specific elements of the voting process that we would like to see included are in-person absentee voting, pre-election equipment testing, post-election equipment audits, recounts, the county canvass, central count, and selection of the post-election equipment audits as well.
- The other thing, too, is that in this sentence it says, "Any election observer," and we have sometimes run into issues with our nonpartisan observers trying to observe and only partisan observers are allowed, so we have had to contact the Elections Commission to sort that out and make sure that our observers are able to access their right to be an election observer, and so I think if we can make it clear that partisan or nonpartisan elections observers are not necessarily one that's above the other, and that "any observer" really means "any observer."

Mark Gabriel- Constitution Party representative

- I just wanted to reiterate that it would be good to describe a number of the public areas, and then I thought of the check-in area, registration table, table where ballots are issued, tabulator, curbside voting, remaking of ballots, and then include as well as any other public aspects of voting.

David Kronig- Democratic Party representative

- Generally, we think that the definition in the unpromulgated GAB rule generally works pretty well. As I've mentioned before, the things that we would like to add to that would be specific language and protecting what we see as confidential parts of the voting process. For instance, we think that there is no right for observers to view, for instance, the photo ID that voters present at a polling place and verifying the photo ID. Verifying voters' identity is the job of the election inspector, and if election observers are trying to do that, and we think that that not only could be intimidating for voters but also disruptive for the poll workers trying to do their jobs and carry on an orderly election. Similarly, we don't think that there's any need for election observers to look at the proof of residency documents being presented by same day registrants. I also think that there should be some clarity: we don't think that simply returning a ballot to the office of a municipal clerk is part of the public aspects of the voting process, and a lot of voters return their ballots by mail and simply put it in a mailbox on their street corner, or on their home, and certainly that would not be considered a public aspect of the voting process, and we think that returning a ballot in person and to the clerk's office is sort of equivalent to putting it in the mailbox. That is different, of course, from voting an in-person absentee ballot, and that certainly would be part of the public aspect of the voting process. And I think that that interpretation is supported by Wis. Stat § 7.41(1) which says that the right to observe includes the municipal clerk's office "on any day that absentee ballots may be cast in that office, or at an alternate site under Wis. Stat. § 6.855." And so, I believe that you can't enlarge or expand upon the days when observation is required by law if you are giving full meaning to all the words of that statute and the statute that it cross references.

Erin Grunze- Common Cause Wisconsin representative

- I just wanted to thank Ryan and Eileen for their lists and spelling those things out, and I agree with both of them about defining better what is able to be given public access and to preserve the privacy of that which is confidential. I guess I just have a question for the Commission when considering this point, and how it reconciles with the first point that you put in the agenda where the observation area is connected with the registration table and where the voters announce themselves, and how that reconciles with the second point about permitting election observers to observe all public aspects of the voting process, and I don't have an answer for how that reconciles. But I think that some of the comments made today shows that it's not simply understood what is meant when you take those two points together.

Ryan Retza- Republican Party representative

- I just wanted to clarify, I know David mentioned the mail-in return of absentee ballots. At least from our view, the distinction between returning a ballot by mail and in person to a municipal clerk is clear from the interpretation of the Teigen ruling, and in statute itself. So I just wanted to reiterate that we were just speaking about the return of ballots in person to the municipal clerk's office prior to election day as being part of the public aspect.

Debbie Morin- Election observer, selected by the Republican Party

- I just wanted to add to the running list that's being created that observing should take place at the local board of canvassers, which is at the end of election night. The poll workers become canvassers at that point in time, but then also the municipal canvass, which seems to have been lost in the shuffle somewhere along the line, because some clerks have told me that the local board of canvass is a municipal canvass but that's not what the law says it is. So I would love to be able to observe a municipal canvass, but I didn't know if it's being held all the time separately from the local board of canvass, so that clarification would be good to see added to the list of public aspects of the voting process that are allowed to be observed.

Attorney Hunzicker confirmed no one else had their hand raised and gave the Committee members one more chance to comment on the agenda item.

Ken Dragotta- True the Vote representative

- I just wanted to comment, and it may be helpful for everybody to look at the, perhaps staff at WEC could provide us with the legal definition of PII [personally identifiable information], or what constitutes PII, so that we can drill down and determine whether or not we need to add to that. I think some of the discussion here is actually nibbling around the outside of that issue, so perhaps you folks could provide us with that information.

Attorney Hunzicker responded to Ken Dragotta's suggestion:

- I don't think I have a complete list of everything that would qualify as all personally identifiable information. I can say that, at least in terms of what is on the elector information, that birth dates, driver's licenses, any indication on a registration form that a voter requires assistance due to a disability, any bank or financial information and any confidential elector information is all confidential, but I don't want to state that that's an exhaustive list. That's information that the

Commission and every municipal clerk collects to be a registered voter which is confidential. Social security numbers may also be included. So those are a number of the things that are confidential, just for at least some definition on that point. But again, not an exhaustive list. Other documents may be involved, depending on the person and if they're registering to vote that day.

Ken Dragotta- True the Vote representative

- Remember that what we're doing here is applicable to all processes, and that includes recounts. If we're telling observers that they can't roam from observation area to observation area, I don't know how we're going to possibly conduct a recount.

Julie Seegers- Wisconsin Election Integrity Network representative

- In response to David, yes, observers don't need to see any protected information, that's for sure. And we're not asking for that. What we are asking for is for us to be able to observe everything legally that we can, so again, the printed poll book where two people sit at when paper poll books are used, two people sit at those books; for the Badger Books, only one. So just to make it clear, printed poll books only have the voter's name and address, and same with the Badger Books, that just has the name and the address as well. It's not the same as the information on the WisVote database. What shows in a poll book is the same thing that shows on the Badger Books. So, again, that can be observed according to the state statute that the poll books can be observed by state statute by observers. So there should be no reason why an observer can't also see the screen on Badger Books, as well.

Lana Lee Helm- Poll worker, selected by the Republican Party

- I'm a chief inspector, and I just wanted to address the point about proof of residence documents. Now this goes back a long ways, but I remember as an observer, someone was going to try to use a Netflix box as their proof of registration. At the time I objected to the chief inspector, and they said "Well, it has a stamp on it so that's from a government entity. So there are proof of registration documents that observers need to be able to view that do not reveal confidential information. And so it is important for the observers to be able to observe that part of the puzzle.

David Kronig- Democratic Party representative

- I just wanted to offer, in case it's helpful, the statutory definition in another context in Wis. Stat. § 19.62(5), says that "'Personally identifiable information' means information that can be associated with a particular individual through one or more identifiers or other information or circumstances." For instance, in the context of the open records laws, and the balancing test permits, and in fact, I might argue, requires public officials to redact a pretty broad range of information that can be used to identify individuals in particular circumstances. So I just want to caution that any rule that is crafted here should be very cautious about what is and is not permitted to be viewed.

Yolanda Adams- Forward Latino representative

- I agree, we have to protect the identifying information, particularly as it pertains to some of our voters that are monolingual Spanish speakers. I am representing Forward Latino, and I do believe that observers should be able to observe, as it states here, "all aspects of the voting process," so I wouldn't want to call that roaming around; it's more moving from section to section. Sometimes the

registration table is in an outer room, and the voting is taking place in a separate room, and I think observers should be able to move from section to section to be able to observe all aspects. So I agree with most of the comments that have been made here today, and I would support them.

Toya Harrell- Clerk, selected by the Wisconsin Municipal Clerks Association

- I just wanted to make a clarification because it's been mentioned a few times that the Badger Books are stationed by one election inspector. I can't speak for everyone's polling location, but we have two election inspectors at the Badger Book site. So there's one election inspector that is checking in the voter, and then there's another election inspector, because two election inspectors have to sign the ballot. So there are two at that station for the purpose of checking in and also issuing the ballot. I just wanted to make that clarification for Shorewood.

Debbie Morin- Election observer, selected by the Republican Party

- When we started talking about personally identifiable information, and then someone read something from the statue where it's information where it would be identified with a particular person, I think there's some confusion, because when you go to vote you identify yourself. You personally identify yourself and your address, and you have to do that publicly. You have to say it out loud, so is that considered personally identifiable information, in that we can't hear that, that is, that's that the difference, with public information and private information, maybe?
- The other thing is, and I think Julie had mentioned this about the Badger Books, the electronic poll books: so if you're allowed to look at poll books, it's considered to be public information, and you're allowed to look at the paper ones. Then you should be allowed to look at the electronic pollbooks. I haven't seen the screen of an electronic poll book, but if there is this private or personal information that somebody can't see, that's up to the tech people, WEC, or the clerk to make sure that it is not displayed in a polling site, because that is a poll book, and it should be able to be viewed. So if it can't be viewed because there's personal information on there, that has to be changed so it is allowed to be viewed.

Attorney Hunzicker noted that he is not the right WEC staff member to comment on Badger Books, and that unfortunately, he could not clarify too many of those points.

Toya Harrell- Clerk, selected by the Wisconsin Municipal Clerks Association

- The information displayed in Badger Books is the same information that's displayed in the paper poll books. No date of birth, no driver's license information, no social security information is on there. It's the same information that is displayed on the paper poll books that we also have in our stations.

Julie Seegers- Wisconsin Election Integrity Network representative

- I actually have a picture of what it looks like. Somebody sent it to me. And it confirms it's just the name and the address, which is the same as statutorily required of an elector when they come in to state their name and their address out loud. And so, that's exactly what just shows up on the screen. That's it.

Barbara Beckert- Disability Rights Wisconsin representative

- I just wanted to clarify, I'm not an expert on the Badger Book either, but I understand that there is a registration component as well as a poll book component, and that the information I was referring to, including if the driver's license is scanned, showing the driver's license number, that that is in the registration portion of the Badger Book. So I just wanted to raise that when we talk about the Badger Book.

Julie Seegers- Wisconsin Election Integrity Network representative

- There are different levels of access for Badger Books, so she's right. There isn't a, if you are registering people, that's a different level, for people who are just doing the regular work of checking in and giving a number to electors, that's a different screen. So again, yes, we don't want to see any protected information, but we do want to be able to, observers I think should be able to see the areas that they, with the Badger Books, that the poll workers who are just checking people in.

Attorney Hunzicker gave Anita Johnson the full time to do an introduction and allow her to comment on both bullet points in item E.

Anita Johnson- Souls to the Polls representative

- My name is Anita Johnson and I represent Souls to the Polls. Again, I'm in Savannah, I don't have my luggage, I don't have any of my notes with me. However, I did want to make a comment about protecting the ID of the voter: I think we're forgetting how the voter will feel intimidated when we've got all of these people in the polling site asking questions. raising up, what did you do? What did you say? I feel that we need to protect the ID of the voter. As I have gone to different polling sites, it all depends on how the polling site is set up as to where the observer sits. Sometimes the observer is sitting in an area where they can view everything in the room, and if they have a question of course they will go to the chief inspector to ask. But I just wanted to say that we should not make the voter feel intimidated about over-protecting what we do. We need to be more concerned about protecting the ID of the voter when they come to vote.

Yolanda Adams- Forward Latino representative

- I just want to follow up with what Anita said: definitely protecting the ID of the voters, and that's very important when we're seeing an increase in Latino voters and new citizens. So very important.

Karen Huffman- Poll worker, selected by the Democratic Party

- Just one point I wanted to raise when we start talking about personally identifiable information and what observers can and can't see, because I also am interested in balancing transparency with voters' privacy. I heard earlier in the former section, somebody made the point that there were something like 1,700 Republican [election observer shifts], and I think normally when we talk about this, we're thinking in terms of the two major parties, Democrats and Republicans, but we have to also have to remember that the public has a right to be an observer as well. So there is going to be, depending on how nuanced this becomes, some sort of education for the observers.

Ken Dragotta- True the Vote representative

- I think that when it comes to PII, we may have a pretty good standard, and that is when a political party purchases the database from WEC, the information that is not contained in that data dump would then be considered PII. Anything that is provided to the political parties when they purchase the data would be excluded as PII. I think that's a good place to start.

David Kronig- Democratic Party representative

- I just had a point of clarification: it's totally possible that I'm missing something here, but there have been a couple of references, I believe from Julie, to there only being one inspector assigned to Badger Books when Badger Books are used, and I'm not familiar with where in the statutes that might be. I'm aware that the number of election inspectors under Wis. Stat. § 7.30 can be reduced from seven to five when voting machines are used, but in Wis. Stat. § 7.37(7), it says "two inspectors shall be assigned to have charge of the poll list at each election," and the next section of 8 is about electronic voting systems, but it doesn't say anything about reducing the number of inspectors who are assigned to staff the Badger Books. And so this is really just a question; if I'm missing something there, I would love to be able to. Otherwise, I'm not sure what the distinction is between the number of inspectors when Badger Books are being used.

Attorney Hunzicker responded to David Kronig's comment:

- I can look for that over lunch. There's a handful of places it might be. It might be in Wis. Stat. § 6.79; it also might be in Chapter 5. So I need to look up that citation now. There is one there, so I can provide that.

Debbie Morin- Election observer, selected by the Republican Party

- I just wanted to give you the statute, it's Wis. Stat. § 6.79(1)(m).

Attorney Hunzicker confirmed no one else wanted to speak on the agenda item. He then moved on to the fourth section of the agenda item:

- **“Member of the public”; “cast”; “except a candidate whose name appears on the ballot”; “reasonably limit the number of persons representing the same organization”; “clearly designate.”**
- On that fourth bullet point there is a number of terms here, and if I'm wrong about the amount of time it takes, we can come back to this after lunch as well. But there are a number of terms that the Commission will likely be needing to define or expand upon in the statute. A lot of these points have been discussed a little bit: “member of the public,” who can observe, what it means to cast a ballot in terms of Wis. Stat. § 7.41, and what can be observed, the different rights of candidates on the ballot when it comes to observing - there's a specific carveout - and the sentence, “reasonably limit the number of persons representing the same organization,” so especially what “same organization” might mean and what “reasonably limit” might mean. And then “clearly designate,” and this is referring to the physical position where observers will be located. So again, a lot of these have been addressed in earlier comments, but if anyone has more to add or anything to add on one of these that hasn't been said yet. I just want to open up the floor for any questions or comments on any of those specific terms.

Ryan Retza- Republican Party representative

- On the “member of the public” definition, I know there are several states that go through a cumbersome credentialing process, and in some states only the two major parties can submit lists of election observers. We were comfortable with just keeping it open. I think having an open process for any groups or any member of the public or any organization to come in and observe an election is very important.
- In terms of the definition of “cast,” I’m just going to run through this so I don’t keep talking: the definition of “cast” would at least, under a definition that we had spoken about previously, would fall under the process of voting a ballot at a polling place, clerk’s office or alternate site, special voting deputy site, or, I know we already talked about this earlier, the return of a ballot in person to the municipal clerk’s office.
- And then “except a candidate whose name appears on the ballot,” that’s not something we’re looking to change at all, having broad applicability for “name appears on a ballot.” You shouldn’t be at a polling place, having the right to challenge voters. So there was that one.
- “Reasonably limiting the number of persons representing the same organization,” our thoughts, and Debbie and Lena can obviously chime in on this too, were that no less than one observer per ward at the polling place for all of the wards that polling place serves, in terms of individuals from the same organization, no less than one observer at each processing table and tabulator at central count, or recount, and then no less than two at the municipal clerk’s office or alternate site during in-person absentee voting.
- In terms of “clearly designating,” I think we already went over that; designating multiple areas that observers could go between is something that we are in support of.

Eileen Newcomer- League of Women Voters representative

- We also favor keeping it open so that partisan, nonpartisan observers, and individuals who want to observe the process can be observers. I think Ryan’s definition of “reasonably limit the number of persons representing the same organization” sounds pretty reasonable, but we would be open to that conversation and discussion further, but I think that, two points:
- I think it is important that non-partisan observers, like from the League, to be able to be included in the number of observers represented, being able to have access at polling places or other aspects of the publicly available voting process is important. I know sometimes we have seen it kind of go overboard, where it’s reasonably limiting the number of persons, and then that means zero if you’re not with one of the political parties, and that is not acceptable to me.
- One of the things that we also have seen is, occasionally people who have been trained by a particular organization don’t acknowledge that they’re part of that organization, and so then they take up other spots, even though they are there on behalf of an organization. So I don’t know if there is some sort of way to regulate that, but it is a concern and something that we have seen at multiple elections.

Yolanda Adams- Forward Latino representative

- I’d like consideration to be given to individuals that do shifts for the same organization. For instance, you may do a morning shift and then move on to another polling place, and then another person from the organization will take over for a second shift, and then a third shift, you know, until the polls close. So it could be different people from the same organization at a particular polling place kind of rotating in and out, so that’s something that I’ve seen and that we do. And then being able to maybe start at a polling place, it’s a little controversial, and then coming back later towards the closing of

the polls to observe how that goes. So that needs to be considered when talking about limiting the number of people from a particular organization.

David Kronig- Democratic Party representative

- Regarding the term “member of the public,” I am generally in agreement with the comments that Ryan and Eileen have already made. I agree that it’s important to keep it open.
- With respect to the definition of “cast,” again, I generally agree with Ryan, with the exception of what I discussed under the previous agenda item about simply returning an absentee ballot to a clerk’s office, and I would not include it as “casting your ballot.”
- On the “reasonably limiting the number of persons representing the same organization,” the problem that Eileen identified is one that we have also seen, and I have seen training materials from some organizations, for instance, telling their members to sign in as “self” or “citizens” and that has led to situations where observers who have volunteered with the Democratic party have been asked to leave in favor of two other observers who we believed to be associated with the same organization, although they did not sign in as being affiliated with that organization, and so our proposal would be that if there are space constraints that require chief inspectors or clerks to limit the number of observers, and that each organization present be allowed to maintain at least one observer, and that observers who identify as being affiliated with an organization get priority who identify as being on their own.

Barbara Beckert- Disability Rights Wisconsin representative

- I wanted to indicate that DRW is in agreement with the points that Eileen and Ryan made about having members of the public as observers. We believe it would be helpful to have more members of the public who are people with disabilities as observers. That is a goal we have because we think that the lived experience that they bring would add an important perspective to the observer role. So I just wanted to again reinforce the importance of assuring that some of the accommodations that we talked about before in terms of accessibility and the ability to accommodate mobility devices that people have in the observation area, and allow people who need a chair the ability to take restroom breaks, and so on. That is all really important for people disabilities and for many older adults as well, who might not consider themselves as a person with disabilities but may have some significant mobility restrictions.

Diane Coenen- Clerk, selected by the Wisconsin Municipal Clerks Association

Diane Coenen clarified as part of stating her name and the organization she was representing that she was the chair for the Wisconsin Clerks Association Legislative Communications and Advocacy Committee.

- One thing I want to mention, we need to keep in mind regarding the public, or who’s allowed to observe for care facilities. I just want to clarify, in our homes only one observer from the two major political parties are allowed to observe there. So when we are maybe defining who can observe at the polls or the clerks office, we need to make sure that in that language, the exception of the care facilities and nursing homes is just one observer from each because I have been approached by the general public wanting to observe. So you know that it’s not known knowledge, if you will, out there.

Ryan Retza- Republican Party representative

- I'm breaking my promise about speaking, and I just wanted to agree with Yolanda's comments on taking into account shifts when multiple observers are coming in during the day from the same organization.
- I also wanted to agree with Diane's point that SVD observers should be kept to the limited definition provided by with Wis. Stat. § 6.85, I forget the subsection, but at the very bottom of Wis. Stat. § 6.875.

Debbie Morin- Election observer, selected by the Republican Party

- I'm calling to relay the experience I have had. The sign-in sheet says, "What organization do you represent?" I sign in as a citizen, and I represent myself as a member of the public, as an interested citizen. I do not speak on behalf of an organization when I ask questions, or when I challenge something, I'm not representing an organization, I'm representing myself. I don't need to get, unless I'm asked by an organization to work on their behalf, or they want me to observe for their organization, I don't want my actions to reflect, if there's something that I did wrong, poorly on an organization. I'm representing myself, and I've observed, so that's one thing. I don't think people are saying we're not acknowledging that we work with a political party, but unless a political party asks me to observe for them, I go where I want as an individual, I observe where I would like to observe, for as long as I observe, and I make those decisions independently. I'm an independent citizen who just wants to watch the process myself, so I don't think it's a matter of trying to be sneaky or trying to get away with something. It's just that I can speak for myself, and that's who I'm speaking for and on behalf for, and the questions I ask are just my questions and nobody else's. So I want to make that clear.
- And then I have observed in the number of years I've been observing, especially for the federal elections, this is where we get a lot of observers coming in, when I sign the sign-in sheet, I notice observers from out of state. They're coming from different states, one was California, one was Connecticut, and sometimes they sit there and they don't even watch the process. They just go on their cell phones and they take up an observer spot and look at their cell phone the whole time. If they're not going to observe the process then they shouldn't be there, and so I'm wondering if you want to limit the number of persons representing the same organization, to start with out-of-state observers, because they can't even challenge a voter. They're just there at the request of an organization, and I have run into attorneys that don't understand our process in Wisconsin. They don't even realize that we administer our elections at the municipal level; they come in thinking that we're running elections at the county level, and they don't even know our process. So I think if we're going to limit anyone, we should start with the out-of-state observers, and keep the people who live in the State of Wisconsin to be able to watch the process entirely, and they don't have to, unless they're formally asked to represent an organization, they can come in as an individual citizen.

Anita Johnson- Souls to the Polls representative

- Thank you, Debbie, that's exactly what I was going to talk about. I do have a problem with people from Illinois and other places coming in to observe our elections, and I personally think they should be eliminated. I don't know what kind of training they've had. I don't know the real reason that they are here, but I am not happy with observers coming in from out of state, and I also agree with Yolanda and Ryan's comments.

David Kronig- Democratic Party representative

- I apologize, I'm going to take perhaps an unpopular position, but I just want to briefly defend some of our observers who do come in from out of state, and I know, defending Illinois might not be a popular position to take, but, at least with the Democratic Party of Wisconsin, the overwhelming majority of our volunteers are Wisconsinites, but we do have a handful of extraordinarily dedicated and wonderful volunteers who join us election after election every single year, coming up from the northern Chicago suburbs, and perhaps over from the Twin Cities in the western part of the state. When they are representing the Democratic Party, they have been through very extensive and intensive training on our laws and processes and customs, so I would be opposed to and very uncomfortable with trying to limit observers to only in-state folks.

Eileen Newcomer- League of Women Voters representative

- I just wanted to speak to the idea of prohibiting people from out of state from being observers. We do have observers volunteer with us from out of state occasionally, and we do provide them pretty extensive training and I would like to be able to continue to include them in our program going forward.
- But I also think that there are other reasons why it might be beneficial to allow observers from out of state, for example, if they want to see how things are done in Wisconsin, so they can implement best practices in their state. I think that there are opportunities to see things like how Election Day registration works that would be beneficial for others out of state to see how we do things differently here in Wisconsin.

Mark Gabriel- Constitution Party representative

- I know we're going to talk about locations later, so briefly, when we do talk about residential care facilities and retirement homes, but it does cover this area as well, I don't know why we limit the observers to the two big parties; certainly we should allow others. There appears to be issues, too, with what's going on in these residential care facilities, so, representing the Constitution Party of Wisconsin, we should be able to send our people, or any individual in the public, should be able. Maybe they have people they know there. Maybe they're concerned about that person in a particular facility; they should be able to observe there, as well.

Ryan Retza- Republican Party representative

- I just wanted to agree in part with David, especially with out-of-state volunteers in places that space would allow a large number of individuals to observe a process such as central counts or recounts. I know that other parties and political candidates, and all of those individuals will fly folks in from out of state to help assist in monitoring recounts, especially in big presidential years, and just wanted to make sure that was noted for the record.
- To Mark's comment about the political parties on SVD observers, obviously we are bound by the statutory language in Wis. Stat. § 6.875(7), which permits explicitly, the one observer from each of the two recognized political parties, but just wanted to make sure that was noted.

Robert Newby- Election observer, selected by the Democratic Party

- Just to echo very briefly what others have said, I think that the organization that has trained and worked with the poll observer is much more important than their state of residence.

Debbie Morin- Election observer, selected by the Republican Party

- I just wanted to clarify that I'm not saying we should prohibit all out-of-state observers forever into infinity. All I'm saying is, if the polling place starts to get crowded with observers, and we're looking to limit the number of observers representing a particular organization, maybe within that limiting we will limit the numbers by looking at out-of-state observers first. I know it's attorneys for the most part that come in from out of state to help the political organizations, so maybe they can start to work with the in-state attorneys and the in-state attorneys could be there, or the organization itself, if they know their members of their organization, and they're going to start to reduce the number, they decide amongst themselves who is going to leave and who's going to stay, so I mean, there's a way to do that. But I think to start limiting the number, you could start with people that are not from the State of Wisconsin. I've observed alongside plenty of out-of-state attorneys, especially in the City of Milwaukee, so I've watched that process, and there are some things that could be addressed with that.

Yolanda Adams- Forward Latino representative

- Just a couple of final remarks as it relates to the out-of-state observers. Kenosha being a border city, we often do get Illinois observers to come, and our civil rights organizations, normally, our local members are busy giving rides to the polls and making sure people vote. So with the limited number of volunteers that we have locally, it's always good to have some of the national volunteers help with the observation at the polls, so I wouldn't want to eliminate, and I know that hasn't been said, but I would like to continue to allow these out-of-state as long as they're following the rules. And we're okay with that because the smaller organizations do need that extra help.

Eileen Newcomer- League of Women Voters representative

- This conversation has also reminded me of a situation that I just wanted to bring up, because I think it is relevant to this conversation about when observers sign in, they are supposed to put their address, and that may be the way that it would identify if there was a decision to identify in-state versus out-of-state, but we have had at least one observer who is a resident of Wisconsin, they went to go be an observer, but they had not updated their driver's license yet from their out-of-state driver's license, and the chief inspector required them to put the address that was on their license and not their actual residential address. They were kind of threatened to be kicked out; they didn't comply with that request. That might be something to also consider, including in the scope of the language about what address an observer is supposed to put down, and making that clear.

Anita Johnson- Souls to the Polls representative

- If I'm an observer, they ask to see my ID, and they also ask for the address of the group that I represent, and that's the address that I give.

Julie Seegers- Wisconsin Election Integrity Network representative

- Regarding members of the public being allowed to go into election sites to observe, it's just interesting, the DOJ put out a notice just a day before the November election that they were going to be in the Milwaukee and Racine election sites, and of course we didn't know about that. And observers, Democrat and Republican alike, were taken by surprise as they were asked their names and affiliation by these DOJ officials that came into the observer areas. Some of these DOJ officials

were not wearing their badge, and I know that WEC has received some affidavits from Racine observers that experienced this and were 100% intimidated by being asked this information, number one by somebody that wasn't wearing a badge, and then they asked them, "Can I see a badge?" or "Who are you?" so that was a very intimidating process. I know that one of the chief election inspectors in Racine called the clerk and asked the clerk if the DOJ can come into her polling place and the clerk said yes, so obviously the clerk knew that this was going to happen. I don't know if WEC knew that this was going to happen in Racine and Milwaukee, but it was a very intimidating thing, for again, our observers, without knowing what was happening, and that they were being asked their name and how they affiliated.

- One more thing, as far as I know they came in, I was told, well, I better not go this far, because I don't know for 100%, but I do know that if there was any problems with any kind of discrimination in the Racine election sites, I'm sure we would have heard about that too, so I'm just not sure why the DOJ felt that they had to be in Racine or Milwaukee, for that matter, as well.

Debbie Morin- Election observer, selected by the Republican Party

- I have signed in on a lot of these observer sign-in sheets, and they're a form that's on the WEC website, and they ask for your residential address and municipality, not the address of the organization that you represent, and I've had some feedback from observers that they're very uncomfortable giving their residential address on that form, and my question is, what I would like to get an answer to, not today, but just to put in the questions is, what is the purpose to ask an observer for their residential address, and the municipality in which they live? That would be one of the questions, and part of that is, before, there was some kind of decision that no one can observe that, but it is open records after the fact. But no one can observe the sign-in sheet for observers before, that was a procedure. There was a disgruntled voter where I was observing, and he was given access to the observer sheet, and he found my name. First he demanded that I give him my name, and I said I didn't need to tell him that, which made him more angry, and so he went and got my name and address off of the observer sheet and came back, and I have Democrat observers and Republican observers that witnessed this, and were willing to witness to say that they witnessed what happened. He began to threaten me and said, "You better do what I want you to do because if you don't, now I know where you live," and my response was, "Are you threatening me? You can't threaten me," and then it deteriorated from there. So that's one of the questions that people have as observers, is the access to their home address to people that they can get access to it. Now that's an isolated incident; this guy was really worked up. I don't know what his issue was, but I was the only female observer there. There were three of us there, and the other two were males, so he pointed me out and addressed me directly, based on the information of my home address on the observer log. So I would ask what the purpose of that is, and if that's really absolutely necessary to be included on the observer log.

Attorney Hunzicker responded to Debbie Morin's question:

- The Commission can address the sign-in sheet, and what would be required along with that sign-in sheet.

Attorney Hunzicker confirmed that no one else wanted to speak.

The Committee took a lunch break at 12:15 p.m.

The Committee returned at 12:46 p.m.

- **“Disrupts the operation”**
 - **Technology Use**
 - **What may be viewed, and when**
 - **Appropriate Conversations**
 - **Electioneering**
 - **Interactions with Voters**
 - **Warnings**

Attorney Hunzicker informed the Committee that he would stick to the hand-raising procedure rather than going down the list. He then introduced the section:

- The next item on the agenda is “disrupts the operation,” and then a number of bullet points below that. I just want to give a little bit of context for this item, and I’m going to read Wis. Stat. § 7.41(3): that subsection says, “the chief inspector or municipal clerk may order the removal of any individual exercising the right under sub. (1),” the right to observe, “if that individual commits an overt act which does any of the following: (a) disrupts the operation of the polling place, works, office for alternate site under s. 6.855 section or (b), violates s. 12.03 (2) or 12.035, and those would be electioneering or displaying election-related information near or in a polling place.
- So this agenda item is meant to address that entire section. The bullet points below are suggested items to talk about. These are based on comments that the Commission has already received on election observers, but you’re not limited to just those bullet points. Really anything on the topic of disrupting the operation of the polling place, when the chief inspector would have the right to remove the individual, and exercising their right to observe would be appropriate to bring up for this agenda item so I just want to make that clear: anything in that subsection that I read would be covered under this item and should be brought up now.

Ryan Retza- Republican Party representative

- Technology use: I don’t think there are too many deviations we had from the already existing WEC guidance. So video and still cameras not allowed. This doesn’t include smart devices; so long as they’re not used for the purposes of taking pictures or videos during when voting is taking place. Additionally, making phone calls or using cell phones for voice calls inside the polling area should still not be allowed. Texting or other silent usage, as it says in the guide, is still acceptable so long as it is not disruptive.
- What may be viewed: nothing confidential should be viewed, especially if an elector has confidential listing or confidential aspects of their registration forms, or anything like that. But again, going back to from the time election inspectors gather prior to the opening of the polls, and then until the end of the night when the inspectors lock up and leave the polling place would be our view.
- Appropriate conversations: there should be no discussions of candidates, campaigns, or other conversations that could violate Chapter 12. Additionally, no interactions between voters and observers can be initiated by an election observer, and the election observer shall direct the voter to the chief inspector, municipal clerk or their designee, unless the voter is requesting proper voter assistance from the observer.
- Electioneering: including prohibitions on voter intimidation, loitering, or coercion, and any violations of that provision should be addressed by the municipal clerk or executive director of the Elections Commission if the chief clerk is not available, or an Elections Commissioner, in conjunction with the proper authorities.

- In terms of interactions with voters, there should really be, at least in our view, none outside of that allowable assistance that voters can receive if they so choose. There can't be really any interactions between voters and observers that would be initiated by the election observer and again, the observer should be directing any questions to the proper election officials. In terms of interactions between elections staff and observers, I think it was our view that only the chief inspector, the municipal clerk, or their designee should be communicating with the election observers, especially on Election Day, and then also when you're at a central count that would default to the board of absentee ballot canvassers, and then additionally, any comments that observers would like to make should be directed to special voting deputies in those types of facilities.
- In terms of warnings, I did take a look at the GAB 4.02(20), and we didn't really have anything additional on top of what's already written in there.

Nikki Elsen- Clerk, selected by the Democratic Party

- I basically agree with everything Ryan just said; I would like to see some clarity. However, when it comes to what may be viewed, we have been asked to produce, like, the absentee ballot log. Those do contain PII. We have also been asked to produce absentee ballot certificate envelopes. While the majority of them do not contain date of birth, there are some voters that are required to put their date of birth on the envelope, so I would just like some clarity in the new rule that would identify what is allowable or not with a little more specificity. So maybe if it's just this, I guess as simple as saying anything containing PII is prohibited from view, I would be fine with that. But right now that's just not very clear.

Eileen Newcomer- League of Women Voters representative

- I want to touch on a few of these points. The first one is around technology use. I think that the current guidelines are pretty good where it allows the silent use of technology like cell phones to text or use the Internet, but not talking on the phone out loud while you're in the polling place.
- I do also want to add in the conversation the use of accessibility devices under technology use, and that should be appropriate technology use within the polling place. We have had observers who have disabilities who volunteered with us, and this was one isolated incident, but something that could come up in other areas, but she was using assistive technology and then also her wheelchair to get around from one section of the polling place to another, and the poll workers said that was disruptive just by the nature of her using her accessibility technology. So hopefully, people can agree that that's obviously an appropriate use of technology within the polling place. But I did want to lift that up as something to consider.
- Then for the point about appropriate conversations, I definitely think there needs to be a balance between the ability for observers to ask questions of the chief inspector or another designated representative of the election officials on the site, but then also, they have a lot of responsibilities and things that they need to do. If there's a line of voters, they may not be able to take questions at a certain point, but just by asking questions, that isn't necessarily harassment of election officials. And so I think that may also be something to make clear in this rule, that again, election observers are not there to be an adversary to the election inspectors, and just by asking questions isn't necessarily in itself an issue, and then there may be some line to be drawn between asking questions, and then when does that cross over into being intimidating either to election officials or voters?
- Then for interactions with voters, I agree, if a voter initiates the conversation with an observer or asks for assistance, I think that that should be allowable within the scope of the rule. We also at times have observers who follow the voter out of the polling place and they are more than 100 feet beyond the polling place to offer assistance, like if they see them turned away because they were not

able to register to vote and nobody reviewed with them what the proof of residence options are, at times our volunteers have been able to provide that assistance to voters outside of the polling place, and so I would like to see that practice be able to be maintained.

- Regarding warnings, I do like the process that is spelled out in the draft rule, where observers get a warning if they are kicked out for a reason. It's written down and also shared with, I think it says the Government Accountability Board, but I assume this would be the Elections Commission in the new version of the rules, so that it is documented why somebody was removed from the polling place.

Yolanda Adams- Forward Latino representative

- I want to go back to a recent problem we had in Kenosha at one of our main polling places: we had a chief inspector who was a chain smoker, so he took a cigarette break about every twenty minutes for about fifteen minutes, so he was very seldom in the room, and that was reported, by the way. But we had the individuals who were coming in to vote and kept asking questions of the observers. So I think I mentioned previously that there was one that just said that somebody said "hello" to him, and he responded "hello" back, and this particular chief inspector threw him out. He threw like five people out within an hour's time of observers. So we need clarity on what is appropriate conversations. If somebody says "hello" to you, are you supposed to ignore them, can you just say "hello" back?
- And I think the warnings, in this particular case there was no warning, just "get out, you're done, you're not supposed to be speaking to anybody." I think a warning might be in order. So I'd like to see at least one warning before you're just thrown out. That would be my recommendations.

David Kronig- Democratic Party representative

- Generally speaking, I agree with what Ryan outlined with the caveat of what I have already said about protecting confidential information. I think generally, the Election Observer Rules-at-a-Glance that the Commission has promulgated work well. I also think that the unpromulgated GAB rule in 4.02(8)-(18) generally codifies what is in the Rules-at-a-Glance guidance from the Commission, and that the language contained in that unpromulgated rule generally works well.
- I do want to agree with Eileen's points, first about accessibility tech, that certainly should be protected, and probably is protected under the federal ADA and other laws along those lines, but I know there are other people who are much more expert in that subject on this call than me.
- The other point that Eileen made that I think is a really good one is about the ability of observers to offer assistance to voters outside the polling place, provided that they're outside the 100-foot electioneering zone. And that's something that our Democratic Party observers have also been able to do, and been able to offer what I think is valuable assistance to voters who have encountered problems. And so I agree with Eileen, I would like to see that ability codified and preserved.

Jim Sewell- Libertarian Party representative

- I'd like to agree that observers should be able to respond if someone says "hello" to him or answer their questions, I agree with that. And then limiting observers to speaking only with the chief inspector, I don't agree with that as long as the other inspectors don't mind, that should be allowed. For example, when I was working as an inspector, I accidentally forgot to check the felon list. So the observer saw that. If she would have been able to speak to me, she could ask, "Did you check this?" I could have done it right then and it would have been done before the registration was finished, and instead she had to go to the chief inspector that came over to me later, who reminded me that should be done each time.

Barbara Beckert- Disability Rights Wisconsin representative

- I wanted to follow up on the comments that Eileen made and suggest that it would be helpful for the rules to explicitly state that observers may use assistive technology, whether we're talking about mobility devices or assistive technology that because of disability is needed for communication purposes. That is protected by federal law by the Americans with Disabilities Act, but I just think we've seen before that sometimes there is not an understanding of the protections and federal law, and that people accept discrimination and denials, and Eileen had one experience with that. Having it explicitly in the rules I think would be very helpful, so that there is consistency and then people don't have to fight to assert their rights to participate and to have access to the accommodations they need.

Karen Huffman- Poll worker, selected by the Democratic Party

- I disagree a bit with Jim's desire to speak to other inspectors. We have found it to be rather disturbing for observers to try to go around our chief inspector and speak to others who have designated jobs, where the chief inspector has more oversight and is probably better situated to answer any number of questions of the observers. The other inspectors and poll workers who are working have a job to do.
- I would also say that if the observer has a challenge, is somehow challenging the chief, and thinks that what he wants is correct, and he disagrees with something that the inspector says or does, I think that challenge can be very disruptive if there isn't a consistent way to deal with the challenge. My opinion is that the observer should, if he disagrees with the inspector, then go to the city clerk and we've incidents that have been very disruptive when an observer thinks he's known best what the rules were. So it's been unfortunate, but I think that sort of disruption has to be called out and listed under, "disrupts the operation."

Erin Grunze- Common Cause Wisconsin representative

- I just wanted to mention, I think in managing expectations of the election observers and the other inspectors in the polling place, it would be good that this is part of the training for the workers, but then for the observers, who can be anybody from the public. It would be nice that this material was provided to them upon sign-in, and so they can review the rules and then know what's expected about their interactions with the chief inspector, which I also agree with Karen that there's a process there, and it's good to go through the chief inspector and have that be consistent. And then with this uniformity for chain of command, the authority, how the process works, and what kind of follow-up either the election official can make or the chief inspector needs to document in case there is a disagreement that needs further resolution, would be good to include in this communication with election observers, and instead of going through all the rules, or having to answer those questions about the rules, something in terms of the at-a-Glance pamphlet or other resource that the election observer can reference at the polling site when they begin their shift might be useful to all involved.

Caroline Fochs- Clerk, selected by the Wisconsin Municipal Clerks Association

- I just want to echo something that Karen said that rang a bell with me as far as chain of command for complaints for observers. A scenario that I had is, there was an issue at a polling site, and they went to the chief inspector. The chief inspector did not act in the way that they wanted to. They ended up then calling their party, the party called the Wisconsin Elections Commission, and the Wisconsin Elections Commission called my deputy, and my deputy called me. I was the last one that was

contacted in that whole chain when I should have been the second one, and I could have at that point taken care of things. So maybe the Rules-at-a-Glance could specify, if the observers have an issue, what steps that they should take to address it.

- I would also highly recommend restricting discussion of observers with other voters or other election officials. In my situation, which is probably true for most of you, we don't have observers at every election. It's at the more important elections, the more national elections, where you have a higher voter turnout. The chiefs are already multitasking as much as they can; they're there for thirteen hours. Managing observers is not their priority, and shouldn't be. They need to have restrictions on observers to allow the chiefs to do the job that they are there to do, which is run the election and make sure that everything is done to statute and done as transparently as possible. So I think by limiting the amount of interaction that observers have, number one, it doesn't distract the poll workers from the job they're doing. If it's a casual conversation, I really don't like even my poll workers having a lot of interaction because it distracts them from their job that they do two or three times a year. It's not something they do every day, and they really need to focus. And if it's a question about what's going on in the polling site to question why something is being done or if it's being done properly, the chief is the one that is best to explain anything. They have much more training than any of the other election inspectors, and I would hate for somebody that's specifically working in registration and is trained to do registration to be answering questions about other aspects of the polling site, so I would highly recommend to keep observers just that: observers. And certainly, if you have questions I'm not saying, "Don't come to the chief or the clerk, but limited to a couple of people so as to be less disruptive and let the poll workers and the chiefs do their job.

Mark Gabriel- Constitution Party representative

- In my experience, I have had an observer bring up something that I didn't think was really an issue, and so it wasn't something I felt needed to be acted on. I simply told them, "You know, you can certainly speak to our city clerk about that," and that was it. These, like the recent person that spoke, observers are normally at the big elections when the chief is very busy, and so I would certainly be okay for certain examples to send, like the example where Jim brought up of "Okay, the election inspector is forgetting to check the felony list." Now that is a requirement by law. We're supposed to do that, and simply having an observer remind the election inspector to do that, I would be fine with rather than have them come to me and interrupt what I'm doing all the time. Simply have them give them the okay for that reason, it's okay to just mention, "Oh, did you check?" And I think my election inspectors would all be fine with that as well. So just allowing for that, or giving the chief the ability to say, "Okay, you can in this instance or for that purpose go ahead and speak to my election inspectors."

Barbara Beckert- Disability Rights Wisconsin representative

- We've been talking a lot about information where there's maybe a lack of understanding among observers, sometimes about their roles. Not everyone gets training, we've established, and also the public doesn't completely understand the role. So just one suggestion I wanted to offer, there are a lot of different notices that are required to be posted at the polling place. Would it be helpful to have a notice that lays out some of the key information about the role of observers and some of these issues that we've been talking about with communication? I have some other ideas about the training and so on, but I'll talk about those later, when we have the open discussion of additional topics. But I thought this was relevant to bring up now, and everyone doesn't read the notices, but if there are questions about it, then you can refer people to the notices, and then you have something that is standard and consistent throughout the state, which I think is one of the goals of the rule process.

Anita Johnson- Souls to the Polls representative

- Training for observers is very important, and as Barbara said we'll probably discuss a little bit more about that, but I agree with Erin and Barbara that some type of pamphlet should be given to the observer when they come in. When I observe, when I go to different polling locations, they do give me something that tells me what the observer should be doing. Whether they think I know it or not, they hand it to me, and most of the time I tell them what I already have that.
- We talked about talking to the voter, I believe if there's a problem that you think the voter is having, I think, and this is what I do, you let them leave the premise, and then you might walk them to their car as something to see if there was some type of problem that could have been corrected, and if there's any problem with the election inspector, then that should go again to the to the election clerk, who should write up something and give it to them so they can address it.

David Kronig- Democratic Party representative

- My apologies, I should have said this the first time I had my hand up, but I forgot. One thing that I just wanted to clarify is that I agree with all of those who have commented that election observer questions, comments and concerns should all be directed to the chief inspector or their designee. I think that facilitates a much more orderly running of the polling place and makes sure that the poll workers are not distracted from doing their jobs, as others have said. The one thing I wanted to add to that as a possible exception, is that in most polling places or central counts, depending on whether the municipality has central counts, the poll workers who are processing absentee ballots and reviewing the certifications for sufficiency typically announce the names and addresses of the voters whose ballots are being set aside because their certification is insufficient. I would like to see some sort of exception made just to clarify that our election observers are permitted to ask for poll workers to repeat that information if they're not able to hear it, because I think that can be helpful for them be able to collect.

Lana Lee Helm- Poll worker, selected by the Republican Party

- Yes, I would say, as a chief inspector, I am busy, yes, there are a lot of things going on, but I also realize that observers are seeing things happening that I may not be seeing happening. Time is of the essence to make a challenge. If somebody comes in and is assisting, going between five different voting booths and helping people vote, or actually filling out their ballots and not signing the assisting part of the ballot and I don't see it, that observer needs to be able to say something to me right away, and yes, I may be busy doing other things. But I also think that the observers, if they are at the registration table, which in my situation is far away, or in the absentee processing table far away, and if they have a question or "Oh, that's a medical bill that they're using for proof of residence," I would object, or make the challenge to that, I feel like they could ask that question before coming to me, rather than taking me from what I'm doing to go over to that spot. So I would be in favor of them making a comment. And yes, as the chief inspector, I do have the authority to observe the situation, to see their attitude, to see their demeanor: are they argumentative? Are they seeking to disrupt the situation, or are the sincerely helpful, and in some situations, see things that are going on that shouldn't be going on? And so I think that's really good, to give that discretion to the chief inspector to make that decision, and to even hear of a scenario where an observer was thrown out for saying "hello," when perhaps it's a neighbor or a friend coming in to vote, and to me that's shocking. I can't even believe that, that that was grounds for throwing out an observer.
- And then the comment about following voters to their car to help them; throughout this discussion I have heard how we don't want roving observers in the poll because that might be threatening. To

me, that would be incredibly threatening, to have an observer follow me out to my car and then engage me when they're 100 feet from the polling place under the thought of that they were helping me. So I think that would be intimidation.

- I also think that if I am too busy as a chief inspector, perhaps I'm spoiling a ballot or helping a voter or doing something like that, that I could designate someone. I think it would be important to have a designee, to say, "Okay, I want you to handle," so the observers have somebody to talk to or make a challenge, that it can be time is of the essence and that objection can be handled right away.

Robert Newby- Election observer, selected by the Democratic Party

- I would briefly like to echo what Lana Lee just said about designation. I would hope that the Commissioners would view the option of letting observers talk to somebody other than the chief inspector as a slippery slope that could lead to more problems than it's intended, colloquially or in goodwill, to solve. Strategies such as the chief inspector saying to the observers, "If I'm busy, talk to this person," because they can designate, now that doesn't have to be a rule, I think that what I'm encouraging is don't water down or make the rules mushy for the sake of these kinds of things that could be dealt with otherwise. The clerks are asking for clarity and they need it, and if we can find ways that wouldn't be rules, but that clerks and inspectors and chief inspectors would know could be used to get around the spirit and the letter of the rule, in a satisfactory socially adaptable way, I'd rather see that than a watering down of the rules.

Ryan Retza- Republican Party representative

- I just wanted to put on the record that I do agree with David's comments on observers requesting the repeating of names for absentee ballots that are set aside to be rejected, just providing an exemption there, otherwise we're still pretty solid on just having observers direct anything towards the chief inspector, municipal clerk, or their designee.

Eileen Newcomer- League of Women Voters representative

- Going off of the comment about having voters' names repeated if their absentee ballot is set aside to be rejected, we would like to be able to see, whether it's the absentee log or some other documentation of, the reason why those ballots are rejected, so that observers can know the reason why absentee ballots are rejected either at central count or at the polling place.

Julie Seegers- Wisconsin Election Integrity Network representative

- Regarding observers being handed something when they sign in, there is that document that we received called Wisconsin Election Observers Rules-at-a-Glance, and the places that I've observed at I have been handed that, and in that it does say that, "all inquiries should be made of the chief election inspector or designee," and "challenges to voters must be filed with the chief election inspector or designee." I do agree again with David and Ryan too, that observers should be able to ask to have the names and addresses repeated if they can't hear.

Ken Dragotta- True the Vote representative

- Again, after the number of years that I've been doing this type of work, I'm surprised over the past decade at how adversarial folks think that this process needs to be. As someone who was representing the Republican Party for many years, I can tell you that I was primarily in the City of

Milwaukee and there were many, many, many chief election inspectors that were glad to see me, because when I got there they had questions for me. I think as long as we have our people trained properly, we're respectful, we address the chief, and if the chief provides the authorization for us to speak to other inspectors within the polling location, that's all we need. Really, the chief is the person that's responsible for that polling location. Therefore, it should be that person's prerogative to determine whether or not he or she wants to delegate any authority or the ability to discuss anything with an observer. Again, I think this really goes to the issue of training. By having good training with observers you eliminate a lot of problems, and that includes issues with a violation of, perhaps, any repeated problems. Yes, there are times when observers need to be removed; when I look at this last election, the primary, my understanding is there were no complaints, there were no issues, and if you look at the number of contacts that were made between election officials and observers, the fact that we didn't have any complaints is a pretty good indication of how good the process is. So I don't think it should be our prerogative to go and try and make this an impossible process. We should be looking at where the problems are, identifying the problems, and trying to help.

- And with regard to voters, if a voter requests assistance, that voter should be able to contact an observer, anybody that they feel comfortable with. It's up to the observer to say "No, I can't talk to you." There are a number of times when inspectors attempted to discharge me from polling locations because an elector had asked me a question, and I politely responded, "I cannot speak with you. That individual at that table is an election official." It's a simple answer; it doesn't have to be any more complicated than that.

Diane Coenen- Clerk, selected by the Wisconsin Municipal Clerks Association

- A couple of comments I would like to make, and because several people made comments I'm not going to list who I may agree or disagree with, but on the rejected absentee ballots, there's also remade absentee ballots at the polls that our chief inspector works with, and we do have an incident log at the polls, all polls do, that lists when you reject a ballot and the reason why; there's a reference code. And also for remade ballots that list is available, it's a public document and certainly an observer, if they ask to see the list, they could see it because there's nothing on it that has PII.
- The other huge factor, and this may be in observers as well, I don't know because I do not work directly with observers, but there's a huge turnover in municipal clerks and in poll workers. So the importance of training, a common sense approach to training, is very important. So for me, I have a chief inspector, but I also have an assistant chief because I know how busy the day gets and I know that that chief may not be available to answer observer questions, voter questions, poll worker questions. So the chief always has somebody that they can rely on because it's their assistant chief. So they designate them to answer questions and move around the poll like they do. I know it's an extra worker, but it really helps and I know my chiefs are great.
- I think also as part of the training, there needs to be certain topics that are in written form for your chief, your poll workers, but also for the observers, and it should be part of training. I will tell you that the political parties, either party, has never contacted me to ask me to come and watch how they train their observers to see if I can add any value. I would love the opportunity to add value. I have reached out to my Representatives, but I have not been invited, so I think at the end of the day, you have to really look at some of this as common sense. If you over-regulate, it's too much written word. They're going to be overwhelmed by it and not follow it. I don't know how you define "disruption at the polls." I have had some very heated disruption at my care facilities, and that is an awful thing to have happen, and I chalk it up to training. An observer might think they know the rules when they don't, or a chief might be a little confused on something because they're a newer chief. So again, a common sense approach is helpful to everybody, and I think I'm listening to

everyone, and everyone has such common sense value that they're adding in this conversation. And I don't know how to translate that into new rules or guidelines or statutes, so that's all I have.

Debbie Morin- Election observer, selected by the Republican Party

- I was sad to hear the report of people just having a pleasant kind of "hello" conversation with someone, and then getting kicked out. It's sad to hear that because as an observer for a long time, if you'd like to people watch, the place to go was to the polling places when there's a large turnout, and you get to see them interact with each other. You get to see people that haven't seen each other in a while, neighbors that have moved away, they see each other at the polling place; it's really a pleasant, it's supposed to be a pleasant experience, and so it was sad to see that, it's like, "You better not speak." That just seems like it would not be a good experience, and I've had observers who have been observing and then voters come in, not knowing that they can't talk to the observer, and they used to work together, somebody retired, they just want to be free to say "Hi, how have you been?" that kind of thing. And then the observer got in trouble for even interacting at that level. So I agree with the comments that we get it so regimented that it's going to just take the life out of it. So I think that that was something to look out for, the interaction with the voters.
- At then the same time, this assisting voters, I have seen a whole lot of unsolicited assistance for voters, and when I look at the statute in Wis. Stat. § 12.13(3)(s), they say that that is election fraud, to "solicit another elector to offer assistance," and then I think it's related to marking their ballot, but if you start to just put yourself out there to help someone without them asking, I think that relates to the whole other issue that we've been talking about in the morning: we need to protect people's privacy. We need to protect their autonomy, their agency. If I want help, I'm grown up; I can ask for help, or I'll go where I need to go. I don't need someone chasing me around to make sure that they don't lose my vote. I see that as very harassing. I've seen that many times, and people, well-meaning, maybe, are making sure that their voters get their votes in, they chase these poor people around, and these people aren't even asking for anyone to assist them. So I find that that kind of relates to that privacy thing.
- I had a question on electioneering: I've seen plenty of electioneering on clothing that, I guess it could be interpreted as electioneering, because, looking at our Wisconsin Rules-at-a-Glance brochure, it defines electioneering in the Wisconsin law as "any activity which is intended to influence voting at an election," so it doesn't say it for one particular side, or another particular side, or one candidate or another one, it's "intended to influence voting," and there's a lot of t-shirts and they come out like uniforms. They're all wearing the same thing on their t-shirts saying the same thing. One I can think of from many years ago is Election Protection. But there's other ones, and they wear them and they stand in the polling places with these things on. So I think that could be interpreted as electioneering: any election-related, any message, any verbiage, any words that relate to elections should be considered electioneering which should not be allowed.
- The only other think I had on this section was this whole thing about warning an observer when they're going to be ordered to leave. I looked at the draft for the unpromulgated old GAB rules, and they're supposed to be given something in writing, and I found that really interesting. I haven't heard of anyone receiving anything in writing, but I know that there is, an order to leave the polling place, form, an EL-110 on the WEC website. And I've been observing for many many years, and the first time I heard of it was just a couple of elections ago, when I received a call because I was helping recruit observers. I received a call from a clerk, who told me she was going to issue this to this person, and I guess you have so many days after the election to submit it to the Wisconsin Elections Commission. So I waited seven days, I think it was, can't remember exactly, and she waited, on the last day she decided she was going to issue it. I thought maybe she had changed her mind, maybe it wasn't that big of a deal, but she did issue it to the observer. The observer shared it with me, and

then I took the time to check with the Wisconsin Elections Commission. They don't get these; they have never, to my knowledge, have ever seen, have ever received one of these orders completed, filled out for an observer to leave a polling place, so I'm guessing there's probably not that many problems with observers if there's not that many orders to leave on EL-110s coming back to the Elections Commission, I think there hasn't been a lot of complaints, and I think that's a good thing to keep in mind.

Attorney Hunzicker responded to Debbie Morin's comments:

- I did just want to address that form quickly: because that draft document that I sent around was not promulgated, it isn't a required form for that reason. So I think that is correct, there aren't a huge number of people asked to leave, but the form is not something that the Commission actively requires at this time, but it is still something that was included in that draft rule, and is certainly a possibility to consider for this rulemaking as well, so I think it's a good topic to bring up. I just wanted to be clear that because those rules aren't active, there isn't a requirement that those be sent in.

Barbara Beckert- Disability Rights Wisconsin representative

- I just wanted to reflect a little bit on some of the discussion about if observers go outside of the polling place to try and provide guidance to a voter about whether or not that should be allowed. Just to share a couple examples, we've had some situations where voters with disabilities were denied at their polling place their right to have assistance with completing their ballot. That is a right that's protected under state law as well as federal law, and that's an example of a situation where if an observer went outside of the polling place and shared with them that that is something that they do have the right to, that they might be able to go back and raise the issue and maybe have a clerk called, or have some other kind of follow-up. What has happened instead is, we heard about it after the fact and at that point it was too late for them, they didn't get to vote. So I'm just raising that as an example of why it might be important to have some defined way in which observers outside of the polling place can speak to voters.

Eileen Newcomer- League of Women Voters representative

- Just two quick comments: one, I disagree with the statement that the phrase "Election Protection" is electioneering, and just like somebody wants to wear a "Vote" shirt, I don't think that nonpartisan voting phrases necessarily should be considered electioneering.
- And then to the comment about there haven't been a lot of those forms filled out, so that means that there haven't been issues with observers, I think that it just is that not a lot of the forms have been filled out. From my experience, not a lot of observers have been removed from the polling place but when they have been, it has been kind of a more informal process rather than having that written documentation that is then sent to the Elections Commission. So I guess I just want to reiterate that I would be supportive of including the process where there is the reason why somebody is removed from a polling place be documented and share it with the Elections Commission.

Attorney Hunzicker asked the Committee members if anyone else had comments.

Julie Seegers- Wisconsin Election Integrity Network representative

- Regarding the leaving and coming back of observers, just again, that situation where observers in two locations in Racine were told, since they could not use the bathroom in the facility like poll workers could or any other election official at those locations could, they had to leave and then come back, which really disrupted having to sign back in again, and when they did come back, they came back to a very busy parking lot where it took them a long time to go from the polling place to a restroom, coming back, finding a parking place, coming in, and then signing in again. So maybe it's minor just to some people, but to me I think that that is a huge disruption not only to the chief election inspector, where they have to sign in again, but also to the observer's right to observe and do their due diligence or their civic duty as they see it.

Yolanda Adams- Forward Latino representative

- I do like the idea of using that form. I had never heard of that form when an election supervisor removes an observer, and I think that also helps to document how many they remove, because it's kind of hard to keep track unless you're at that polling place from open to close. So I think we should be requiring that form be prepared and handed to the observer, and also for the record.

Attorney Hunzicker asked again if anyone else had comments.

F. Accommodations for Observers

- **Physical Accommodations**
- **Communications From Chief Inspectors and Election Inspectors**

Attorney Hunzicker introduced the agenda item:

- This is a topic that has been addressed in a number of the other items that we've discussed, so I would just ask that anyone raising any comments about accommodations to just either be concise about reiterating a prior point, or just raise new points that haven't been discussed yet. But anyone, feel free to comment on either of the bullet points under this item, or on any other issue, item comments related to accommodations for observers.

Barbara Beckert- Disability Rights Wisconsin representative

- I won't repeat what I've said before, but I just want to emphasize that I think the point that will be really important for this to be successful will be training and educational materials for all parties involved. So that would include from clerks, chief inspectors, poll workers. We know there's a lot of turnover and many people don't get much training; there's not consistent training. And of course, the observers themselves and along with that, I would just say more broadly that people are often denied, voters are often denied their right to accommodation, so there's a lot of reason for concern that this will not be an easy process to ensure that observers as well as voters get the access to the accommodations that they should be allowed to access if they have a disability or mobility issue.

Ryan Retza- Republican Party representative

- I was just going to reiterate that chairs should be provided upon request of election inspectors, and that the municipal clerk and chief inspector should be working with whoever the facility manager of the polling site is to potentially designate a restroom for observers and inspectors inside the facility itself or anything like that, because as Julie mentioned, especially for observers with disabilities, trying to get everything to the voting site to observe and then everything packed up to leave to go to

the bathroom, and then come back is very inconvenient and not in the spirit of what election observing should be. But those are the only two comments I had outside of just making sure that communications stick with the chief inspector wherever possible, under that second bullet point.

Eileen Newcomer- League of Women Voters representative

- I wanted to comment on the communications from chief inspectors and talk a little bit about the Rules-at-a-Glance provided to election observers. I think it's a really helpful document, to have a resource like that that spells out some of the key things that all observers should know whether they're trained by an organization or if they're showing up as an observer in their individual capacity. I think some of the key things that the Rules-at-a-Glance should include is: what observers have access to, what they don't have access to, including documents to look at. Also, listing off some of the reasonable accommodations for voters; I know sometimes there are voters with disabilities that have reasonable accommodations, and because someone from the public may not realize that that is a reasonable request, if it's spelled out, possibly in this document, that could relieve some potential challenges that could be intimidating to voters with disabilities, and then also reiterating the prohibition on intimidation and electioneering

Debbie Morin- Election observer, selected by the Republican Party

- I just wanted to put out there again, this idea, and it would be, I don't know because I'm not a clerk or a chief inspector, but my understanding is there are floor plans of a polling place setup ahead of time, that there needs to be a discussion between the chief, on the layout of the polling place, with the clerk ahead of time, and so incorporated in there, you would think, would be addressing this whole idea of accommodating observers, and let's look at that way ahead of time. I mean, you have thirty days that you're supposed to say where the polling place is to get that figured out and to get maybe floor plans available for anyone to look at, or I don't know if they'd put it on a website, I don't know, there's a lot of details on how that should work, but to have the idea to do this in a preventative way of these types of issues being raised on Election Day, I just wanted to repeat that. It's something that may be taking place that I'm not aware of as an observer. I get to know where the observer locations are as I walk into the polling place, and I have gotten reports from other observers—this doesn't happen with me—but that they'll look at the floor plan and the observer place is not where it was on the floor plan, and if it had been, they moved it, and so then it became a whole issue that people couldn't see or hear, or it was too far away. And then, while you're trying to conduct an election, you're trying to address this issue that could have been put to rest way before Election Day. So I think it would be worth somebody's while to look at that, and look at that as a preventative approach to the issue of observer physical accommodations, or where they should be, and do we have enough space for people, for chairs or standing, and all those issues that were raised earlier.

Mark Gabriel- Constitution Party representative

- I'd like to agree with Debbie's comments there. When I was chief, at our particular polling location, we actually moved from a smaller room to a much larger room, which was just great. I came up with a floor plan that the city clerk agreed with, and so we went from there, taking into account spaces for everybody, really, but also keeping in mind election observers is important. And the last election, when I went in as just an elector, I noticed that the chief had all the observers off in a corner, and I don't even know if they were 8 feet from anything, but that wasn't right on my mind to say anything, but these are things that, it does go to training to take care of these issues.

Julie Seegers- Wisconsin Election Integrity Network representative

- Again, the two chief election inspectors at the polling places in Racine that wouldn't allow the chairs or restrooms for observers were also confronted by the GOP chair at both locations in November and again in February, and they still wouldn't allow it. In the November election, we had an attorney, and the GOP chair talked to the chief election inspectors, and they still wouldn't budge. The principals and staff at both locations offered chairs and restrooms and said when they were asked by the attorney and the GOP chair if our observers could use the restroom, or any observers, Republican or Democrat, or have chairs, or sit, the principals and the staff said, "Of course they can," and they went back to these two chiefs, and still wouldn't budge. So what recourse do these observers have? What are observers to do? How can they report a chief election inspector that treats people in that inhumane way? I think it's something that needs to be talked about.

Eileen Newcomer- League of Women Voters representative

- I did just want to mention that the denial of chairs, even if they're available to observers, is not something that's only happened in Racine. I know I've heard of it happening in Green Bay, and may happen in other municipalities as well. So I just want to make it clear that it's not something that has only happened in one municipality in Wisconsin.

Attorney Hunzicker made sure no one else wanted to speak.

G. Challenges against Voters

Attorney Hunzicker introduced the agenda item:

- In Wisconsin, electors have the ability to challenge voters for cause and for a specific set of causes that are defined in Chapter EL-9 of the Wisconsin administrative rules. Those causes are: the person is not a citizen, the person is not at least 18 years of age, the person has not resided in the election district for the applicable timeline, which is currently 28 days, the person has a felony conviction and has not been restored to civil rights, the person has been adjudicated incompetent by a court, and the person has voted previously in the same election, just for a basic overview of challenge reasons. If anyone has a comment on this item, if you could please raise your hand.

Ryan Retza- Republican Party representative

- I don't think we have any changes that's already not laid out in Wis. Stat. § 6.925, Wis. Stat. § 6.93, Wis. Stat. § 6.935, and the EL 9.02-9.06. The only thing that I wanted to make a recommendation to the Commission on for the record was updating EL 9.01 and 9.02 to change the residency qualification from 10 days to 28 to line up with Wis. Stat. § 6.02(1).

Attorney Hunzicker clarified that those residency time requirements are outdated at this point, and it is 28 days rather than 10 days.

Barbara Beckert- Disability Rights Wisconsin representative

- I just wanted to pose more of a question, but one of the grounds for a challenge is related to incompetency. Could you read that language again, Brandon?

Attorney Hunzicker read the language:

- I can read the language in the rule of Chapter 9, so it just says, “the person has been adjudicated incompetent;” that is coming from Wis. Stat. § 6.935, which says “Section 6.03(3) applies to any challenge of a person’s right to vote under s. 6.92, 6.925, 6.93, or 7.52(5),” which would be absentee ballot central canvassing, “based on the allegation that an elector is incapable of understanding the objective of the elective process, and thereby ineligible to vote,” which then, of course, connects to Section 6.03(3).

Barbara Beckert- Disability Rights Wisconsin representative

- The reason I’m asking about it is because guardianship is also protected; it’s private information. So I’m just wondering how the process can be handled in a way that ensures the voters’ privacy. Obviously, if someone has lost the right to vote because of guardianship and that particular right has been taken away, then we want to be aware of that. People don’t always realize that they have lost the right to vote, so it’s important to have a process in place to address that. But it’s also important to ensure the confidentiality of that information, a little bit like the confidential voters. So I’m just raising that as a concern that should be addressed in the rules.

Ryan Retza- Republican Party representative

- I just wanted to agree for the record with Barbara a little bit here. It’s very unclear in statute and the admin code as to what public information would even be out there for these types of adjudications and no-vote orders, so this is just something I would recommend the Commission at least discuss as to what would be potentially a record that a municipal clerk could access as opposed to a member of the public, or something like that, just keeping the voters’ privacy in mind there.

Attorney Hunzicker responded to Ryan Retza’s comment:

- I do also want to point out that I’m specifically talking about for this agenda item, the challenges that electors can make against other electors, and that there’s also a separate possibility for election inspectors, who do have the possibility of access to that information to make a challenge which may not be available to the general public. It’s the same language, but an election inspector would also be able to make a challenge, so that might be some of the differences there.

David Kronig- Democratic Party representative

- This is more just a point of clarification, Brandon: I find myself just a little bit confused, and would love your explanation of how this part of the discussion fits in with the scope of discussing rules governing election observers. Is it that because observers who are Wisconsin electors can bring challenges, does that make Section 9 of the regulations within the scope of this discussion?

Attorney Hunzicker responded to David Kronig’s question:

- I would say that Section 9 is not something that the Commission is currently looking at rewriting. There’s no scope statements. I’d say that changes to that would not be directly be under our agenda, but the previous unpromulgated rules, the Rules-at-a-Glance document does mention challenges, and I think that some of the challenge statutes also might cross-reference observers, but it’s really that any elector can be an observer and any elector can challenge for cause. So I’m not sure how much

the rules will address this point in detail, but there is at least some overlap, and it was addressed in prior iterations and in the Rules-at-a-Glance document, so it's something the Commission will be at least considering when they're writing this rule, so I wanted to allow discussion and opinions on it.

Debbie Morin- Election observer, selected by the Republican Party

- I haven't done this a long time so I don't have the latest on what the laws say on this, but when I first started observing the way I was trained was basically just to watch, to sit down, watch, take notes of what you're watching, and then I was given a copy of the statutes, and I started reading through the statutes and I had gone every single day, this is years ago now, down to in-person absentee in a place in Milwaukee where there's a lot of people, so you can watch the process a lot to see what was going on. And so I said, as I was reading through the statutes, I saw the challenge thing, and I said to the workers there—we had gotten to know each other a little bit—and I said, “You know, if this situation presents itself, I'm going to challenge someone just to see how it works.” So there was a young woman that came in and verbally stated she no longer lived at the address that she was registered at; she'd actually moved out of the municipality to a different municipality, and she stated that out loud, and one of the workers kind of looked at me like, “Are you gonna say?” So I raised my hand and I said, “I challenge her,” and then we all looked at each other because we didn't know what to do next. So then there was a call up to the director at the time who's no longer the person that's directing the Election Commission in Milwaukee, and it turned out that I needed to be able to state, I believe, in an oath that I had personal knowledge that she no longer lived there, like I needed to know this woman personally, and I said, “this is the first time I've ever laid eyes on her. I don't know personally, but I heard with my ears, she said she no longer lives there,” and they said, “Well that's not good enough.” So then I withdraw the challenge, so that whole challenging thing is kind of nebulous, at least as far as I can see. And if there was some specifics that could kind of guide people, I know I would appreciate knowing that, I mean, when a person states out loud that they no longer live there, and that's not personal knowledge enough, I needed to be her neighbor that knew she moved, I don't know if I'm understanding that correctly. So that was my experience with challenging, and I've never challenged another elector since, and I do have some confusion on the difference between challenging an elector or their ballot and challenging a registration. It seems like you can challenge someone's registration and that would be the same thing as challenging their eligibility to vote, so maybe some information on that.

Attorney Hunzicker addressed Debbie Morin's comment:

- I think Subchapter 5 of Chapter 6 of the Wisconsin statutes is all about challenging electors, and there are oaths both for the challenger and the challenged elector. So I do think that process is outside of the scope of this meeting, but I do just want to point out that there are processes there. The Commission does have administrative rules on this. It might be that individuals want challenges to those rules as well, but that part of it can't be addressed in this scope statement. So really only the part about any overlap between an observer and a challenger is really all we can address, but there are that section of statute and administrative rule does cover this. The difference between challenging on election day and challenging registration, challenge to registration can happen at any time under Wis. Stat. § 6.48, but it is a different process, and it is the municipal clerk who would run that challenge and not any election inspectors. So there are two different types of challenges. I just wanted to make that clear, Wis. Stat. § 6.48 being the other type.

Mark Gabriel- Constitution Party representative

- As a chief, the way we handle those in the example Debbie gave was, we would help them find where they're supposed to vote based on where they live. And so I guess the issue probably came, up, well, how long did they live there? If they just moved then they couldn't vote at that address because it wasn't 10 or 28 days that they lived there. So that's probably why they let it go, although I don't know if that's right, technically.

Attorney Hunzicker addressed Mark Gabriel's comment:

- So if someone moves within the state later than 28 days before the election, that elector shall vote in his or her previous ward or election district, if the person is otherwise qualified; that's in Wis. Stat. § 6.02(2). So that is someone who moves recently before an election, there is something to handle that. Obviously if they move before that then they would have to re-register at their new residence.

Attorney Hunzicker asked the Committee if anyone else had comments.

Barbara Beckert- Disability Rights Wisconsin representative

- I wonder if it's important, in addition to explaining what is appropriate for a challenge, to indicate in any way what is not something that an observer should be addressing in a challenge. Again, I just worry about someone getting assistance with voting, or someone who is not able to speak their name and address because of a disability, and needs to have the clerk or a person of their choice do that for them, that is not something that should be challenged by an observer.

Eileen Newcomer- League of Women Voters representative

- I just want to say that I agree with Barbara's comments.

Attorney Hunzicker asked again if anyone else had comments.

The committee took a break at 2:13 p.m.

Diane Coenen left the meeting at 2:14 p.m.

The Committee returned at 2:23 p.m.

H. Other Locations

Attorney Hunzicker introduced the agenda item:

- This one is about other locations. This is also a topic that has come up in conversation before because a lot of these rules are going to apply at any of these locations. But because there are specific locations where voting occurs and that are addressed in the statutes for observers, the Commission will be looking at all of these locations and in the unpromulgated rule that was sent around, these locations were addressed in sequence. So I think it's important that everyone here have a chance to comment on other locations and any suggestions for how the Commission should address that.

Debbie Morin- Election observer, selected by the Republican Party

- This is a point of clarification: I'm looking at the old unpromulgated rules, and GAB 4.04 is observers at the central counting location, and then GAB 4.05 is observers at the absentee ballot canvass. I just want to know what the difference of those two are; I thought they were the same.

Attorney Hunzicker addressed Debbie Morin's question:

- I can speak a little bit to that. Unfortunately, I am not very familiar with that difference, either. I believe that there is a possibility for municipalities to do a central count for all ballots under Chapter 5. I believe the only instance of this that is currently operating in Wisconsin is central counting for absentee ballots with an absentee ballot board of canvassers. There are a couple other staff members on this call; if I have that wrong, please feel free to chime in. I'm not very familiar with this difference, either. I don't think that there are many examples of it, if there are any examples that are different from absentee ballot central canvassing. That is certainly the most frequent one, and it is the one that is going to be the most relevant for the rules going forward. But I think we can look into that and get back to you later, too, but I do think that the most important point is just that it is generally going to be absentee ballots for a municipality canvassed by an absentee ballot board of canvassers at one location. So I think it is a good question, I don't have an excellent answer to it, but I think that is what is generally most important: it is mostly going to be absentee ballots at a central location.

Ryan Retza- Republican Party representative

- In terms of the board of absentee ballot canvassers, obviously, generally applying the same rules would be ideal outside of the limiting factor, so just making sure that no less than one observer is able to be present at each processing table and tabulator at a central count, in addition to recounts, and then for the municipal clerk's office or alternate site, again, generally applying the same rules I mentioned before, also including the return of absentee ballots to the municipal clerk's office in person should be included in any final rule.
- Residential care facilities and retirement homes: we're not looking to change too much with those, if at all outside of what's already in Wis. Stat. § 6875(7), and then also directing any challenges to the municipal clerk after the SVD visits if there are any at all, that's not something we're arguing to change.
- And then in terms of recounts, just being very clear that members of the public really don't have any rights in recounts other to be present, and the only individuals that should be really debating with the board of canvassers at recounts should be the candidates and their counsel, and/or their authorized representatives. So I think some clarification there may be beneficial, and then also applying the same limiting factor of one observer at each processing table to recounts as well.

Eileen Newcomer- League of Women Voters representative

- One comment to start with kind of overall is that the drafted administrative rule that we have seen, that I'm assuming staff is going to be working from, starts out by having the key person being the chief inspector, and I think it kind of comes from the perspective of thinking that the polling place is the place where most observers are going to go, and then later says it's like the clerk has the same authority as a chief inspector, but because so many other aspects of the voting process are observable, it may be helpful to kind of flip that, and have it be clerk, and then their designee, the

chief inspector, at the polling place or at other locations, who is the point of contact for observers, and the one who kind of oversees their conduct at these different locations? So I just wanted to bring that up, and then other locations that we would like to see included and contemplated in the role are including the pre-election equipment testing, the post-election equipment audits, county canvass, we already talked a little about central count versus the absentee ballot canvassers location, and then I'm assuming municipal clerk's office or alternative site is partially also referring to in-person absentee voting, but I also just want to make clear that we think that should be included in this list of other locations. And I think, similar to what Ryan mentioned, it would be good for this rule to spell out how people have access and make it so that it's consistent from municipality to municipality by having these rules in place.

- Going to the part about residential care facilities and retirement homes, I think it might be helpful to add some clarity of when, due to a public health crisis or something like that, observers could not be allowed for that particular election, or you know how to handle those situations, so that it is very clear.

Erin Grunze- Common Cause Wisconsin representative

- I just want to suggest to the Commission that when this information is compiled, that it might be easiest to put them in separate resources, links and otherwise handouts, so that we don't get one handout and a breakdown of each role and then the observer who maybe is at central count doesn't have to read through everything of a different site, of a different location, of a different type of observation, and they're just reading what they need to understand their role at that time and place.
- I think the chain of command is good to make sure it's clear and spelled out, and how that authority and the enforcement of the rules happens, and then also that's been brought up as well, how any observers can report any problems that they see. But I also like to think of the observer role as also finding out things from polling locations that work really well. I know when the League compiles their report and Common Cause does a lot of recruitment for volunteers, for that program is the, you know, the volunteers always like to find out things that do work really well so those can be shared around to other polling locations, like how successful curbside voting worked and why it was successful. So it is nice when those things can be reported, and the clerks and election workers that are doing a great job can be given their proper acknowledgement of those things that are going well on Election Day.
- Maybe Barbara can speak to this because this is for sure not a spot I know a lot about, but it seems that in residential care facilities, as far as observers go, my understanding of how that process works, I guess I'm not seeing the clarity of where the voter's privacy comes into play versus what the observer has access to. A lot of people when they get to vote in-home or by mail-in absentee ballot or at the polls, you have a lot of privacy, and I just want to make sure that those rights of those voters and the privacy that they are also ensured that right as well.

David Kronig- Democratic Party representative

- With respect to central count facilities, I generally think that what's in the unpromulgated GAB 4.04, it is generally about right. I think the rules should be pretty much the same for observers at central count as they are at a regular polling place. The part of GAB 4.04 that I disagree with and would like for the Commission to rethink is that the proposed rule permits the use of video or still camera, unless it's disruptive at a central count. I would defer to the clerks and poll workers who are in this group, but I think that generally speaking, it could be disruptive, and that it would be sort of intimidating to have an observer just standing there in front of the election inspectors, recording

- everything. as they go through all of the ballots and so I would be in favor of limiting the use of video and cameras at central count, the same as they're limited at a polling place.
- The other thing that I would note is that some in central counts in some municipalities that have central count, there are going to be voters returning absentee ballots to the central count facility, and so we'd want to make sure that any rule says that observers have to follow the same rules regarding voter interactions at central count as they would have to follow in a regular polling place.
 - With respect to municipal clerk's office or alternate sites under Wis. Stat. § 6.855, I would just refer back to what I've previously said. I don't think that that should necessarily include, for instance, the Monday before Election Day when no voters are actually voting. I would propose something along the lines of limiting it to the hours that are noticed for in-person absentee voting in the Type E notice under Wis. Stat. § 10.01(2)(e), except of course, to the extent that a municipal clerk's office is an Election Day polling place as well.
 - With respect to residential care facilities, I generally agree with what Erin talked about. I think it's important to recognize that there is a substantive difference between observing at a residential care facility, which is people's homes basically, than in a public building where most voting occurs, so it is already somewhat invasive. And there are of course also safety concerns with allowing the public to enter residential care facilities. So I just think it's important to acknowledge all of that.
 - With respect to a recount, I agree with what Ryan said about limiting bringing issues or concerns to the board of canvass to the candidates and their counsel or designated representatives. I think that observers at tabulating stations at a recount should generally be required to follow rules similar to those that they would have to follow at a central count site on Election Day. The one caveat I would put on that is that I think that observers at tabulating stations, to the extent that they are members of the general public as opposed to observers working on behalf of specific candidates whose race is being recounted, that the observers who, if they have to be limited because of space requirements, that observers working on behalf of the candidates should get priority.

Barbara Beckert- Disability Rights Wisconsin representative

- I'm just going to address the rules for voters who live in care facilities. First I wanted to note that the 2014 draft rule language is very clear, in saying that the observer's role is limited to viewing all public aspects of voting at a care facility. So I think that that is very important. I think as some of the other speakers have mentioned, this is quite different from the other locations we've talked about, because this is their home where people are voting, and there is already through the SVD process a lot of regulation and oversight introduced, and we do need to be respectful of their privacy and their rights. The facilities are actually required by federal law to make sure that residents can exercise their right to vote. So there is a responsibility that needs to be factored in, and sometimes seems to conflict with, the very restrictive nature of the SVD program. This is also a really vulnerable population; we have a lot of people with chronic health conditions, and they are at higher risk for infection or other health concerns, so limiting the number of observers as is the current practice seems appropriate.
- I also wanted to point out that in terms of any kind of training or awareness for observers, that I think they need to be aware that this is a population that has a lot of people with communication challenges, vision and hearing loss, mobility issues, and in some cases cognitive issues. So, people who are voting in the public area in many cases may need assistance with voting and it's their right to have that assistance and their privacy should be maintained. And to also understand that people who live in a care facility do retain their voting rights unless a court has taken them away, and that's something that I think that there has been some confusion about in recent years. So again, having some foundational information for the observers could be really important. As I mentioned, because of the people in care facilities are often at high risk and vulnerable, I think it's very important that

observers comply with facility requirements for infection control and prevention practices. I know we received calls at our voter hotline from some facilities that were struggling because observers did not want to comply. For example, the facility practice was that they were requiring people to wear masks, and they had an observer who didn't want to do that, and I think it's important to be clear that observers do need to comply with those rules and regulations. I also think we need to be prepared that there can be situations when facilities may be locked down. This is not a new thing with the pandemic; the pandemic made it more common, but there are situations with an outbreak of the flu or MRSA where that could occur, and where it may not be safe for observers to come in, and I think we still have some unfinished business and didn't really come to any kind of agreement about how that can be handled in a safe way with SVDs moving forward. There were some proposals but nothing that was agreed on, and I think there are also a lot of gaps in the SVD process. So that's outside the scope of this rule, but I am flagging that for future discussion, because I think we all want to ensure that - any one of us could be in a care facility someday - and we want to assure the folks in Wisconsin who are living in that setting that their right to vote is upheld.

Ryan Retza- Republican Party representative

- I just wanted to note for the record that I agree with Eileen's comments about clearly defining all of the areas where members of the public or observers can be present, such as, she mentioned election equipment testing, pre- and post-election, remaking ballots, local board of canvassers, municipal board of canvassers meetings, county board of canvassers, the state canvass included in that as well, and IPAV, central count, recounts, etc.
- And then also I did want to agree with Erin on publishing separate guidance documents for those different areas, because the more you try to fit onto one sheet, people get confused and different rules apply in different places. So just wanted to note our agreement there and then, also agreeing with David, giving candidate reps the priority at recounts.

Jim Sewell- Libertarian Party representative

- I'm just hoping that in the rules it will be clear that observers at recounts will be allowed to view all aspects of the recount, be able to be close enough to see all the election materials.

Nikki Elsen- Clerk, selected by the Democratic Party

- I wanted to speak a bit on the video and cameras being allowed, both at central count and at recounts. But my situation that I experienced, or was part of, was more related to a recount. I'm assuming the reason that they are allowed during those two processes is because the ballots have already been cast, but I do think, as I've said a few other times that I've spoke, consistency is really key in my opinion. If cameras and video are not allowed during the other aspects of voting, I don't necessarily agree that they should be allowed at central count or recounts, and with an experience at a recent recount, taking still pictures did become very disruptive to the point where we had observers standing over the top of workers trying to take individual pictures of every document that they were looking at, and it did become very disruptive. We did finally reach an agreement to provide photocopies after the fact of what they were trying to take pictures of. So I do agree with the previous comments that perhaps there should be consistency there, and video and still cameras also be prohibited at central count and recounts.
- I also wanted to reiterate Barbara's comments about respecting the care facility requirements, particularly during the recent pandemic. That was a big issue locally, and there was a lot of

pressuring of the facilities which became disruptive and very uncomfortable for several people, so I think some mention of honoring those facilities' requirements would be important.

Mark Gabriel- Constitution Party representative

- Regarding residential care facilities, there has been documentation done during the whole COVID-19 thing where deputies were not allowed into the facilities, and these facilities, a number of these facilities around the state had like 100 or near 100% voting. Some of these facilities have patients, residents who don't even know the names of their children, and when their children found out that they actually voted, they were shocked. There are issues like this that need to be addressed. And if you had someone here from Wisconsin Voter Alliance, they could tell you in great detail a number of the problems that were there. So we need to balance fair elections and voter integrity with people's privacy. These facilities certainly have activity rooms. If you're bringing two deputies and two observers into the facility, well, they're not going to all crowd into somebody's room. I would imagine that they would have an activity room, a larger room where people do the voting. So I've heard a lot about respecting people's privacy, and all of this, and medical situations, but how about some voter integrity? How about having observers be able to see what is going on? How did someone vote when they don't communicate? They can't understand, they've got mental issues, memory issues, who knows what, but they're voting. That's a problem.

Anita Johnson- Souls to the Polls representative

- I wanted to go on record that I agree with Barbara Beckert 100%, we need to follow the rules and regulations of these places and maintain the integrity of the residents. I also agree with Nikki's statement as well. I just wanted to go on record saying that.

David Kronig- Democratic Party representative

- I just wanted to go on record as disagreeing with Mark's comments. As Barbara has already said, and probably is about to say a little bit more, if voters in residential care facilities have cognitive issues or health issues, that's between the voter and their doctor. It is only a court who can take away someone's right to vote, and the law is very clear on that point, and I think we need to be very careful about giving observers the impression that it is within their purview to question whether someone should be able to vote based on their personal and usually untrained observations of someone's medical condition.

Barbara Beckert- Disability Rights Wisconsin representative

- First, I just want to say in response to Mark, I think we share a commitment to voter integrity. I absolutely agree, that is very important. And someone who has lost the right to vote should not be voting and someone who is not able to vote and is not choosing to do so should not in any way be coerced or pressured to do so, and if that's happening, that's wrong, and that is very much a concern. But I don't think it's the role of observers to be determining that. I think that our our special voting deputies, I hope, have a high level of training and are also knowledgeable about how to appropriately assist cognitively impaired individuals with voting. So many people who are cognitively impaired are able to vote and we should be sensitive to not taking their right away. But we also shouldn't have expectations that someone who doesn't have an interest in voting or is not responding shouldn't be pressured, and I think that sometimes there is confusion about this. It's a complicated topic, and the American Bar Association has a really excellent guide on this topic about assisting cognitively

impaired voters with voting and we always share that as a resource when we do training on this issue. So I think it's something where we just really have to proceed with caution, and you mentioned some of the people coming out to a central area to vote, and just in my experience, it depends; a lot of people who live in a nursing home or CBRF are very significantly disabled and maybe on a ventilator. They may still be able to vote, but they may not be able to leave their room. And some of them are elderly, and some of them are young with very vibrant, active minds, but their bodies are restricted. So they aren't able to leave their room, and the idea of having people coming to someone's bedroom with observers and watch them vote, I find very troubling, and I'm glad to see that the rules as written are specific to public aspects of voting. Just a few thoughts on this: I think it's a really sensitive area and we have to be really careful about how we proceed. And I think we do share a commitment to election integrity, but maybe just see some of the details a little bit differently.

- If I could just add one more thing, and this kind of follows up on what Nikki had said, we have received a—and this wasn't recently, it was more during the pandemic—but we received a lot of calls and also heard it in trainings from nursing home staff who had received very frightening calls where they were being threatened because of the sort of thing that you said: “Well my mother voted and you know, she doesn't know what day of the week it is, so therefore she shouldn't be voting and you know, you're gonna lose your job.” And nursing home staff, in my experience, they work hard and they want to do the right thing, and the federal government requires them to support the right of their residents to vote. It is an important residents rights issue. So again, these are shades of gray, and it has just been so concerning to hear from a number of nursing home staff that they're scared. It feels like helping their residents has been criminalized, and in a lot of cases if they don't help, if someone moves to and goes to a nursing home, they're moving, so they need to re-register to vote. Not all SVDs are not authorized to register residents to vote. It's only if the clerk specifically authorizes them to do so, which I think we should change the law so that all SVDs should be able to register people. And there is also a very short period of time for SVD voting, only a few days when that voter registration can occur. So if nursing home staff don't assist someone with registering to vote or with getting an absentee ballot request in, they may not be able to vote. So I think the role of staff is something that we really need to respect, and there needs to be clear guidance. Again, coercion, we deplore that. That should not be happening, and that is against the law currently. But they do need to be able to assist their residents with voting, and we have to be careful not to criminalize that kind of assistance, and I'm afraid that to some extent that has happened in our state—not formally, but many staff are now afraid to assist their residents with a really important right. So I just wanted to speak for those folks, the staff, because they work so hard and they aren't here today to speak for themselves.

Ryan Retza- Republican Party representative

- I'm not going to get into the incompetency challenging or anything like that, because that's already pretty clearly written out in statute that the court needs to give a specific no-vote order, but I did want to say that generally, if the Commission does want to weigh in on facility rules with any sort of observer rule for these facilities, I just wanted to say that I would support the same facility rules applying across the board, like there can't be special rules for special voting deputies and observers. It should be the same across the board for members of the public that would come into those facilities as well if they have those special rules in place.

Ken Dragotta- True the Vote representative

- I wanted to respond relative to the comment about prohibiting use of cameras and video at recounts. A recount is a legal proceeding. We have court reporters, we have testimony, we have many things going on. Often, we are looking at election materials that we will take pictures of and we'll present that in the proceedings. So you cannot treat, and we should not treat, the recount the same as we do with Election Day. The purpose of limiting cameras is to protect the elector. There's no electors present at canvass. There are no electors present at recount.

Julie Seegers- Wisconsin Election Integrity Network representative

- Concerning the observers in the residential care facilities and retirement homes, if special voting deputy officials are allowed to go into these places, so should observers be allowed if they choose to wear the mask and mind the rules in the particular place. Yes, this is such a sensitive situation, and I want to respect the voting rights of every single person, especially in these places, but what is happening when the voting process is happening, that the special voting deputies are administering the election process, which is something that an observer should be able to observe. Now again, they're supposed to provide a central common area for the residents to come to, and if they can't then yes, they do go into the individual rooms, because it is part of the election process, even when they go into the individual rooms, the observers have the right to observe that as well. Now it's a big problem, because these rooms are sometimes very small, and when you have sometimes more than one special voting deputy in there, which there should be at least two, but sometimes there's more, and then there's no room for observers, so the observers are told to stand in the doorway or outside the door. Nothing can be heard, or very little can be heard outside the door, so definitely something that has to be addressed because they do, again, special voting deputies and here we're talking about observers., so I think that that really has to be addressed for observers.
- As far as early voting alternate sites, as probably most of you know, there is a Racine mobile voting van that makes about 15-20 stops for each election cycle to different areas. The van is very small, and there is definitely not enough room for an observer with a wheelchair and another person without a wheelchair, much less allowing different affiliating observers. So I think that these alternative sites such as this mobile voting van needs to be much, much more scrutinized before allowing such a thing to happen. It should be a building where there is accommodations for all types of folks to come observe as well as vote.

Ryan Retza- Republican Party representative

- I was just going to say that generally we are supportive of the observer rules laid out in the Absentee Voting and Residential Care Facilities and Retirement Homes guide that the Commission has already published, which does cover instances when voting occurs in a residence room, as well.

Debbie Morin- Election observer, selected by the Republican Party

- This residential care facility issue is huge. In 2008 there was none of this. After that they needed to kind of, and I agree with it to protect the safety of the residents, but I walked into residential care facilities as if it was just a polling place, and the notice was on the door the way it was supposed to be, and I just walked in and they were like, "What are you doing here?" I said, "You are having an election. I'm here to observe." They're like, "Wow! Nobody ever, comes in to observe this." So it's been really different just in the time that I've been doing this, but I think that, I've heard that you know we want to protect the voter privacy, we need to maintain voter privacy, and I get a little confused about that because voting is a public process. So I think it means private information, because you're going to see the person's face, they're going to say their name and address. I think

it's not private, and then I think that to support the right of the residents to vote, I really like that the person, whoever said that, said coercion is not something that we should be supporting, and I think sometimes it's sort of like, you know, and the places I've seen, the places I've observed, it's like, "We're all gonna vote now, the decision's been made and you're coming down," and I've watched special voting deputies go through the entire ballot, and it's fine that they do that, the person does not know who's on the ballot. They don't know who to vote for, you know, you want to save face. You don't want to make them, they don't want to feel foolish, which I totally don't want that to happen either. But what happens then is from what I've experienced, what I've observed is that the ballot is put as an under vote, put in the envelope, and then that ballot is protected from anyone else voting in their name so they can go to the special voting deputies could sit and go through a bunch of residents because they're told that today is voting day, or they might like the idea that they're participating, you know, in the voting process, but I think some of these questions we're going to have to go and start to have whatever governing bodies with residential care facilities start to look at these issues when people come into their facility. This is an issue that should be addressed upon becoming a resident at that facility, and so I mean, there's a lot there. But I think that's hard to get up to all of those answers.

- And then the only other thing I had was central counts or absentee ballot canvassing boards on our Rules-at-a-Glance, it says "the municipal clerk is in charge, and observers shall follow the clerk's directives" at central count. I have a question about that, because if I'm reading the statutes correctly, it's not the municipal clerk who is in charge of a central count, it's the absentee ballot canvassing board. It's a three-person board that's in charge of the central count, not the clerk, especially since if the clerk is not a resident of that municipality, they're not supposed to even be on that three-person board. So I think that's not correct information. I may be wrong, but I don't think the clerk is in charge of a central count, and I don't think central counts are being run the way the statutes have them being run in many cases, because when I go to observe in a central count, I'm told that there is a chief inspector, and I'm like, "you can't have a chief inspector, this is not a polling place." "But this is the way we've always run it," is what I'm told, so that I think is an issue that needs to be looked at.

Attorney Hunzicker responded to Debbie Morin's comment:

- Wis. Stat. § 7.52 is the governing statute for the absentee board of ballot canvassers, just to have that reference in there. I don't know off the top of my head who is required to be part of that board, but that is spelled out in statute, either in that statute or in cross references to that statute.

Barbara Beckert- Disability Rights Wisconsin representative

- I just wanted to come back again to the issue of observers going into someone's bedroom and observing them vote and be very clear that DRW is opposed to that. We support the language that is in the 2014 draft un promulgated rule which talks about observing the public aspects of voting which would not include going into someone's bedroom. I did talk with people, and several different aging advocacy groups, as well as some nursing home staff and groups that provide advocacy in nursing homes, and everyone shared that perspective that it is an invasion of privacy and intimidating potentially for people to be going into someone's bedroom and watching them vote. And this is someone who is voting absentee, and because of these additional rules that Wisconsin has in place, they aren't able to just get their absentee ballot during the time when SVD voting is going on. Once SVD voting is over, someone can get that absentee ballot and get assistance from a person of their choice to complete it, is my understanding, and there is strong opposition to invading people's privacy in that way and going into their bedroom to watch them vote, and I think that there are health

concerns as well given that these are very vulnerable people and these are often very small rooms, so I just wanted to clarify that in case I wasn't clear enough before, since it came back up.

Lana Lee Helm- Poll worker, selected by the Republican Party

- I am also an SVD, and I just wanted to say that we have had observers that sit actually quite a far ways away, very, you know, never had any trouble, any issues, and usually upon the second visit, when there are residents that would like to vote that cannot come down to the main area, we do, I think it's required, we have two go into the room, and if an observer follows along, they stay in the hall. They do not come into the room, and we have nothing to hide. We ask the resident, do they want to vote? And if they did not want to vote, then they would get their ballot mailed to them. And so there are options. So it isn't pressuring, it isn't intimidating. Their privacy is protected, and usually they are all extremely grateful that we come and help them in that way, because sometimes they do have trouble seeing or whatever it is.
- I also wanted to agree with the differences of the recount being a legal proceeding that Ken mentioned, I've also been involved with two or three recounts, and yes, that is a very different situation than what we're talking about. So it does make much closer scrutiny and observer ability to observe.

Debbie Morin- Election observer, selected by the Republican Party

- There was one note I took about, and this is going to be something that's more long range, probably, than what we're going to be able to handle here, but with this observing, and all of the different aspects that come into these facilities, being privately owned, having their own rules about the health and safety of their residents, and who can come in and who can't, I made a note about remote observation. If the facility is locked down for some reason, if we would develop some type of remote observation, and maybe that could be used when someone has to go into a bedroom, you could use an iPad to observe the process without physically being there. And don't ask me how to do all that technology, but maybe we could use the technology in a way that that could happen and not be so intrusive in these types of situations. So that's another thing to explore, and this just keeps expanding.

Attorney Hunzicker asked if anyone else had a comment on the agenda item.

I. Open Discussion of Additional Election Observer Topics

Attorney Hunzicker introduced the agenda item:

- I'm going to move on to the last discussion item, I on the agenda, and this is an open discussion of additional election observer topics. Basically, the Commission delegated to staff the responsibility for coming up with this agenda on the basis of other comments the Commission had received. We did our best to make sure that everything that needed to be addressed was on the agenda, but we also wanted to make sure that anyone invited to be part of this Committee had the opportunity to bring up any additional items, so if there's anything related to election observers that has not already been discussed that you would like to bring to the Commission's attention for the Commissioners when they are deciding on the language of these rules, and what the rules are going to address, please bring that up now.

Karen Huffman- Poll worker, selected by the Democratic Party

- I just had a question about the proposed rules in Section 4.02 (6), and it was talking about remaking the ballot and casting absentee ballots and requiring election inspectors to announce to the observers that ballots are being remade, or absentee ballots are being inserted into the machine, and I think we can all agree that consistency and transparency is really really important with these processes, however practically, during presidential elections gubernatorial elections, high turnout, having to announce each and every ballot remake and every time a ballot is inserted into the machine, some of those can take all day, and so I would suggest that we say something or arrange for the observers to know how that process is and who's leading it. So for instance, for absentee ballots it might be, "Karen Huffman's leading the processing of, that she starts in this corner, this is how it runs, and throughout the day in between voters they will be processing these absentee ballots ten at a time until they're done." Same thing with remakes. We're usually very close to the observation area so they can see whenever we're doing a remake, but I think spelling it out that we would have to make an announcement each time is just not practical.

Ryan Retza- Republican Party representative

- Two things: the first one may not be within the scope of the rule, so you can cut me off if that's the case. Election notices for areas where observers or members of the public are able to go. Milwaukee, I have to say, is a good model to use. They have everything listed out very clearly on their website. When and where they are having central count, early voting, polling sites, anything of that nature, or machine testing, pre- and post-election, so I don't know if the Commission wanted to discuss this within this rule or not, but for any notice that is required, and would be open to members of the public, it would be extremely helpful if there was a clear election notices section on municipal or county clerks' websites.
- The only other thing I wanted to bring up was the announcement of the remaking of ballots. So long as the observers are notified, whether when they're signed in, or when a ballot is being remade, just wanted to state that we're fine with either/or option on that, so long as the observers are at least informed when and where a ballot is being remade.

Barbara Beckert- Disability Rights Wisconsin representative

- Just a couple of different areas, something that we talked about briefly before is what kind of training or support materials, educational support materials are available for election observers and just a few ideas: currently, there's not a requirement for training. I'm not sure if there is an appetite for that, or if that is the best solution. But something to at least consider, the Elections Commission does a lot of training and you have the capacity to put together a training module. So, having a training module for observers that the Elections Commission develops could be a helpful resource, and of course I'm especially interested in ensuring that any training includes education about the state and federal requirements for accommodations for voters with disabilities, since often that seems to be an area where there isn't knowledge, and where people may be denied that right or where observers may think that something is going on that's inappropriate when it's just a voter with a disability who needs to get assistance or be accommodated in some way, so that is one suggestion.
- Also, I think there was some talk earlier about posting information about the role of observers and about the rights and accommodation issues. I think that could be very helpful. Often we find that not only observers, but people with disabilities don't understand what their own rights are, so including that in the notices at the polling place could be helpful.
- Finally, I wanted to bring up a topic, and I think it's kind of telling that it wasn't on the agenda, and that has to do with the accessibility observer program accessibility review program, the polling place

review program that the Wisconsin Elections Commission operates, and Disability Rights Wisconsin is a partner in that program. We conduct those polling place reviews on behalf of the Elections Commission, and one of the first things that we always have to explain to the chief inspector at the polling place is that we are not observers, and that we are not constrained by those restrictions on observers. We are not supposed to sign in on the observer log, so I was surprised when I saw in the draft unpromulgated rule that there was information about this program, because I think that is confusing because the rules are all about what it supposed to be in place for the observer program. Then you're including information about a program that those rules do not apply to. So my recommendation would be that the rules or guidance for the polling place accessibility program not be included in the election observer rules, because that's going to create confusion, because if we had those same restrictions, we would not be able to do the job. And the same thing, right now there's some information in the Rules-at-a-Glance brochure about the program, including it in there might be a helpful thing, with the statement that this is not an observer, this is a different program or something, because sometimes observers might see people going around the polling place taking pictures and measuring things, and they might be concerned because they know that they are not allowed to do those things. We always talk with the chief election inspector right away and give them a letter from the Elections Commission explaining all of this. But it still might raise questions for observers, so it might be helpful to have it in the Rules-at-a-Glance brochure, as long as it's clearly explained that this is not an observer function.

Anita Johnson- Souls to the Polls representative

- I don't know if this is going to make a difference or again, if it's in the scope of what we're talking about, but I think for the sake of efficiency, for the observers, some of the polling sites are too small. There is not enough lighting in there. It's stuffy, it's dark. Maybe we wouldn't be losing observers and election polling people if we had bigger rooms to work in on Election Day. I don't know how we could do this, but some of the places that I've been in, it's like you're sitting in a closet which is not good for the voter, the observer, or the polling people that work in there, so that's my suggestion.

Ken Dragotta- True the Vote representative

- I think right now is a good time to look at what the objective of this group is. I think we should be looking at providing some clarifying information for those people that are involved in the process, for all of the parties. I don't think that best practices need to be part of the rulemaking process here. I also believe that overly restrictive rules don't serve to help any of the folks involved in this process, and I'm talking specifically of those people that are responsible for administering the election process. Chief inspectors have a hard enough time grasping the breadth of five chapters of Wisconsin statutes. What we're trying to do is provide some meaningful clarification for them, so that they can conduct their job, and that is to be able to have fair, honest elections, be able to close properly, make sure everything ties out. So the rules that we're looking at promulgating need to be informative, useful, easy to interpret, and brief. Based upon the discussion that we've had here, I'm hoping that there is some consensus in that. I think we've got a number of chief inspectors that are on the line right now. I was hoping to hear their position on this also.

Eileen Newcomer- League of Women Voters representative

- Just wanted to voice our support for Barbara's comments about the accessibility review program, and that it is a unique program, and I don't necessarily feel like it should fit within the scope of what

we're talking about for election observers. If it is going to be part of this, I think that there are some changes what would need to be made to what is written up versus what is currently in the draft unpromulgated rule.

Lana Lee Helm- Poll worker, selected by the Republican Party

- I would agree 100% with what Ken said. As a chief inspector, yes, overly restrictive rules don't help. I jotted down those items he mentioned: informative, useful, easy to interpret and brief, and that is excellent, because we do a lot of training; we do a lot of training as chief inspectors, we do a lot of training with our poll workers. Of course, throughout the day we're answering questions, and yes, I am worried about additional rules. We haven't had any problems with observers. We don't even mark off little boxes on the floor because we haven't had any issues with that. So to force us to when we haven't had a problem, I would hope that wouldn't be the case, and so I would just concur with that.

Mark Gabriel- Constitution Party representative

- Lana Lee just beat me to it. But yeah, as a former chief inspector, I totally agree with Ken's comments and Lana Lee. As you know, over the years, and I've before I was a chief I was an election worker, and over all the years, the more laws, the more restrictions, the more material we need to read and prepare for, the more complicated the whole process is, and the more burden it puts on the election workers, and so I would hope that the Committee would keep that in mind. Keep in mind the work that the election inspectors and chiefs are dealing with is a lot right now. And so I would totally support the idea that these things be useful, practical, easy to understand and brief, and I think that would be good guidance to use as they make the rule.

Julie Seegers- Wisconsin Election Integrity Network representative

- Not to belabor this, but I have found out a couple of extra details regarding the Badger Books. So the poll workers I spoke to who used Badger Books said that they do work alone. Having said that, I'm not really here to talk about poll workers, we're here to talk about allowing observers to observe all voting aspects, of course, minus the protected information. The information, however, that can be bought from WisVote database by the way, includes names, addresses, emails, and phone numbers. So again, it's statutorily required for the electors to announce their names and addresses, and it's statutorily possible for observers to see the paper polling books which Badger Books should be mirroring. I have a screenshot of what a Badger Book screen looks like to share, if anybody would like. So also, what shows up on the Badger Book screen in the lower left corner, it will say "Absentee Issued" or "Absentee Returned," and a number of the ballot returned if it was given a ballot number already. If that poll worker ignores that or doesn't have time to look at that, Badger Books will still allow the poll worker to issue a ballot to vote on Election Day. So that's a big problem and that's something that an observer if they were able to stand behind the poll worker, which in so many places they're not allowed to do that, they could catch that because that's just one thing that they could observe, and I think this is the same type of scenario regarding certificates and central count as well. So that's one thing that I wanted to mention.
- And then the other thing is again, the inconsistencies from one polling site or central count to another causes a lot of confusion for observers as well as chiefs, too. So when there's an issue, observers are told to, one of the things that they can do is file an affidavit if they have anything that they would like to challenge or complain about with WEC, but many of my observers, past observers, have done that, have filed affidavits, and have done so as maybe as two months ago, and

maybe as long as three months ago, and not one issue of their concerns has been addressed. So we're making rules for observers, but what are observers to do when they have a legitimate issue with the chief election inspector or process? So I know that there are plenty of good and competent chief election inspectors, and there is plenty of good and competent observers too, but in the rare occasion that an observer needs to report or challenge a chief or a process, they need an avenue that will be respectfully and diligently responded to.

Debbie Morin- Election observer, selected by the Republican Party

- I'm just going to mention that on that trifold Rules-at-a-Glance, they address the accessibility review program and the media communication piece on there in a little gray box as two other issues on the observer. I don't know if observers need to know that; I don't know why it's on there. There's some reason someone put it on there, but the main thing that I want to talk about is the same kind of issue that I talked about earlier doing things in preparation so that it makes things easier going forward. And the biggest thing right now, and I know Ryan had mentioned Milwaukee, I have to say of all the municipalities that I try to get election notices from, Milwaukee is far and away the easiest place to get their election notices. You go to their website, they have a category for election notices, you click on it, and there they are, all in a row from machine testing to in-person absentee voting sites, the places that they're going to be held, the hours that they're going to be held, to central count, to their canvass. It's really a pleasure to go and look at and find that information. My experience otherwise is like this: I call the clerk's office, they all have different ways, some of them tell me that they can publish them in record of the newspaper of choice so the newspaper of record. So then I have to go try to go online and try to find that newspaper and go through the legal notices to try to find it. Some municipalities say, well, the county does it for them, so then I have to go to the county website. Some county websites, you go to the legislative page where they have all their meeting minutes, and you click through several different little trails that you follow to get there. With Milwaukee, it's just there. I don't have to call and ask, and even for an example, when I want to go and observe at a polling place in a different municipality, go to the website, and what they'll do is I want to see where their polling places are, well, they will have on their website, "To find your polling place, go to MyVote." And I'm like, "I don't even vote in your municipality, but I want to observe." So I call the clerk and the clerk says, "Well, just go and click to find your polling place." I said, "I don't live in your municipality," and the response was, "Well then, it's really none of your business, like, why do you want to come? You don't need to know this." It's like a private, you know, contract between the voter and the government, and nobody else is supposed to be able to see it. And finally I said, "I want to observe, I want to go to, I don't know which polling place in your municipality I want to go to," so he finally emailed me the polling places, but I was persistent, and I'm just one observer. So to make observers feel like they're part of the process, and they're welcome to the process, look at the way Milwaukee does it, and I have to give them a shoutout. It's really a pleasure to find the places I can go observe without harassing their clerk's office, and trying to find where can I find this information.

Attorney Hunzicker asked the Committee members if they had further comments.

Debbie Morin- Election observer, selected by the Republican Party

- Brandon, do you see what time it is? You said we had until 4:30, right? So it looks like we're doing pretty well. But maybe more people will raise their hand. I'll get off and let it continue.

Barbara Beckert- Disability Rights Wisconsin representative

- I just wanted to say how grateful I was to everyone for the good dialogue today, and the commitment everyone has to ensuring that this rule is helpful, and I think it was a good process, and maybe Brandon, you're going to tell us what comes next; I don't know if you intend to bring this group back together again, or if it was just a one meeting type of thing. But I think that this was a really valuable forum and bringing the different perspectives together, you know, something that we should think about for the future.

Brandon stated that he would address that.

David Kronig- Democratic Party representative

- I just had a comment very similar to Barbara's and I just wanted to thank everyone for their time and the thoughtfulness that they approached this discussion with, and also wanted to thank Brandon and the Commission staff, and for all the work they did to put this together, and so thank you all.

Ryan Retza- Republican Party representative

- I again wanted to echo everybody: thank you for having us and for the discussion today. Just one question, is there a mechanism by which parties or other groups could submit written comments?

Attorney Hunzicker responded yes, they could use his or Caitlin Jeidy's email, and that those emails would be sent on to the Commissioners.

Mark Gabriel- Constitution Party representative

- I just wanted to say again, thank you Brandon, thank you all participants; enjoyed everyone's perspective. It was all helpful. Thank you for putting the Committee together and look forward to hearing what comes next, if anything.

Attorney Hunzicker responded to Barbara Beckert's comment:

- Basically what comes next, at least after this meeting, is staff are going to be creating the minutes document, so we're going to take detailed minutes of this meeting, getting all that together, probably reviewing video and audio at points and kind of filling in details, and then we will be presenting an overall summary of this meeting to the Commissioners, as well as that minutes document to all six Commissioners, and that will be presented during the April 28 Commission meeting, where it's scheduled to be brought back onto the agenda. At that meeting, the Commissioners will discuss anything that was discussed today as well as anything else related to this rule, and they will presumably give some sort of direction to staff as to the next steps to take with this rule. At some point there would be a Commission motion to draft text; I'm not sure if that would be the next step, or if it would be anything in between, but the Commissioners will have the opportunity at that meeting to review everything that was discussed here, and to give staff the direction for next steps. A future meeting of this Committee was certainly contemplated initially, I think it is very much a possibility that the Commission might opt to have this Committee meet again, either to discuss anything that they would like to hear more about or to discuss options of rule text, or something along those lines. So it is certainly possible that the Commission would be interested in this group meeting again after April 28. We would certainly reach out to every member here about any future meeting.

- I also just wanted to thank all of you from staff for this discussion; I think it was extremely productive, I think we have a lot of really good information that we've gathered from all of you, so I just want to thank you for your comments and for your time for this meeting today, and if there aren't any further comments, I think we can adjourn. So thank you again very much for coming and offering your comments and insights today for this process.

J. Adjourn

The Committee adjourned at 3:41 p.m.

####

March 8, 2023 advisory Committee meeting minutes prepared by:



Anna Langdon, Help Desk Staff

April 13, 2023

Appendix A: Chat messages from the meeting

Below are election observer related messages sent via the Zoom chat feature during the meeting:

10:22:54 From Toya Harrell to Hosts and panelists:

there's two election inspectors stationed at each of our Badger Books area. :)

11:27:05 From Eileen Newcomer to Hosts and panelists:

Proof of residence*

11:33:38 From Eileen Newcomer to Hosts and panelists:

Would the DL # pop up on the badger book when someone registers?

14:07:26 From Barbara Beckert to Hosts and panelists:

Guardianship records are confidential per sec. 54.75 of the guardianship law. They are protected from release by sec. 19.35 (1) (a) and 19.36(1) of the Open Records law

14:14:52 From Diane Coenen to Hosts and panelists:

Diane Coenen - My sincere apologies to the Ad Hoc Committee member but unfortunately I need to leave for a 3 PM appt. Agenda Item H. I suggest adding Public Test and Central Count locations. Item I. No other topics at this time, but I do have some suggested changes to the Rules-at-a-Glance document, which based on all the great input would more than likely be revised in the future. I appreciate all your time and valuable input - it was nice meeting everyone.

15:36:58 From Eileen Newcomer to Hosts and panelists:

The WEC's posting of the full list of polling places on their website is always very helpful.

15:38:14 From Eileen Newcomer to Hosts and panelists:

Agreed. Thank you all. And thank you Brandon for your facilitation of this long meeting.

15:38:36 From Erin Grunze to Hosts and panelists:

+1 on the thanks for the conversation and staff organization of the meeting that others have acknowledged.

15:41:02 From Caitlin Jeidy to Hosts and panelists:

Thank you, all!



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 April 28, 2023, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared by Elections Commission Staff

SUBJECT: 2023 Voting Equipment Certification Calendar and Meeting Schedule

Introduction

This memo details the 2023 voting equipment certification schedule and provides additional information to the Wisconsin Elections Commission on each vendor that has applied for the certification of a voting system. This document is intended to assist in planning certification meetings throughout the remainder of this year.

Background

WEC staff received four complete vendor applications for consideration of certification of electronic voting systems and expect to receive a fifth in the coming weeks. The active applications are detailed below, with additional information on the vendor, the respective system(s) submitted for approval, the date of receipt for each application, any prospective testing dates, and the number of Wisconsin counties in which the vendor currently operates.

Considering the applications received to date, staff prepared the testing schedule below. In a typical year of voting equipment testing, it is staff practice to accept applications and schedule testing with the vendor on a rolling basis in a first-come, first-served manner. However, in 2023, we have requests from county and municipal clerk partners to alter that approach. These requests are primarily from customers of Dominion Voting Systems (DVS). This is being brought to the attention of the Commission, but should be noted that DVS has not yet submitted their application, likely because in March, 2023, DVS received federal certification from the Election Assistance Commission (EAC) for Democracy Suite 5.17. Some clerk partners who are existing DVS customers and are seeking upgrades prior to 2024 have requested that DVS be given priority in the testing schedule to accommodate their ability to purchase and implement an upgraded system in time for the 2024 election cycle.

Also before the Commission is that counties will need to know what systems are certified prior to the Commission's next quarterly meeting in September 2023. Therefore, the Commission

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

should consider scheduling a special meeting in July to consider the ES&S and Hart system soon after testing for those systems that have been completed. This will allow local election officials to make purchases and upgrades in time for them to be used in the 2024 election cycle.

Table 1 shows each of the applications WEC has received to date and the proposed timeline for conducting testing.

Table 1. Current 2023 Equipment Test Calendar

Vendor:	Election Systems & Software
Systems:	EVS 6.0.6.0 and EVS 6.0.7.0
Application Complete:	Yes
Application Received:	June 20, 2022
Testing Timeframe:	April 17, 2023 – April 28, 2023
Counties Actively using this vendor:	31

Vendor:	Hart InterCivic
Systems:	Verity 2.7
Application Complete:	Yes
Application Received:	November 28, 2022
Testing Timeframe:	June 19, 2023 – June 30, 2023
Counties Actively using this vendor:	0

Vendor:	Clear Ballot Group
Systems:	ClearVote 2.3
Application Complete:	Yes
Application Received:	February 3, 2023
Testing Timeframe:	July 31, 2023 – August 11, 2023
Counties Actively using this vendor:	2

Vendor:	Dominion Voting Systems
System:	Democracy Suite 5.17
Application Complete:	No
Application Received:	Not received at time of writing
Testing Timeframe:	TBD
Counties Actively using this vendor:	41

Equipment Testing Timeline

Each application requires its own testing campaign to ensure the voting system meets the requirements laid out in Wis. Stat. §5.91. From the date an application is received to the final Commission Test Report, voting equipment tests can take one to two months to complete. This includes test preparation, in-office testing, results transmission testing (if applicable), compilation of testing results, preparation of the final report to the Commission, and, finally, presenting the system to the Commission for approval consideration. A typical voting equipment test campaign is put forth in greater detail below:

Table 2. Voting Equipment Testing Process

Description	Duration
Preparations for testing, e.g., scheduling with vendor, marking test decks, coordinating WEC staff	One to two weeks, roughly one month in advance of in-office testing
In-office testing	One week of system testing in WEC office. Also includes public demo and meeting of Voting Equipment Review Panel
Results transmission testing (if applicable)	Typically, two to three days of travel to participating counties/municipalities
Compilation of testing results/preparing final report with staff recommendation	One to two weeks depending on complexity of system, e.g., whether results transmission was tested, number of specific components in system, etc.
Presentation of final report to Commission	Dependent on Commission schedule
Vendor rolls out necessary updates to their clients	Dependent on Vendor and County Clerk schedule

The tentative testing windows above were developed in consultation with the on-site testing team for each respective vendor. Coordinating a testing window with the voting equipment vendors is often challenging due to the many steps and availability of personnel. Vendors often require months of advance notice as to when WEC staff can host the testing and certification staff and when the vendors can line up counties and municipalities to participate in results transmission testing. Staff work with the vendors to determine the timeline to conduct the necessary tasks to test the various parts of the application. Currently, staff gives scheduling preference to vendors on a first-filed, first-served basis, unless the vendor requests to delay the testing process.

Once a system has been approved for use by the Commission, the vendor will work with their clients throughout Wisconsin to implement the system updates. The time that the updates will take and when the vendors can perform these updates will depend on the schedule of the vendor and each individual county customer. These updates would need to be in place by the potential Spring Primary on February 20, 2024.

Based off the information gathered by the team after consultation with the vendors, staff believe they will be able to have the ES&S and Hart systems ready for Commission review and potential approval by July. Then the Clear Ballot and Dominion systems could be tested and presented to the Commission for potential approval at the September 20, 2023 third quarterly meeting. Depending on when the DVS application is received and the testing campaign can commence, the Commission may also desire to schedule a special meeting prior to September 20, 2023 to allow for DVS customers to have as much time as possible to upgrade their equipment.

Conclusion

The WEC has received three vendor applications for consideration of certification of voting equipment from ES&S, Hart, and Clear Ballot. WEC expects to get a fourth application from Dominion in the coming weeks. This is an unprecedented number of applications before the Commission during the same time period. Clerks have provided feedback to WEC that they need to have each application considered by the Commission as soon as possible after each testing campaign so they can purchase and implement new voting systems in time for the 2024 election cycle.

To accommodate this, WEC staff suggests that the Commission schedule a special meeting for July of 2023 to consider the ES&S and Hart systems. Then WEC staff suggests the Commission consider holding a special meeting, in late August or early September, to consider the Clear Ballot and Dominion systems. The WEC has always tested and considered vendor applications on a first-come, first-served basis. Some clerks have provided feedback asking that the Dominion system be considered as soon as possible and “out of the order” the application was received. WEC staff believe that in order to change the order of the testing campaigns it would need the Commission’s affirmative vote.

Recommended Motions

Proposed Motion 1: The Commission directs staff to proceed with the voting equipment testing and certification timelines presented in Table 1 for vendors ES&S, Hart, and Clear Ballot. When the application for DVS is received, the Commission directs staff to complete the testing campaign following the Clear Ballot testing campaign.

Proposed Motion 2: The Commission schedules a special meeting for July ____, 2023 to consider the applications for certification from ES&S and Hart.

Proposed Motion 3: The Commission schedules a special meeting for [August ____ or September ____, 2023] to consider the applications for certification from Clear Ballot and Dominion, understanding that the Dominion application has not yet been received and that when the application is received may impact the timeline for testing and for the Commission to meet to consider certification.



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 April 28, 2023, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared by Elections Commission Staff

SUBJECT: 2023 Accessibility Report

Introduction

Wis. Stat. 5.25(4)(d) requires the state elections agency to submit a report on impediments to voting faced by elderly voters and voters with disabilities to the appropriate standing committees of the legislature under s. 13.172 (3). The following report titled “Barriers Faced by Elderly Voters and Voters with Disabilities” details the work that WEC staff completed in conjunction with accessibility partners throughout 2022, including the polling place review program, the accessibility advisory committee, the accessibility supply program, and general clerk support provided to local election officials throughout the year. The report also highlights various best practices that local election officials across the state have implemented to ensure that their polling places are as accessible as possible.

The report is required to be filed with the Legislature no later than June 30, 2023.

Recommended Motion

Recommended Motion 1: Approve the attached report titled “Barriers Faced by Elderly Voters and Voters with Disabilities” and direct staff to deliver the report to the Legislature no later than June 30, 2023.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe



Wisconsin Elections Commission

Barriers Faced by Elderly Voters and Voters with Disabilities

June 2023



Table of Contents

Barriers Faced by Elderly Voters and Voters with Disabilities..... 0

Executive Summary..... 2

Legal Environment..... 3

Wisconsin Elections Commission Accessibility Program 6

Polling Place Accessibility Reviews..... 7

Polling Place Accessibility Reviews 2022-2023 Summary 9

Accessibility Advisory Committee 19

Supply Program 21

Clerk Support..... 21

Accessibility Concern Form..... 22

Best Practices from Around the State 22

Conclusion 23

Appendix A: Non-Compliant Findings at Polling Places Reviewed in 2022 Sorted by Frequency 25

Appendix B: Polling Places with a Non-Compliance Score of Three or Lower..... 31

Appendix C: Members of the WEC Accessibility Advisory Committee..... 34

Executive Summary

In 1999, Wis. Stat. 5.25(4)(d) was amended to require the state elections agency to submit a report on impediments to voting faced by elderly voters and voters with disabilities to the appropriate standing committees of the legislature under s. 13.172 (3). The statute also requires the Commission to consult with appropriate advocacy groups representing the elderly and disability community when preparing this report. The concept for this report originated as one of several recommendations made by the Legislative Council's Special Committee to Review the Election Process. The Special Committee was established in 1998. This recommendation, along with several other election initiatives recommended by the Special Committee and the former State Elections Board, was enacted into law with 1999 Wisconsin Act 182.

The goal of this report is to provide information regarding the accessibility of Wisconsin polling places. This report will analyze data from the Wisconsin Elections Commission (WEC) polling place review program (formerly called the polling place audit program), which first began in 2009, and provide updates on additional agency efforts designed to ensure access to the polls. In 2022, the accessibility program established a goal of 330 polling place accessibility reviews by the November 8th, 2022 election, a plan which was approved by the Wisconsin Elections Commission. Due to increased participation by organizations on the Accessibility Advisory Committee like Disability Rights Wisconsin and the Wisconsin Coalition of Independent Living Centers, a total of 421 polling places were reviewed. This report will also showcase other aspects of the agency's accessibility program, including an overview of the work done by the WEC Accessibility Advisory Committee.

The WEC accessibility program has four pillars: the polling place accessibility review program, the supply program, the Accessibility Advisory Committee, and training. Each pillar focuses on providing resources for clerks to ensure that every portion of the voting process is accessible and to identify areas for improvement.

In accordance with the statutory mandate to consult with appropriate advocacy groups, Commission staff met regularly with the Accessibility Advisory Committee (AAC) throughout 2022 and 2023 to identify areas of improvement and strengthen existing resources. The work of the committee is essential to the WEC's understanding of accessible voting issues and allows the agency to partner with organizations which provide both insight and access to voters who may face barriers to participation in Wisconsin elections. This partnership increases the effectiveness and scope of public outreach efforts designed to ensure that elderly voters and voters with disabilities can participate in the electoral process. Focus was placed on prioritizing accessibility in training materials and manuals to increase awareness of the barriers faced by elderly voters and voters with disabilities.

Over the past 14 years, polling place reviews have been conducted in a vast majority of municipalities and in all 72 counties in Wisconsin. Polling place reviews historically have been conducted by WEC staff, temporary staff, and volunteers from Disability Rights Wisconsin. These on-site reviews take place on Election Day and allow trained individuals to assess a polling place using a survey that breaks down the parts of a polling place a voter needs to use.

Commission staff reports these findings to each surveyed municipality and uses these results to update training materials and identify areas needing improvement throughout Wisconsin.

Between the 2022 Spring Primary and the 2022 General Election, 421 polling place reviews were conducted. The review program visited 333 municipalities in 44 counties. These reviews identified 2,495 total problems for an average of 5.9 problems per polling place. Due to the Covid-19 pandemic, only 46 reviews were conducted in 2020 and 2021 which does not provide an accurate comparison. The last time reviews were conducted at this scale was between the 2016 Spring Primary and the 2019 Spring Election. In that period the review program visited 335 municipalities and identified 2,851 total problems for an average of 6.42 problems per polling place. In the 2022 election cycle only two fewer polling places were visited but there were 356 fewer problems identified.

Municipalities across the state have made improvements at their polling places in direct response to the polling place review results. Plans of Action to resolve issues raised in the polling place review have shown that municipalities have worked to replace inaccessible pathways, door hardware, and ramps. The WEC continued to provide resources like the Polling Place Accessibility Self-Assessment for clerks to independently identify inaccessible aspects of their polling places. Clerks continued to take advantage of the supply program which provides various items to improve access to their polling place, such as doorbells, cones, and parking or entrance signs at no cost to the municipality. The accessibility reviews and supply program have also drawn attention to accessibility concerns that have low or no-cost remedies, such as keeping interior corridors and voting areas free from obstacles or protrusions on Election Day, clearing leaves, snow, and/or ice from accessible pathways, and providing training to election inspectors on best practices when interacting with elderly voters and individuals with disabilities.

The Wisconsin Elections Commission will continue to work with policymakers, local election officials, and community organizations to assure Wisconsin's voters that all polling places will be accessible. These improvements promoted by changes in law and increased education will help to eliminate barriers faced by Wisconsin's elderly and voters with disabilities.

Legal Environment

In 1965, Congress passed the Voting Rights Act (VRA), a sweeping civil rights law that attempted to address the challenges facing many voters, including those with disabilities. The VRA authorized voting assistance for voters with disabilities who would otherwise have difficulty casting a ballot, provided the assistor is not the voter's employer or agent of the voter's employment union. 42 U.S.C. § 1973 aa-6. This requirement was subsequently codified at the state level in Wis. Stat. § 6.82.

In 1975, the Legislature amended the election code to permit voters with physical disabilities to cast a ballot at the door of the polling place if the polling place was not accessible to persons in wheelchairs. This process is otherwise known as curbside voting. 1975 Wisconsin Act 275, § 3. That same legislation recognized physical disability as a basis for registering to vote by mail and voting absentee. 1975 Wisconsin Act 275, § 2. It also permitted voters with disabilities to request

that an absentee ballot be sent to them automatically for each election if they self-certify as “indefinitely confined” to their homes due to age, physical illness, infirmity, or disability. *Id.*

In 1985, the Legislature required all polling places to be accessible to persons in wheelchairs. 1985 Wisconsin Act 304, § 17g. This legislation also authorized municipal clerks to appoint Special Voting Deputies to administer absentee voting in nursing homes. 1985 Wisconsin Act 304, § 74m.

In 1989, the Legislature broadened the language of Wis. Stat. § 5.25 and required that all polling places be accessible to elderly individuals and individuals with disabilities by January 1, 1992. 1989 Wisconsin Act 192, §§ 4, 86. The State Elections Board was given the authority to exempt a polling place from this requirement in accordance with guidelines developed by administrative rule. 1989 Wisconsin Act 192, § 5. This legislation also permitted municipal clerks to reassign an elector to another polling place within the municipality in order to permit an elderly individual or an individual with a disability to utilize an accessible polling place. 1989 Wisconsin Act 192, § 7.

In 1990, Congress passed the Americans with Disabilities Act (ADA), a wide-ranging civil rights law that in part requires public entities to make reasonable modifications to policies, practices, or procedures to avoid discrimination against people with disabilities. 42 U.S.C. §§ 12101-12213. The ADA also requires that people with disabilities not be excluded from participating in any public program, service, or activity. 42 U.S.C. §§ 12101-12213.

In 1991 the Legislature directed any municipal clerk who planned to use an inaccessible polling place to file a written report with the State Elections Board describing the municipality's plans to make the polling place accessible. 1991 Wisconsin Act 39, § 9118(1g).

Under the conditions provided by the administrative rules and legislation passed in the 1980s and 1990s, the former State Elections Board determined that by 1998 the degree of polling place accessibility in Wisconsin had significantly improved.¹ However, the Help America Vote Act of 2002 (HAVA) instituted more rigorous requirements for polling place accessibility, leading to recognition that many polling places still present challenges to voters with disabilities who wish to vote independently and privately.

HAVA also provided funds to modernize voting systems across the country in reaction to the electoral problems of the 2000 General Election. HAVA required that the voting system used at each polling place permits all individuals to vote privately and independently. 42 U.S.C. 15481. For many voters with disabilities, this new generation of voting equipment enabled them to vote for the first time without assistance from another person.

In 2003, the Legislature incorporated the HAVA requirements into state law and further broadened access to voting. 2003 Wisconsin Act 265. This legislation permitted individuals with a disability to notify a municipal clerk that they intend to vote at a polling place and to request a specific accommodation that would facilitate voting. 2003 Wisconsin Act 265, § 14. It also

¹ Wisconsin State Elections Board, *Polling Place Accessibility in the 1998 Election*.

required the municipal clerk to make reasonable efforts to comply with such requests for voting accommodations made by individuals with disabilities whenever feasible. 2003 Wisconsin Act 265, § 124.

In 2011, the Legislature required most electors to provide proof of identification before receiving a ballot. 2011 Wisconsin Act 23, § 45. Absentee voters who live in a qualified care facility served by special voting deputies or voters who certify they are indefinitely confined because of age, illness, disability, or infirmity may have the witness to their absentee voting verify the voter's identity. 2011 Wisconsin Act 23, §§ 68, 71. Additionally, this legislation required that all electors enter their signature on the poll list before receiving a ballot. 2011 Wisconsin Act 23, § 45. However, it provides that electors who cannot meet this requirement due to disability may be exempted. 2011 Wisconsin Act 23, § 46. Finally, this legislation also expanded the types of care facilities that are served by special voting deputies to include qualified residential care apartment complexes and qualified adult homes. 2011 Wisconsin Act 23, § 75. Act 23 also required that voters show certain photo identification in order to vote at a polling place or to obtain an absentee ballot. Due to litigation, the photo identification portion of Act 23 was not enforced until after the April 7, 2015 election. 2011 Wisconsin Act 23, § 75.

The Legislature authorized Online Voter Registration (OVR) in accordance with Wis. Stat. § 6.30(5) as required by 2015 Wisconsin Act 261. State law now provides that eligible voters who hold a valid State of Wisconsin Driver License or State ID Card (WI DL/ID) that has their current name and address on file with the Wisconsin Department of Motor Vehicles (WI DMV) can register to vote online. The WEC's OVR system became available in January 2017 as a feature of the My Vote Wisconsin website (MyVote.wi.gov).

The Wisconsin Elections Commission was awarded a yearly HAVA grant for accessibility programming at roughly \$200,000 for several years. By the end of FY2018, the majority of HAVA funds had expired, but the Wisconsin Elections Commission made a request in its executive budget to continue funding the accessibility review program and supply program, at approximately \$48,300 for FY19.² These funds were approved, but were less than the funds provided by HAVA, which had previously allowed WEC to hire additional temporary staff to review polling places. The amount of funding approved from the executive budget allows WEC to continue the polling place review program without grant funds, at every statewide election. Additionally, WEC made the commitment to continue requesting funds for this program in the future.

Wis. Stat. § 6.79(2)(a) originally stated that electors must state their full name and address and present proof of identification to the election official when checking in at their polling place. The ability of voters with some disabilities to have an assistant state their name and address for them became law in 2019. The 2019 Wisconsin Act 48 amended the statute to say, "6.79 (8) VOTER UNABLE TO STATE NAME AND ADDRESS. An elector is not required to state his or her name and address under sub. (2) (a) if the elector is unable to do so, but an election official, or another

² The Agency Budget Request for 2017-2019 can be found at https://elections.wi.gov/sites/elections.wi.gov/files/publication/128/2017_19_wec_budget_submission_pdf_14351.pdf.

person selected by the elector, shall state the elector's name and address after the election official verifies the elector's proof of identification under sub. (2) (a).” The new statute eliminates a barrier for voters who are unable to state their name and address.³

In July 2020, the Seventh Circuit Court of Appeals issued a decision on the *One Wisconsin Institute* case that clarified several voting laws. One of these clarifications included a restriction that only allowed the sending of emailed and faxed ballots to military and overseas voters. Under the prior injunction, there was no prohibition on a clerk sending regular voters a ballot by email, but clerks were also not required to fulfil those requests. These emailed ballots were able to be tagged and allowed a voter to use a screen reader to mark their ballot. Voters were still required to print, sign, and have a witness sign the certification, and mail back their ballot to their clerk, but the emailed ballot allowed voters to independently fill out their absentee ballot. The *One Wisconsin Institute* decision eliminated this opportunity. The Wisconsin Elections Commission is exploring alternative options for a voter to fill out a ballot independently, including expanding access to a braille ballot and large print ballot.

In July 2022, the Wisconsin Supreme Court filed its opinion in *Richard Teigen et al. v. Wisconsin Elections Commission et al.*, 403 Wis.2d 607. The case largely focused on the legality of the use of secure absentee ballot drop boxes across the state, but the Court also examined Commission guidance relating to voter assistance with the mailing or returning of an absentee ballot by third parties. The Court affirmed the trial court's ruling that Wis. Stat. § 6.87(4)(b)1. allowed only two lawful methods for casting an absentee ballot. Those methods included the elector placing the envelope containing the ballot in the mail or returning it to the clerk personally. The Court did not address VRA allowances relating to return assistance for those with disabilities.

A second case, *Timothy Carey et al. v. Wisconsin Elections Commission et al.* (22-cv-cv-402jdp), provided additional confirmation that the provisions of the VRA can be lawfully applied to absentee ballot mailing and return assistance for disabled Wisconsin voters. The court, therefore, enjoined parties from enforcing Wis. Stat. § 6.87(4)(b)1. in a manner that would prevent a disabled voter from receiving assistance, unless the assistor is the voter's employer or agent of that employer, or an agent of the voter's union.

Wisconsin Elections Commission Accessibility Program

The Wisconsin Elections Commission has created and maintained a multi-faceted program to improve polling place accessibility in Wisconsin. The Accessibility Program consists of four main initiatives: the Polling Place Accessibility Review Program, the Accessibility Advisory Committee, the Supply Program, and Clerk Support.

³ 2019 Wisconsin Act 48 can be found at <https://docs.legis.wisconsin.gov/2019/related/acts/48>.



POLLING PLACE REVIEW PROGRAM



ACCESSIBILITY ADVISORY COMMITTEE



SUPPLY PROGRAM



CLERK SUPPORT

The **Polling Place Review Program** reviews each zone of the polling place to ensure that it is accessible. Each polling place that is reviewed receives a list of any issues found and is required to submit a plan of action report to resolve each issue.

The **Accessibility Advisory Committee** is made up of local disability advocacy organizations that participate in meetings with the WEC multiple times per year. They provide vital feedback on materials and WEC initiatives that ensure we are prioritizing accessibility.

The **Supply Program** provides clerks with free accessibility supplies that include but are not limited to traffic cones, wireless doorbells, and signs for accessible entrances, parking, and curbside voting.

Lastly, **Clerk Support** is essential to the Accessibility Program. Training includes our Polling Place Accessibility Survey that clerks are required to fill out for new polling places, webinars, memos, curbside voting information, and other accessibility-focused training materials.

Polling Place Accessibility Reviews

All reviews are conducted using the Polling Place Accessibility Survey that was developed with the assistance of the WEC Accessibility Advisory Committee. The survey asks approximately 100 questions based upon the requirements outlined in the Americans with Disabilities Act, the Americans with Disabilities Act Accessibility Guidelines (ADAAG), the ADA Checklist for Polling Places, the ADA Guide for Small Towns, and Wisconsin Building Codes. Questions were designed to ensure that reviewers are able to answer questions accurately, regardless of their background knowledge of ADA. Reviewers are given a two-and-a-half day training to understand the survey and to learn how to complete the surveys quickly and accurately. This training includes a history and purpose of the review program, how to handle interactions with the chief inspector, how to evaluate polling place accessibility quickly and accurately, and a mock polling place review conducted in partnership with the City of Madison Clerk's Office. The survey is organized into five distinct polling place zones and categories within each zone. This allow a reviewer to answer questions that pertain to a specific location and disregard

questions that are not applicable to that location.⁴ Questions are designed to address physical accessibility targeted at areas that a voter may interact with on Election Day.

1. **Parking:** Includes off-street parking, drop-off zones, and on-street parking.
2. **Pathways:** Includes general pathway information, curb cuts, and ramps. General information includes the width of pathways, obstacles/hazards in pathways, and lighting.
3. **Accessible Entrance:** Includes doors, ramps, and threshold ramps that a voter may experience at the entrance of the building.
4. **Interior Route(s):** Includes corridors, doors, ramps, elevators, and wheelchair lifts. Corridors include signage, width, obstacles or hazards in pathways, and lighting. Elevators and wheelchair lifts consider controls or buttons, cab or lift space, and whether the elevator or lift is functional.
5. **Voting Area:** Includes notices, accessible setup, and accessible voting equipment. Notices include all required postings, including notices, maps and street directories, and sample ballots. Accessible setup includes accessibility of the paths of travel and the voting booth. Accessible voting equipment includes whether the voting equipment is set up, powered on, working and provides voter privacy.

In addition, WEC staff worked with the Accessibility Advisory Committee to assign a low, medium, or high severity ranking to each question. These determinations allow Commission staff to obtain a more nuanced understanding of the accessibility of each polling place. The severity rankings are defined as:

1. **Low Severity:** A low severity finding indicates a barrier that makes it more difficult for an elector with a disability to enter a polling place and cast a ballot privately and independently. Low-severity barriers are unlikely to prevent an elector with a disability from exercising their right to vote but do add extra burdens that are not faced by voters without disabilities.
2. **Medium Severity:** A medium severity finding indicates a barrier that makes it significantly more difficult for a voter with a disability to enter a polling place and cast a ballot privately and independently. Medium-severity barriers, especially in combination, can prevent a voter with a disability from exercising their right to vote and add significant burdens that are not faced by voters without disabilities.
3. **High Severity:** A high severity finding indicates a barrier that, in and of itself, would be likely to prevent a voter with a disability from entering a polling place and casting a ballot privately and independently.

After each election where reviews are conducted, WEC provides review findings to each municipality for each polling place visited. These reports detail the problems identified on Election Day and provide municipal clerks with suggested resolutions to these issues. Clerks are required to file a Plan of Action with the WEC that addresses all concerns outlined in the review report. WEC staff then reviews each Plan of Action and works with each municipality to ensure

⁴ Full text of the clerk version of the Polling Place Accessibility Survey can be found on the WEC website at: <https://elections.wi.gov/clerks/guidance/accessibility/new-polling-place>

cost-effective and comprehensive solutions are put into place. Local election officials are provided with the opportunity to order specific accessibility-related supplies to assist their efforts in remedying problems. Those supplies are purchased by the WEC using state funds and are sent to requesting municipalities at no cost to them. These supplies can include signature guides, page magnifiers, wireless doorbells, cones, and various signs for parking areas, pathways, and accessible entrances.

Until the 2014 Partisan Primary, paper reports were generated for each review conducted. To address the high administrative burden of this paper-based system, elections staff worked to develop an electronic platform for reporting review results to local election officials. The Polling Place Accessibility Reporting System was launched in early 2015 and allows clerk users to view reports online, file their Plan of Action electronically, and access reference materials to explain and aid polling place accessibility efforts. The System allows staff to customize reports with specific explanations of problems and photos taken during site visits, leveraging the use of technology to improve the efficiency and effectiveness of the review program.

All reviewers are provided with tablets to simplify the process of sending the survey to the clerk. This customizable format of the electronic survey allows reviewers to logically skip portions of the survey that do not apply to the polling place, such as skipping an off-street parking section if the polling place does not have off-street parking. Another benefit of using tablets is that reviewers can efficiently take photos of each polling place and accessibility concerns. In 2023, the WEC purchased upgraded Windows Surface tablets for use in 2024. These tablets provide reviewers with higher photo quality, increased battery life, and improved features to simplify the reviewing process and increase the quality of the data collected.

WEC staff are currently working on a redesign process to update the Access Elections data storage website and the tablet software used to support the site review program. This site also allows clerks to see their site review problems and submit plans of action in response to each problem. Staff plan to improve the tablet application, redesign the clerk portal, and simplify the process of downloading and analyzing data to create more efficient processes for verifying and providing the results of site reviews to municipalities. The anticipated completion timeline for this project is late 2023. These improvements will allow for increased usability by comparing past accessibility reviews from the same polling place and improve user experience on the website.

Polling Place Accessibility Reviews 2022-2023 Summary

In 2022 the WEC fostered partnerships with Disability Rights Wisconsin and the Wisconsin Coalition of Independent Living Centers. Staff from both organizations participated in the review program providing expertise from their work in disability rights and ADA compliance.

In total 421 polling places were reviewed in 2022:

- 35 at the Spring Primary.
- 75 at the Spring Election.
- 131 at the Partisan Primary.
- 180 at the General Election.

These polling places were spread across 333 municipalities in 44 counties. The data collected mirrored many of the same trends from data collected in previous election cycles. There were 2,503 non-compliant findings at the 421 polling places averaging 5.9 non-compliant findings per polling place with a median of 5 non-compliant findings per polling place.

Figure 1: Counties Visited in 2022

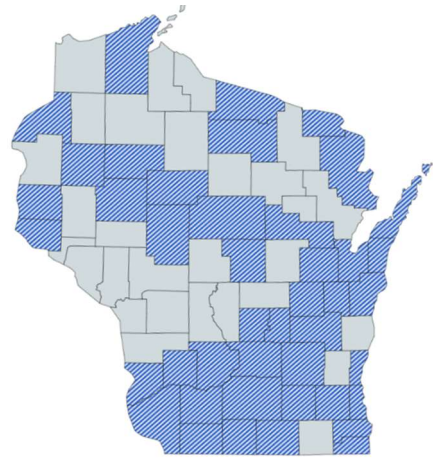
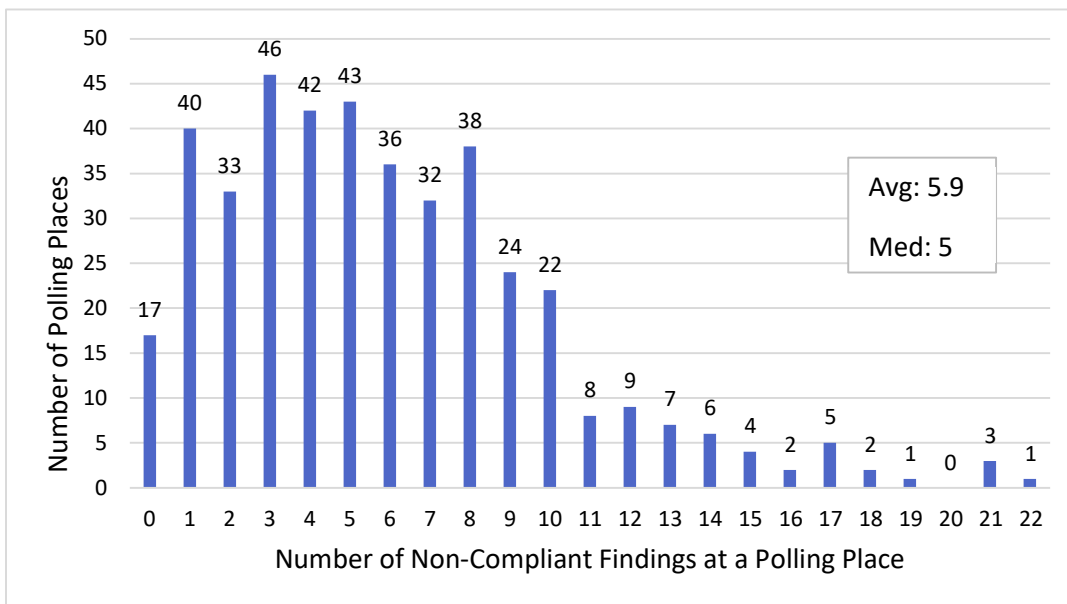


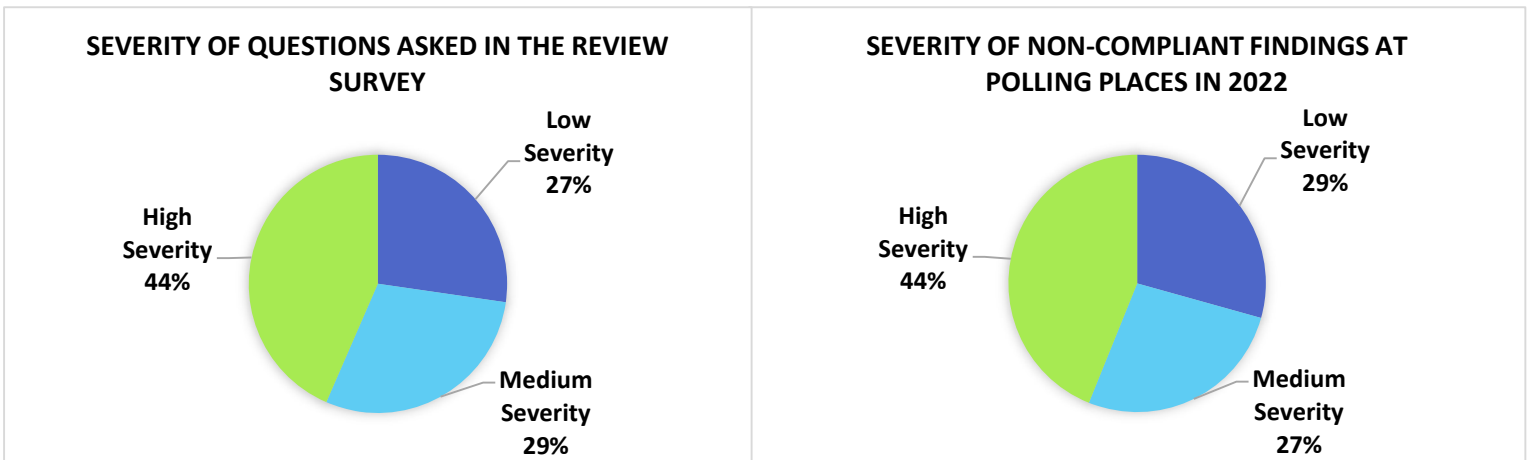
Figure 2: Frequency of Total Non-Compliant Findings in Polling Places Reviewed in 2022



The average is down from 7 non-compliant findings per polling place in 2020. Data shows there tend to be more non-compliant findings in years with presidential elections. Higher voter turnout causes polling places to be more crowded, and reduced space negatively impacts accessibility for voters with mobility aids, like wheelchairs and walkers. Less room to maneuver can also decrease privacy at accessible voting booths and accessible voting equipment.

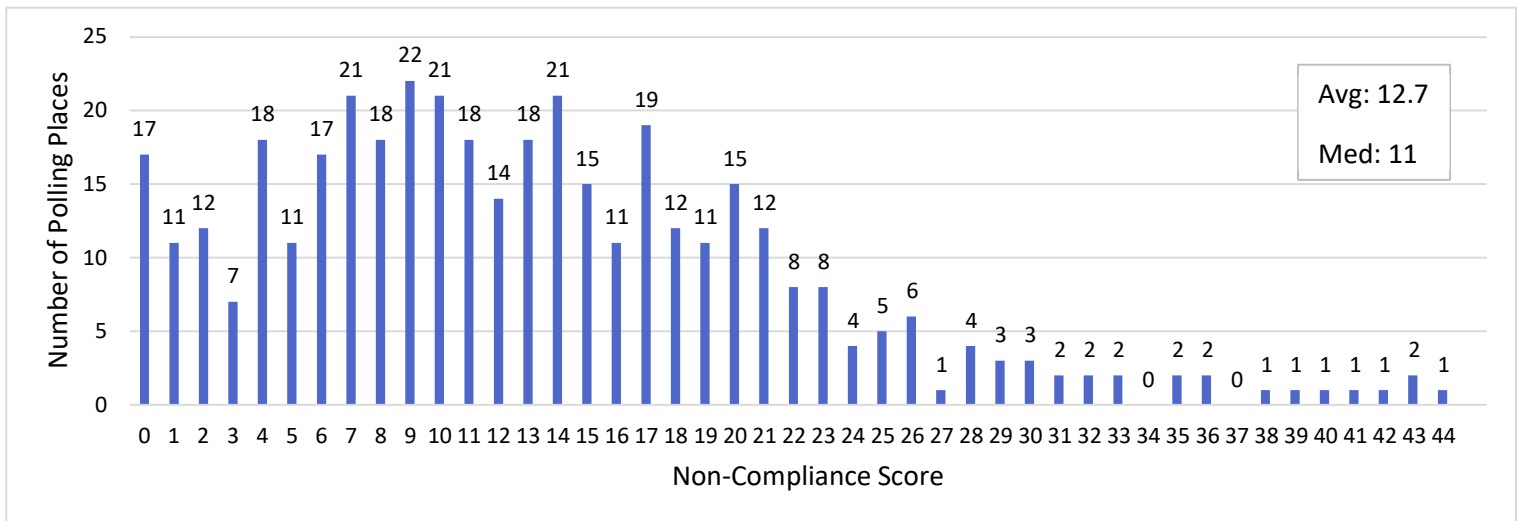
Of the 2,495 total non-compliant findings, 29% (732) were low severity, 27% (668) were medium severity, and 44% (1095) were high severity. The distribution of findings across the three severity ratings matches the distribution of questions across the severity ratings almost exactly, so no one severity rating has significantly more or less findings than another.

Figure 3: Non-Compliant Findings by Severity at Polling Places Reviewed in 2022 vs. Questions by Severity in the Review Survey



A polling place’s non-compliance score is calculated by multiplying each non-compliant finding at a polling place by its severity. Non-compliant findings with a low severity are multiplied by one, medium severity are multiplied by two, and high severity are multiplied by three. The sum of these calculations is the polling place’s non-compliance score. Lower scores are more compliant, and higher scores are less compliant. The average non-compliance score for polling places reviewed in 2022 was 12.7 and the median was 11. A list of the polling places with a non-compliance score of three or lower can be found in Appendix B.

Figure 4: Frequency of Non-Compliance Scores for Polling Places Reviewed in 2022



Ten Most Common Findings

The most common non-compliant findings are similar to those in previous election cycles. The ten most common findings in 2022 are shown in Figure 1. A complete list of all findings sorted by frequency can be found in Appendix A. Insufficient signage for van accessible parking spaces and accessible entrances have been some of the most common findings for over a decade. The most common non-compliant finding was for the accessible entrance to be lacking a sign. A sign is required even when the accessible entrance is the only entrance to a building, as was the case at many of the polling places with this finding. The second most common non-compliant finding involved the off-street parking area and can occur for several reasons. There are four elements that make a parking space van accessible: a width of eight feet, a marked access aisle with a width of eight feet, a sign indicating it is van accessible, and eight feet and two inches of vertical clearance. If any of these elements are missing, the parking space is not considered van accessible and will not count towards the number of van accessible parking spaces required for the total number of parking spaces in the lot.

Table 1: Ten Most Common Non-Compliant Findings at Polling Places Reviewed in 2022

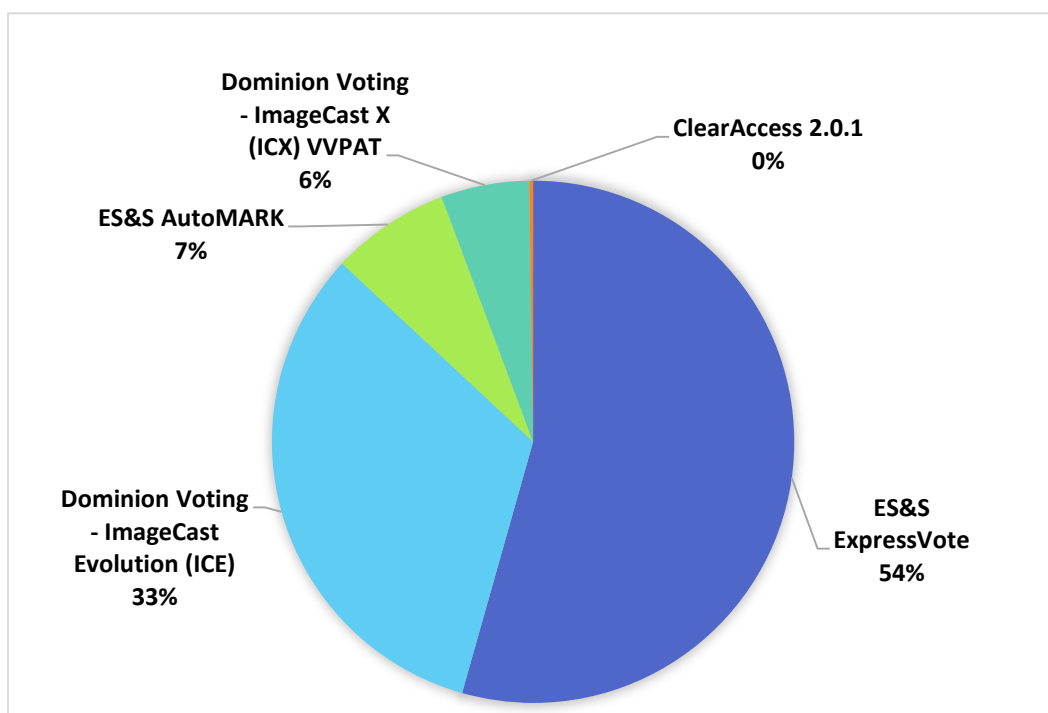
Rank	Finding	Severity	Count
1.	The accessible entrance was not clearly marked at the door.	High	208
2.	The off-street parking area did not have enough van-accessible spaces and accessible spaces for the number of total parking spaces.	Medium	168
3.	The accessible parking sign in the off-street parking area was not posted high enough.	Low	164
4.	Required election notices and instructions were not posted in at least 18-point size font.	High	137
5.	The accessible entrance door required more than 8 pounds of force to open.	High	87
6.	The accessible voting equipment was positioned in a way that, if a person was seated or standing at the machine, others might see how the voter was marking his/her ballot.	High	85
7.	The Type D Polling Place Hours and Location Notice was not posted.	Low	77
8.	The accessible booth or table in the voting area was not set up to ensure voter privacy. It was positioned in a way that other voters or visitors to the polling place could see how a voter at the table was marking their ballot.	High	75
9.	The accessible parking spaces in the parking area were not on level, firm, stable and slip-resistant ground.	Medium	67
10.	The accessible pathway (including any grating surface) had breaks, cracks or edges where the difference in height was over 1/2".	Medium	66

The sixth most common non-compliant finding is related to a lack of privacy at the polls with accessible voting equipment. The WEC has received numerous concerns about the use of accessible voting equipment being compliant with federal and state law from both voters and advocacy groups including members of the AAC. There were six models of accessible voting equipment in use during the 2022 election cycle. Only five of those models were present at the polling places reviewed: ClearAccess 2.0.1, Dominion Voting – ImageCast Evolution (ICE), Dominion Voting – ImageCastX (ICX), ES&S AutoMARK, and ES&S ExpressVote.

Table 2: Models of Accessible Voting Equipment Used at Polling Places Reviewed in 2022

Accessible Voting Equipment Type	Total Reviewed
ES&S ExpressVote	229
Dominion Voting - ImageCast Evolution (ICE)	137
ES&S AutoMARK	31
Dominion Voting - ImageCast X (ICX) VVPAT	23
ClearAccess 2.0.1	1

Figure 5: Models of Accessible Voting Equipment Used at Polling Places Reviewed in 2022



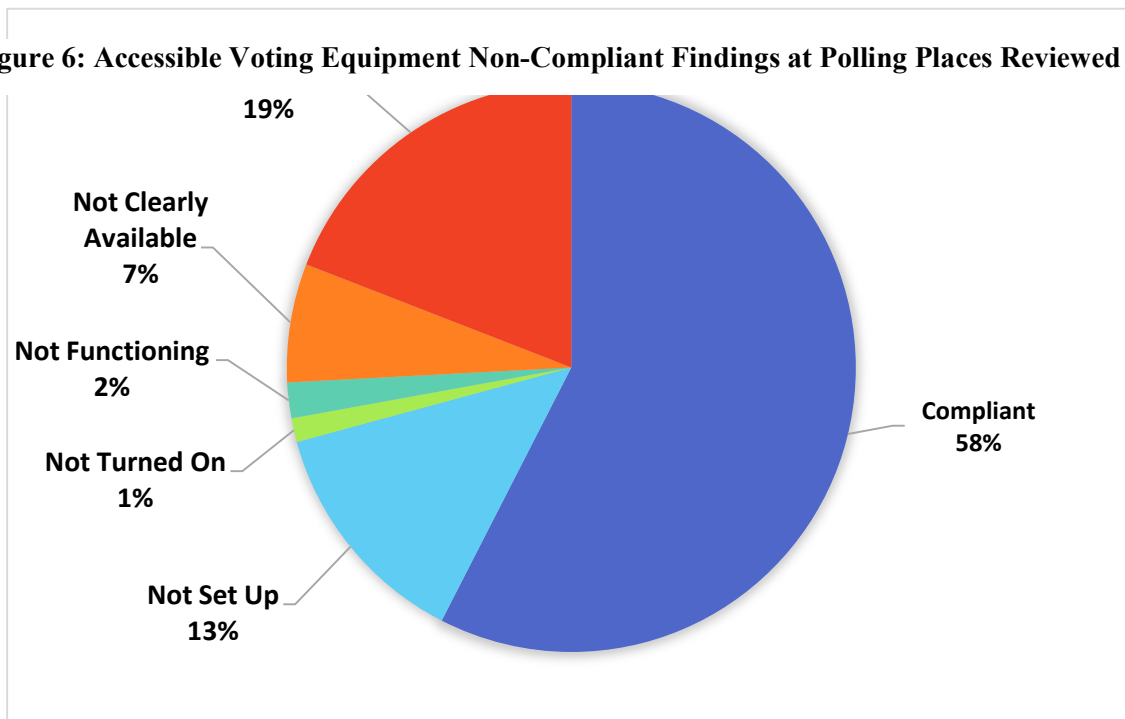
The review survey asks five questions about accessible voting equipment, not including questions related to the dimensions of the table or stand the equipment rests on. Wis. Stat. 5.25(4)(a) requires that each polling place must have accessible voting equipment available for voters to use while polls are open. It also must provide the same degree of independence and privacy that is afforded to all other voters in the polling place. The review survey asks five questions to assess compliance with those standards:

1. Is the accessible voting equipment set up at the time of the review (high severity)?
2. Is the accessible voting equipment powered on at the time of the review (high severity)?
3. Is the accessible voting equipment functioning properly at the time of the review (high severity)?
4. Is the accessible voting equipment in a location where voters would see it and know it was available when they entered the voting area (medium severity)?
5. Is the accessible voting equipment positioned in a way that, if a person was seated or standing at the machine, others would not see how the voter was marking their ballot (high severity)?

Table 3: 2022 Non-Compliant Accessible Voting Equipment Findings by Model

Accessible Voting Equipment Type	Not Set Up	Not Turned On	Not Functioning	Not Available to Voters	Not Private
ES&S ExpressVote	22	2	7	16	55
Dominion Voting - ImageCast Evolution (ICE)	33	4	2	12	21
ES&S AutoMARK	3	0	0	2	7
Dominion Voting - ImageCast X (ICX) VVPAT	1	0	0	0	2
ClearAccess 2.0.1	0	0	0	0	0

Figure 6: Accessible Voting Equipment Non-Compliant Findings at Polling Places Reviewed in 2022

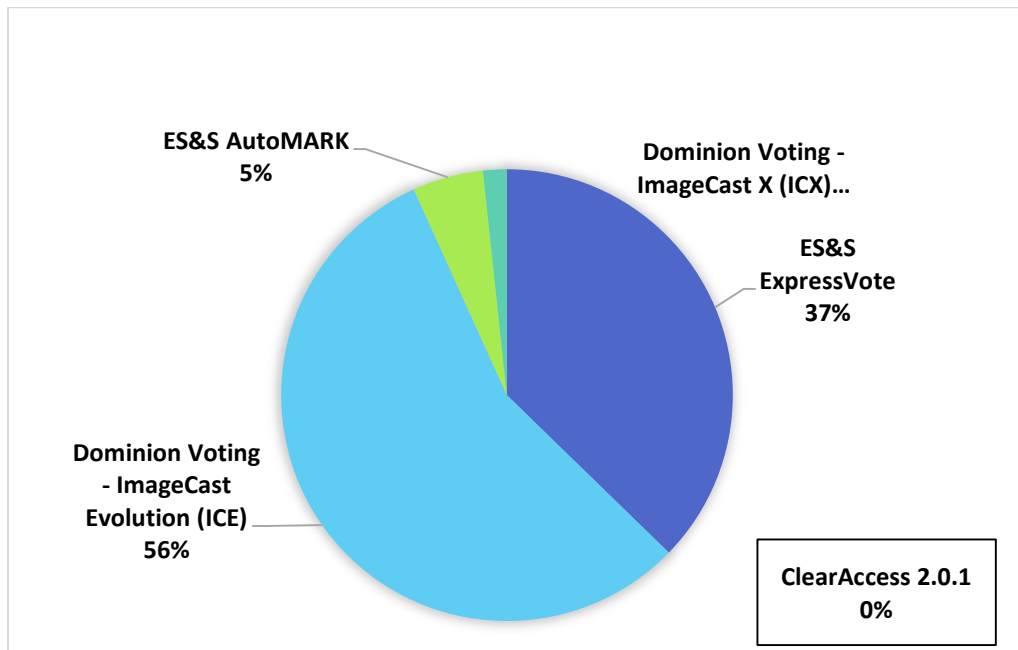


58% of the polling places visited in 2022 had accessible voting equipment set up in compliance with standards in federal and state law. The most common type of non-compliance is a lack of privacy followed by the accessible voting equipment not being set up. There is some variation in compliance between models of accessible voting equipment.

For proper setup of accessible voting equipment, the headphones and tactile keypad should be plugged in and resting on the table in front of the machine so a voter can use the equipment without requiring assistance from an election inspector. This aids in providing equal independence to voters using the accessible voting equipment as is required by law. If accessible voting equipment is not set up, the reviewer is not prompted to answer the remaining questions in the section.

Dual purpose voting equipment that is a tabulator and accessible voting equipment, like the ICE, cannot be set up and ready to use without assistance from an election inspector. Reviewers are trained to ask an election inspector how they would accommodate a voter who asks to use the ICE for an accessible voting session. If the election inspector can explain the polling place's procedure, it is considered set up, turned on, and functioning. If the election inspector cannot explain the polling place's procedure or is unaware that the ICE can also function as accessible voting equipment, it is considered not set up and the reviewer is not prompted to answer the rest of the accessible voting equipment questions. While only 33% of the accessible voting equipment reviewed were the ICE, it accounted for 56% of the accessible voting equipment that was not set up.

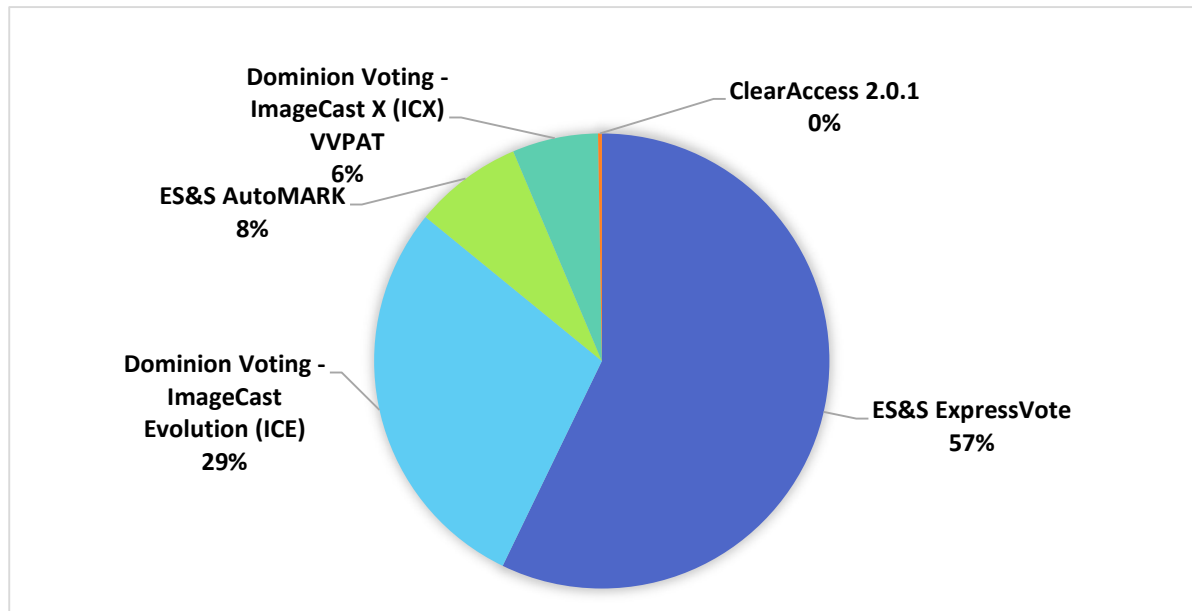
Figure 7: Rate of Accessible Voting Equipment Not Set Up at Polling Places Reviewed in 2022 by Model



The remaining questions are only asked for the accessible voting equipment that was set up. See Figure 7. Only six out of the 362 pieces of accessible voting equipment that were reviewed were set up but not turned on, and only nine were set up and turned on but not functioning properly.

To determine if equipment is not functioning properly, reviewers are trained to look for error messages on the screen. If there are none, the equipment is determined to be functioning properly. Reviewers are instructed to ask the chief inspector to set up and turn on equipment if it is not at the time of the review. If the accessible voting equipment is not set up, turned on, or functioning properly at the time of the review, reviewers are instructed to immediately report the status of the equipment to the WEC Accessibility Specialist who will work with the municipality to correct the problem as quickly as possible.

Figure 8: Models of Accessible Voting Equipment Set Up at the Time of the Review

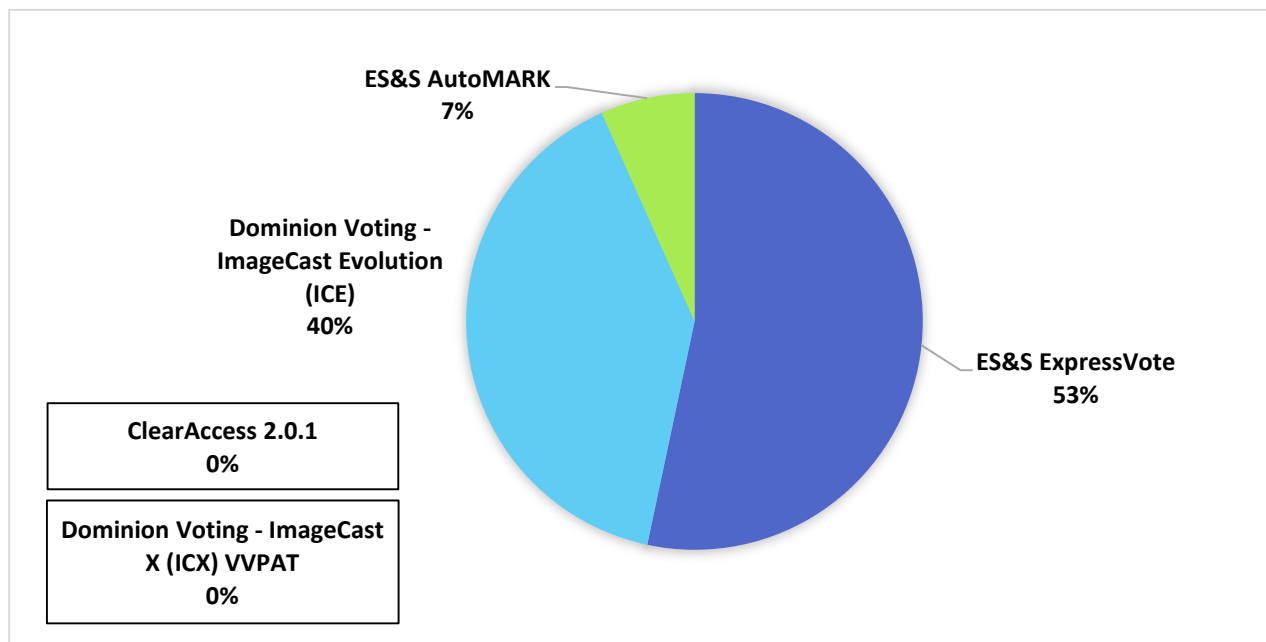


To determine if the accessible voting equipment is set up so voters would see it and know it is available to use, reviewers look for the equipment to be in the voting area with the voting booths and not hidden around corners or behind obstacles. Many voters are not familiar enough with accessible voting equipment to be able to identify it in their polling place. Dual function equipment like the ICE can make identification of accessible voting equipment more difficult. While the ICE made up only 29% of accessible voting equipment that was set up, it accounted for 40% of findings that the accessible voting equipment was not clearly available.

HAVA 301(a)(3)(A) specifies that accessible voting equipment must be accessible to blind and visually impaired voters because they must be afforded the same opportunity for access and participation as sighted voters. Since there are voters who may not be able to see the voting area

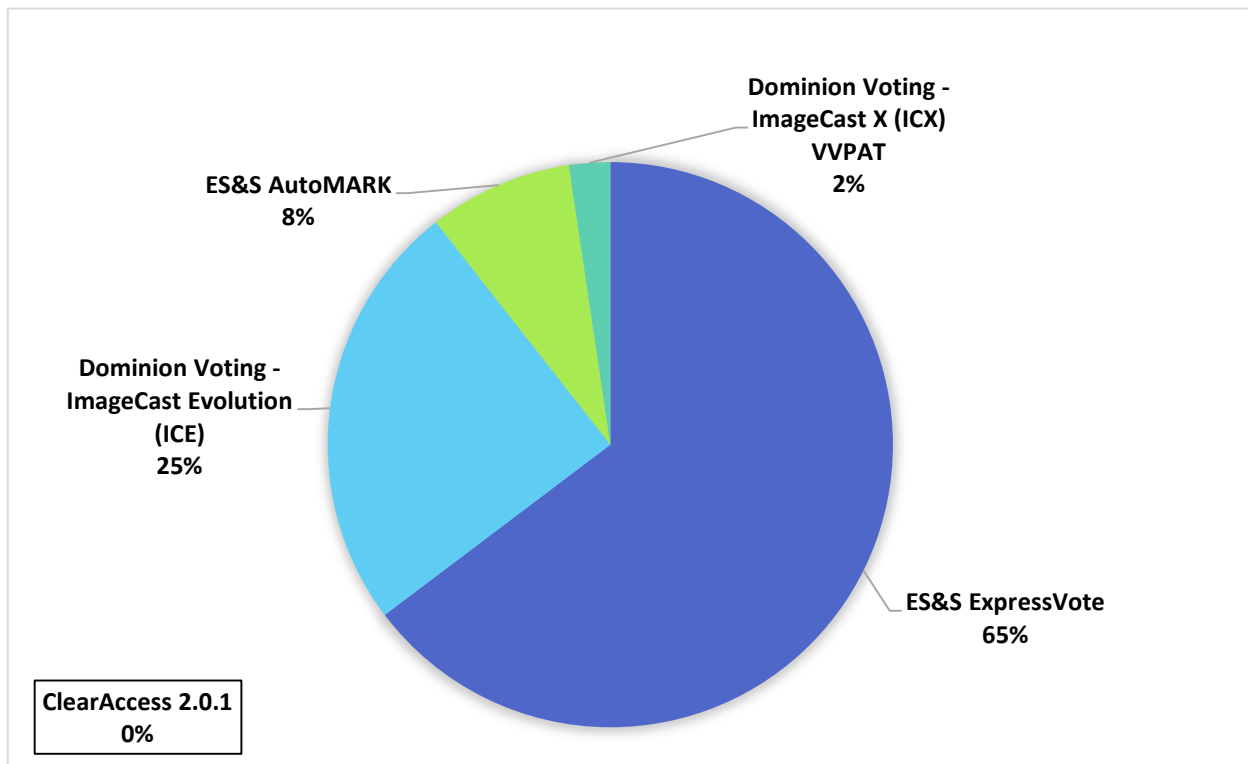
or recognize voting equipment, the most effective method to meet the clearly available standard is for election inspectors to offer accessible voting equipment to each voter. This may not be able to be assessed if there are no voters at the polling place during the review.

Figure 9: Models of Accessible Voting Equipment That Were Clearly Available at the Review in 2022



Ensuring privacy with accessible voting equipment is more complex than at a standard voting booth. A privacy shield alone is unlikely to provide sufficient privacy. When a voter is standing in a voting booth, their body is blocking the view of their ballot from passersby. When a voter is seated either marking a paper ballot or using accessible voting equipment, someone standing or walking behind them can see the ballot over the voter’s shoulder. If the accessible voting equipment is positioned so the voter is facing a wall with their back to the center of the room, which is how standard voting booths are often positioned, it is unlikely that voter is being provided the same level of privacy as other voters in that polling place. The audio tactile interface (ATI) of accessible voting equipment reads the ballot to the voter and provides audio cues for the voter to navigate and mark their ballot. This is why headphones, and the tactile keypad are a necessary part of set up. Voters using the ATI may adjust the volume to their needs. Other people in the polling place should not be so close that they can hear how a voter is marking their ballot. While the ExpressVote was only 57% of the accessible voting equipment that was set up, it accounted for 65% of findings that the accessible voting equipment was not private.

Figure 10: Models of Accessible Voting Equipment Lacking Privacy at their Review in 2022



Additionally, when a polling place uses dual purpose equipment like the ICE and does not have an auxiliary screen to allow tabulation and accessible voting sessions to be run simultaneously, providing equal privacy can be a challenge. When a piece of equipment is functioning as a tabulator, it must be positioned so voters can deposit their ballots and keep the flow of traffic moving. For this reason, it is often positioned near the exit and not near the voting booths.

Typically, the screen of the tabulator faces into the room so voters can see it when they deposit their ballot. For an accessible voting session, the ICE should be repositioned so the screen faces a wall or corner, and no one can be behind the voter while they are marking their ballot. Reviewers are trained to ask an election inspector what the procedure is for maintaining privacy for a voter using the ICE. If the election inspector can explain the polling place's procedure for providing a voter privacy, it is considered private. If the election inspector cannot explain the polling place's procedure, the accessible voting equipment is considered not private. It is important to note that if an election inspector was unable or unaware of the polling place's procedure for providing accessible voting sessions, the reviewer was not prompted to answer the remaining questions including the question about privacy.

Without an auxiliary screen for accessible voting sessions, an election inspector must pause tabulation and begin an accessible voting session for the voter. The ICE has a locked bin on its side where other voters can deposit their ballots during this time. Marking a ballot using the ICE can take longer than marking a ballot by hand, especially if a voter is using the audio tactile

interface and having the ballot read to them. Once the voter has completed their accessible voting session, election inspectors return the ICE to its tabulating function and deposit the ballots from the locked compartment. Some voters may prefer to wait until the accessible voting session is finished so they can insert their own ballot into the tabulator. This can stop the flow of traffic and create a line of people waiting near the voter using the accessible voting equipment. Each polling place should have a plan in place to redirect voters to wait away from the voter completing an accessible voting session.

Conclusion

Reviewing 421 different polling places throughout the state provided the WEC with data on current accessibility issues in polling places which can be used to identify common concerns. WEC staff provides clerks with a report for each of their polling places reviewed. Then, clerks complete a Plan of Action by choosing a recommendation provided by staff or by working with staff to come up with a unique solution for their problems. Some of the non-compliant findings can be rectified using free supplies from the Accessibility Supply Program. This includes solutions to the two most common non-compliant findings. The Supply Program offers accessible entrance signs, accessible parking signs, van-accessible signs, curbside voting signs, wireless doorbells, and orange cones among other items. Staff reviews and approves plans, and clerks certify they will follow through with their Plan of Action. WEC staff also plans to continue to train accessibility best practices with clerks and their election inspectors to make sure a voter's polling place is as accessible as possible. WEC staff will continue to work with partners on the Accessibility Advisory Committee as well as reviewers after the 2023 spring elections to further improve the polling place review program with updated questions to better capture voters' experiences in polling places.

Accessibility Advisory Committee

Through 2022 and 2023 WEC staff continued to work closely with members of the agency's Accessibility Advisory Committee (AAC) and their organizations. A complete list of members and their organizations can be found in Appendix C. The AAC meets quarterly at open meetings hosted virtually on Zoom. Committee members discuss the actions of the agency's accessibility program, relevant litigation, complaints, and other timely topics.

WEC staff worked with AAC members on training and outreach to local election officials about polling place accessibility. Various Committee members were panelists on two live webinars in 2022. In live webinars clerks are able to ask questions and receive answers from experts in the field of disability and voter rights. One of the webinars was about accessible polling place setup and the other was on accessible voting equipment which was paired with additional resources for local election officials. Both webinars can be found on the agency's [Vimeo showcase for Election Accessibility](#) along with previous videos made with the Disability Vote Coalition.

Committee members have focused on improving the use of accessible voting equipment. Every polling place in the state has had a piece of accessible voting equipment since 2006 as required under the Help America Vote Act (HAVA). When used appropriately, accessible voting

equipment provides voters with disabilities the same grade of privacy and independence as voters without disabilities. Different models of accessible voting equipment and how they are set up and positioned in a voting area can make compliance vary between polling places.

Committee members' most significant concerns regarding accessible voting equipment are related to dual function voting equipment that is both a tabulator and a piece of accessible voting equipment. Without an auxiliary screen for a voter to complete accessible voting sessions concurrently with other voters depositing their ballots, an election inspector must pause tabulation while the voter uses the accessible features to mark their ballot. Committee members have expressed concern about the vulnerable position this puts voters with disabilities in as some voters choose to remain in the polling place until the accessible voting session is done to insert their ballot into the tabulator themselves rather than depositing their ballot into the locked compartment on the machine which is the standard procedure for this situation.

Committee members have raised concerns about the accessibility of absentee voting as well. Voters with blindness or low vision still do not have an accessible absentee ballot or certificate envelope that can be marked independently. Additionally, Committee members have seen a rise in voter confusion regarding absentee ballot return and assistance due to the multiple court decisions on the issue.

WEC staff worked closely with members of the AAC to recruit more people to perform polling place accessibility reviews. No reviews occurred between the Spring Primary in February of 2020 and the Spring Primary in February of 2022 due to the COVID-19 pandemic. The agency's long-time partner Disability Rights Wisconsin continues to provide professionals from the disability rights and advocacy field to conduct reviews with the WEC. In 2022, the WEC was able to work with the Wisconsin Coalition of Independent Living Centers for the first time to assist with polling place accessibility reviews. There are eight Independent Living Centers across the state each with assessors trained in Title II of the Americans with Disabilities Act (ADA). These assessors have more professional experience in ADA compliance than other reviewers the agency has worked with in the past. Their attention to detail and commitment to accuracy has improved the quality of data WEC staff receives from these reviews and saves WEC staff hours of organizing data.

WEC staff remains involved in the disability voting rights and advocacy community at large through invitations to present at and attend various events. WEC staff was invited to give a presentation about the 2022 election cycle and accessible voting at the National Federation of the Blind of Wisconsin's Conference by the President who serves on the AAC. The main concerns voiced by this group included the loss of screen reader friendly absentee ballots following the One Wisconsin decision in the summer of 2020 and the availability of accessible voting equipment at their polling places. Following this event, when presenting at clerk training, WEC staff emphasize the need for poll workers to offer accessible voting equipment to every voter.

WEC staff virtually attended the Self-Determination Conference hosted by the Wisconsin Board for People with Developmental Disabilities. WEC staff was particularly interested in

presentations on accessible technology and transportation as both access to appropriate technology and transportation are often cited by voters with disabilities as barriers to voting.

WEC staff was invited by Disability Rights Wisconsin to collaborate on a presentation at the Department of Health Services' FOCUS Conference on the topic of voting in residential care facilities and retirement homes served by Special Voting Deputies.

Supply Program

The data gathered by the review program has provided a baseline for polling place accessibility in Wisconsin. This information has been used to identify common problems with polling place set-up and accessible voting equipment and general problems with municipal and private facilities where polling places are located. Review of this data allowed WEC staff to adjust the existing training protocol and develop additional training resources. As detailed earlier in this report, specific problems identified during polling place reviews are also reported to municipalities to improve compliance. In addition to providing this guidance, the WEC has purchased and distributed accessibility-related supplies to assist local elections and municipal officials with completing the necessary polling place changes. Supply orders are generally expected to correspond with findings from either a self-reported or WEC-conducted review, but municipalities can request any supplies that improve accessibility if they designate a need for the supplies with their request.

In the 2022-2023 reporting period, 154 orders were placed by 140 municipalities. The most popular supplies are the orange cone, page magnifier, curbside voting sign with space to write a phone number, wireless doorbell, and accessible entrance sign. With the exception of the page magnifier and curbside voting sign, these supplies can be used to address some of the most common non-compliant findings. The accessible entrance window decal solves the problem of unmarked accessible entrances. Orange cones can be used to mark temporary accessible parking spaces and access aisles, and a wireless doorbell can be used to alert election inspectors that a voter needs assistance entering the polling place because the door is too heavy.

Clerk Support

Wisconsin law requires one certified chief inspector to be present in every polling place on Election Day while the polls are open and mandates that all municipal clerks attend a state-sponsored training program at least once every two years. The Wisconsin Elections Commission, pursuant to Wis. Stats. §§ 7.31 and 7.315, developed curriculum for the training and certification of chief inspectors and municipal clerks.

In 2022 the WEC collaborated with members of the Accessibility Advisory Committee (AAC) to present two live webinars to clerks and local election officials. Live webinars are hosted over Zoom and provide attendants an opportunity to ask questions to WEC staff and guest panelists. The first webinar covered accessible polling place set-up and was presented by WEC staff and three members of the AAC. While polls are open a polling place must be compliant with the Americans with Disabilities Act (ADA). The second webinar covered best practices concerning

accessible voting equipment and two members of the AAC and a local election official. The webinar reviewed how clerks could ensure the accessible voting equipment in their polling places met standards for privacy and independence set in both the Help America Vote Act (HAVA) and state statute. Since running a polling place on Election Day is the responsibility of the Chief Inspector and not the clerk, WEC staff created fact sheets that cover basic best practices for accessible voting equipment to be used by election inspectors. Webinars and associated materials can be found on the [Polling Place Accessibility page](#) of the WEC's website.

Accessibility Concern Form

In 2021, the Accessibility Advisory Committee recommended having an informal way for individuals to report accessibility-related concerns, such as a form on the website. In response to this suggestion, the WEC created a concern form focused on accessible voting issues and added it to the agency website. This form allows for a structured process for individuals to report incidents to the WEC and have them resolved or followed-up with quickly. On the concern form, the voter must select from a drop-down menu that includes polling place accessibility, curbside voting, voting equipment, website accessibility, and other. Each category has various issues that a voter can select, and if they choose, enter their contact information for staff to follow up. Below is a summary of the concerns that the WEC received in 2022.

- Questions or issues returning an absentee ballot (9)
- Parking/curbside voting issues (4)
- Training issues with poll workers (2)
- Lack of signage (2)
- Privacy (1)
- Photo ID (1)

Please note that this list does not include unrelated concerns that were submitted using the concern form, including concerns about the USPS, and receiving an absentee ballot on time, concerns for the amount of poll workers hired for an election, and questions about voting equipment jams. Those issues were addressed by WEC staff with voters but are not included in this data above.

Voters still have the option to file a sworn complaint, and it is often suggested especially for voters who want formal outcomes or who have an issue that cannot be resolved quickly.

Best Practices from Around the State

Clerks across the State of Wisconsin worked tirelessly to assist voters with disabilities and brainstorm creative solutions to problems. This list is just a few examples and is in no way comprehensive and can never represent all the work that clerks do daily to make voting accessible.

The **Town of Montello** and the **City of Eau Claire** appointed chief inspectors who were voters with disabilities themselves. It is important that election workers are representative of their

community, and all of our communities include people with disabilities. Chief inspectors and election inspectors who have first-hand experience navigating public spaces with a disability, are able to quickly and effectively ensure that the polling place is accessible for everyone who uses it.

Milwaukee County and the **City of Madison** continued to offer braille ballots to voters who requested them. This practice is more significant now that regular voters cannot receive their ballot electronically in a format that would allow them to use access technology.

The **Town of Fort Winnebago**, **City of Algoma**, and **City of New Berlin** all had excellent greeters at their polling places. Polling places are not required to have greeters, but greeters do important work to make polling places accessible, like watching for voters who want to vote curbside, helping to open the door, and assisting voters in navigating the interior route and voting area in their polling place.

The **Village of Weston** and **City of Superior** had limited space in their polling places, but with efficient and accessible set up, they kept voters moving through quickly. Efficiency is important to decrease the amount of time voters spend waiting in line, which can be difficult for voters with disabilities. Smaller voting areas can make it more challenging for paths of travel to be wide enough for a wheelchair or to maintain privacy at accessible voting booths, but both of these municipalities put in the extra effort to make the spaces work for the voters.

In the **City of Waunakee** chief inspectors wore aprons that said chief inspector on them. This makes the chief inspectors easy to find for both voters and other election inspectors if they have a question as well as WEC representatives conducting reviews.

In **Shawano County** and the **City of Madison**, election inspectors offered accessible voting equipment to every voter and were able to help voters use it. Offering accessible voting equipment to every voter helps voters who frequently use the equipment and voters who want to try to use the equipment to mark their ballot. It is important that election inspectors are also able to help voters learn how to use the equipment.

Conclusion

This report identifies the need for continued improvement for accessible voting in Wisconsin for elderly voters and voters with disabilities, but also outlines the work that was done in this reporting period to ensure that all voters had the ability to exercise their right to a private and independent ballot. The Wisconsin Elections Commission remains committed to visiting every polling place in the state to assess compliance with laws designed to ensure that all voters can enter their voting location on Election Day and cast a private and independent ballot. WEC staff and representatives have visited the vast majority of municipalities in Wisconsin over the last 14 years and continue to create plans to review new and unvisited polling places.

The agency's polling place accessibility review program has been successful in identifying common accessibility problems, reporting those issues to local election officials, and working

with local election officials to rectify those problems. The decrease in the average number of audit findings indicates an improvement in the accessibility of polling places.

Advocacy groups representing elderly voters and voters with disabilities were essential to decreasing barriers that voters face in Wisconsin. Going beyond physical accessibility, it is important for polling places to be accessible in every way to voters with disabilities. Creating an easy-to-use accessibility concern form allows for better tracking and ensures that WEC can tailor its training to be impactful in reducing barriers to participation. Additionally, the updated Election Day Accessibility Checklist allows clerks and poll workers to assess their polling place, including their interactions with voters, to make improvements in how the polling place is organized and how election inspectors interact with voters.

Despite the high turnover of Wisconsin election officials, it is promising that site review data was relatively consistent throughout 2011-2020. This report suggests that the data does not fully capture the experience of elderly voters and voters with disabilities. Training efforts and materials may have led to increased clerk awareness of accessibility practices, and it is possible that future accessibility reviews will reflect that these efforts have improved the accessibility of polling places for individuals with disabilities. Commission staff will continue to conduct reviews and provide supplies to clerks to increase access to the polls for all eligible voters. The Accessibility Advisory Committee will continue to meet so that advocacy groups can share their experience and expertise with Commission staff. All the information gained through these endeavors will be used to create a well-rounded training protocol for local election officials and poll workers whose aim is to ensure that all eligible voters can cast a ballot without barriers that discourage participation.

Appendix A: Non-Compliant Findings at Polling Places Reviewed in 2022 Sorted by Frequency

Rank	Finding	Severity	Count
1	The accessible entrance was not clearly marked at the door.	High	208
2	The off-street parking area did not have enough van-accessible spaces and accessible spaces for the number of total parking spaces.	Medium	168
3	The accessible parking sign in the off-street parking area was not posted high enough.	Low	164
4	Required election notices and instructions were not posted in at least 18-point size font.	High	137
5	The accessible entrance door required more than 8 pounds of force to open.	High	87
6	The accessible voting equipment was positioned in a way that, if a person was seated or standing at the machine, others might see how the voter was marking his/her ballot.	High	85
7	The Type D Polling Place Hours and Location Notice was not posted.	Low	77
8	The accessible booth or table in the voting area was not set up to ensure voter privacy. It was positioned in a way that other voters or visitors to the polling place could see how a voter at the table was marking their ballot.	High	75
9	The accessible parking spaces in the parking area were not on level, firm, stable and slip-resistant ground.	Medium	67
10	The accessible pathway (including any grating surface) had breaks, cracks or edges where the difference in height was over 1/2".	Medium	66
11	At the time of the accessibility audit, the accessible voting equipment was not set up.	High	57
12	Ward maps or street directories were not posted or prominently displayed.	Low	57
13	The accessible spaces in off-street parking area were not marked with clearly visible parking signs with the proper symbol of accessibility.	Low	51
14	The General Information on Voting Rights Under Federal Laws (EL-117) was not posted.	Low	45
15	The accessible pathway had a slope greater than 5%.	Medium	44
16	The off-street accessible parking spaces were not located nearest to the accessible entrance.	Medium	44
17	The Contact Information (EL-118) was not posted.	Low	44
18	There were not two samples of each ballot type posted.	Low	43
19	The Voter Qualification Poster (EL-115) was not posted.	Low	42
20	The Election Fraud Notice (EL-111) was not posted.	Low	40

21	The accessible pathway was not on level, firm, stable and slip-resistant ground.	Medium	39
22	The interior routes were not clearly marked by large print signs.	Medium	39
23	The electronic accessibility feature (automatic opener/power-assisted open/bell/buzzer) on the accessible entrance door was not functioning from the outside and/or inside at the time of the Accessibility Audit.	High	34
24	The voting area had no booth or table where a voter using a wheelchair may cast a paper ballot privately and independently.	High	34
25	The knee clearance from the floor to the underside of the booth or table in the voting area on which the accessible voting equipment rests was less than 27".	High	34
26	The floor space in front of the table or stand holding the accessible voting equipment in the voting area was less than 30" x 48".	High	32
27	The accessible pathway was not clearly marked by large print signs.	Low	31
28	The corridors along the accessible route inside the building had obstacles that extended more than 4" from the wall and were between 27" and 80" above the floor. Drinking fountains, fire extinguishers, and/or mounted display cases are the most common examples of these obstacles.	High	29
29	The accessible voting equipment was not in a location where voters would see it and know it is available when they enter the voting area.	Medium	29
30	The accessible entrance had door hardware that did not meet Americans with Disabilities Act (ADA) standards.	High	28
31	The interior route to the voting area had obstacles such as tables, chairs, boxes, etc.	High	28
32	The on-street parking area did not have any marked accessible parking spaces.	Low	27
33	The corridors had mats or rugs that were not secured or were folded or buckled.	Medium	24
34	The toe or knee clearance from the front to the back of the booth or table in the voting area on which the accessible voting equipment rests was less than 19".	High	23
35	The accessible entrance door required more than 8 pounds of force to open.	High	22
36	The accessible pathway did not have adequate lighting throughout Election Day.	Medium	22
37	The Type B Sample Ballot and Voting Instructions Notice was not posted.	Low	22
38	The Type C Notice of Referendum was not posted.	Low	19

39	The accessible pathway had hanging objects (flags, tree branches, banners) between 27" and 80" above the ground.	Medium	18
40	The height of the top of the booth or table in the voting area on which the accessible voting equipment rests was less than 28" or higher than 34" above the ground.	High	17
41	The Notice of Crossover Voting (EL-112/EL-112m) was not posted.	Low	17
42	The accessible pathway was not maintained and kept clear of hazards throughout Election Day.	Medium	16
43	The ramp at the accessible entrance did not have a non-slip surface.	Low	16
44	The knee clearance from the floor to the underside of the booth or table in the voting area was less than 27".	High	15
45	The voting area had obstacles that extended more than 4" from the wall and were between 27" and 80" above the floor. Drinking fountains, fire extinguishers, and/or mounted display cases are the most common examples of these obstacles.	High	14
46	The voting area was set up in a way that did not allow for an obstructed turning radius of 5' x 5' for a voter in a wheelchair.	High	13
47	The entrance to the accessible booth or table in the voting area was less than 30" wide.	High	13
48	The entrance to the booth or table in the voting area on which the accessible voting equipment rests was less than 30" wide.	High	12
49	The van-accessible parking space in the off-street parking area did not have 8'2" of unobstructed vertical clearance.	Medium	12
50	The ramp at the accessible entrance had a slope greater than 8%.	Medium	12
51	The accessible entrance was locked on Election Day.	High	11
52	The toe or knee clearance from the front to the back of the accessible booth or table in the voting area was less than 19".	High	10
53	The curb cut on the accessible pathway had a slope greater than 8%.	Medium	10
54	The accessible parking sign in the on-street parking area was not posted high enough to be in compliance.	Low	10
55	At the time of the accessibility audit, the accessible voting equipment was not functioning properly.	High	9
56	The height of the top of the accessible booth or table in the voting area was less than 28" or higher than 34" above the ground.	High	8
57	The curb cut or ramp in the off-street parking area had a slope greater than 8%.	Medium	8

58	The width of the opening at the accessible entrance door was less than 32".	High	7
59	There was less than 18" of space on the latch-side of the door at the top of the ramp at the accessible entrance.	High	7
60	The accessible parking space in the on-street parking area was not marked with a clearly visible accessible parking sign.	Medium	7
61	The ramp on the accessible pathway had a slope greater than 8%.	Medium	7
62	The ramp on the accessible pathway did not have a handrail that was mounted between 34" and 38" above the ramp surface.	Medium	7
63	The ramp at the accessible entrance did not have edge protection on each side of the ramp.	Low	7
64	The corridors along the interior route to the voting area were not properly lit on Election Day.	High	6
65	The corridors along the accessible route inside the building were less than 48" wide or narrowed to less than 36" for more than a short distance.	High	6
66	At the time of the accessibility audit, the accessible voting equipment was not powered on.	High	6
67	The path of travel within the voting area was less than 36" wide or narrowed to less than 32" for more than a short distance.	Medium	6
68	The ramp on the accessible pathway did not have a non-slip surface.	Low	6
69	The automatic button and/or power assist open feature on the accessible entrance door did not stay open for at least three (3) seconds once it is fully opened.	High	5
70	The controls on the accessible voting equipment in the voting area were higher than 54" when approached from the side or higher than 48" when approached from the front.	High	4
71	The accessible parking spaces in the on-street parking area were not on level, firm, stable and slip-resistant ground.	Medium	4
72	The curb cut or ramp in the on-street parking area had a slope greater than 8%.	Medium	4
73	This polling place had a vestibule at the accessible entrance and there was not a 30"x48" clear floor space between the two sets of entrance doors.	High	3
74	The door on the interior route had hardware that did not meet Americans with Disabilities Act (ADA) standards.	High	3
75	The elevator inside the building did not have audible tones or bells that sound as each floor is passed.	High	3
76	The accessible parking spaces in the on-street parking area were not located nearest to the accessible entrance.	Medium	3

77	The ramp on the accessible pathway did not have a handrail that was mounted between 34" and 38" above the ramp surface.	Medium	3
78	The interior door had a threshold where the difference in height was greater than 1/2".	Medium	3
79	The ramp on the accessible pathway did not have edge protection on each side of the ramp.	Low	3
80	The door handles on the accessible entrance were higher than 48" above the ground.	Low	3
81	The interior door along the route to the voting area had an opening that was less than 32" wide.	High	2
82	There was less than a 5'x5' level space in front of the door on top of the ramp on the interior route.	High	2
83	The surface of the drop-off zone had a slope greater than 2%.	Medium	2
84	The accessible pathway was less than 36" wide or had obstacles that narrowed the pathway to less than 32" for more than a short distance.	Medium	2
85	The ramp on the interior accessible route did not have edge protection on each side of the ramp.	Low	2
86	The ramp in the off-street parking area did not have edge protection on each side of the ramp.	Low	2
87	The accessible entrance door had a threshold where the difference in height was greater than 1/2".	High	1
88	The electronic accessibility feature (automatic opener/power-assisted open/bell/buzzer) on the interior door along the accessible route was not functioning from the outside and/or inside on Election Day	High	1
89	The interior door required more than 5 pounds of force to open.	High	1
90	The elevator at this polling place was not functional on Election Day.	High	1
91	The controls inside the elevator cab were installed at a non-compliant height.	High	1
92	The elevator controls inside the cab inside the building were not marked with raised lettering or Braille.	High	1
93	The corridors had rugs or mats or carpets that had pile higher than 1/2".	Medium	1
94	The ramp on the interior route had a slope greater than 8%.	Medium	1
95	The curb cut on the accessible pathway was less than 36" wide.	Low	1
96	The ramp on the accessible pathway was less than 36" wide.	Low	1
97	The ramp at the accessible entrance was less than 36" wide.	Low	1

98	The ramp in the off-street parking area did not have a non-slip surface.	Low	1
99	The access aisle in the drop-off zone was less than 5' wide or 20' long.	Low	0

Appendix B: Polling Places with a Non-Compliance Score of Three or Lower

Polling Places with a Non-Compliance Score of 0:

Polling Place Name	Municipality	County
Tripp Town Complex	Town Of Tripp	Bayfield County
Brillion Community Center	City Of Brillion	Calumet County
Leeds Town Hall	Town Of Leeds	Columbia County
Lodi Town Hall	Town Of Lodi	Columbia County
Nasewaupee Fire Station	Town Of Nasewaupee	Door County
Florence Community Center	Town Of Florence	Florence County
Kenosha Public Museum	City Of Kenosha	Kenosha County
Kewaunee City Hall	City Of Kewaunee	Kewaunee County
Gratiot Firehouse	Town Of Darlington	Lafayette County
Antigo Town Hall	Town Of Antigo	Langlade County
Community Rec Center	City Of Marinette	Marinette County
Grant Town Hall	Town Of Grant	Portage County
Lanark Town Hall	Town Of Lanark	Portage County
Rock County Daniel H Williams Resource Center	City Of Janesville	Rock County
E&R UCC Church	City Of Waukesha	Waukesha County
Waukesha Fire Station No. 5	City Of Waukesha	Waukesha County
Waukesha Park Rec Building	City Of Waukesha	Waukesha County

Polling Places with a Non-Compliance Score of 1:

Polling Place Name	Municipality	County
Stanley Town Hall	Town Of Stanley	Barron County
Town Of Bell Community Center	Town Of Bell	Bayfield County
Brussels Community Center	Town Of Brussels	Door County
Clay Banks Town Hall	Town Of Clay Banks	Door County
Highland Village Hall	Village Of Highland	Iowa County
Somers Village/Town Hall	Village Of Somers	Kenosha County
Matsche Community Center	Village Of Birnamwood	Marathon County
Cicero Town Hall	Town Of Cicero	Outagamie County
Buena Vista Town Hall	Town Of Buena Vista	Portage County
Amherst Junction Village Hall	Village Of Amherst Junction	Portage County
Spring Green Community Library	Village Of Spring Green	Sauk County

Polling Places with a Non-Compliance Score of 2:

Polling Place Name	Municipality	County
Lodi City Hall	City Of Lodi	Columbia County
Fountain Prairie Town Hall	Town Of Courtland	Columbia County
Roxbury Town Hall	Town Of Roxbury	Dane County
Vienna Town Hall	Town Of Vienna	Dane County
Blue River Community Building	Village Of Blue River	Grant County
Belleville Village Hall	Village Of Belleville	Green County
KUSD Educational Support Center	City Of Kenosha	Kenosha County
Algoma City Hall	City Of Algoma	Kewaunee County
Wiota Town Hall	Town Of Wiota	Lafayette County
Easton Municipal Center	Town Of Easton	Marathon County
Shiocton Village Hall	Village Of Shiocton	Outagamie County
St. William Campus	City Of Waukesha	Waukesha County

Polling Places with a Non-Compliance Score of 3:

Polling Place Name	Municipality	County
Neillsville City Hall-Council Rm	City Of Neillsville	Clark County
City Municipal Building	City Of Portage	Columbia County
Fort Winnebago Elementary School	Town Of Fort Winnebago	Columbia County
Chazen Museum of Art	City Of Madison	Dane County
Nicholas Recreation Center	City Of Madison	Dane County
Elba Town Hall	Town Of Elba	Dodge County
Forestville Town Hall	Town Of Forestville	Door County
Jacksonport Town Hall	Town Of Jacksonport	Door County
Liberty Grove Town Hall	Town Of Liberty Grove	Door County
Town Of Union Community Center & Town Hall	Town Of Union	Door County
Sister Bay Fire Station	Village Of Sister Bay	Door County
Monticello Municipal Center	Village Of Monticello	Green County
Lincoln Town Hall	Town Of Lincoln	Kewaunee County
Harrison Town Hall	Town Of Harrison	Marathon County
Urban Ecology Center	City Of Milwaukee	Milwaukee County
Dreyfus University Center	City Of Stevens Point	Portage County
Lincoln Center	City Of Stevens Point	Portage County
Eau Pleine Town Hall	Town Of Eau Pleine	Portage County
Plover Town Hall	Town Of Plover	Portage County
Washington Town Hall	Town Of Washington	Rusk County
Aniwa Public School	Village Of Aniwa	Shawano County
Hudson Town Hall	Town Of Hudson	St. Croix County

North Hudson Village Hall	Village Of North Hudson	St. Croix County
Rotary Building	City Of Waukesha	Waukesha County
St John Neumann	City Of Waukesha	Waukesha County
Waukesha City Hall	City Of Waukesha	Waukesha County
Wittman Field Regional Airport	City Of Oshkosh	Winnebago County

Appendix C: Members of the WEC Accessibility Advisory Committee

Name	Title	Organization
Barbara Beckert	Director of External Advocacy	Disability Rights Wisconsin
Breanna Dallin	President	National Federation of the Blind of Wisconsin
Denise Jess	Executive Director	Wisconsin Council of the Blind and Visually Impaired
Janet Zander	Advocacy and Public Policy Coordinator	Greater Wisconsin Agency on Aging Resources
Jason Endres	Chair	Independent Living Council of Wisconsin
Jason Glozier	Executive Director	Wisconsin Coalition of Independent Living Centers
Jenny Neugart	Disability Grassroots Organizer	Wisconsin Board for People with Developmental Disabilities
Kyle Kleist	Executive Director	Center for Independent Living for Western Wisconsin
Lisa Demmon	Board Vice President	Wisconsin Association of the Deaf
Nikyra McCann	Board Member	National Alliance for the Mentally Ill of Dane County
Nino Amato	Honorary Board Chair	Coalition of Wisconsin Aging & Health Groups
Rebecca Hoyt	Disability Rights and Services Specialist	City of Madison, Civil Rights Division
Tonya Whitfield	Voting Outreach Specialist	Disability Rights Wisconsin



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 April 28, 2023, Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by Elections Commission Staff

SUBJECT: 2023 Four-Year Voter Record Maintenance Process

1. Background

Wisconsin Statute § 6.50(1) requires the Commission, no later than June 15th following a general election, to mail notices to all voters who have been registered to vote for the past four years but have not voted. The notice indicates that voters' registrations will be deactivated unless they request continuation of their registration within 30 days.

Voters who receive the notice can request continuation in several ways. The voter can sign and return the "Application for Continuation of Registration" section of the "Notice of Suspension of Registration" postcard. A written request for continuation of registration can also be made in person or sent by mail. A voter whose name or address has changed must re-register. The postcard directs voters who believe they received it in error to contact their municipal clerk or the Commission and also provides voters with the Commission's toll-free number.

If the notice is returned as undeliverable, or if the voter does not respond within 30 days, the Commission deactivates the voter's registration in the statewide voter registration system. Voters who are deactivated do not appear on the poll list on Election Day and must reregister in order to vote. Commission staff plan to complete this process on or before July 31, 2023. Returned postcards resulting in the deactivation of a registration (those marked undeliverable or indicating a change in status such as "voter deceased") are retained with the original voter registration documents until the expiration of the four-year records retention deadline per Wis. Stat. §7.23(1)(c).

Not later than August 1, the Commission must post voter record maintenance statistics on the agency website. Under Wis. Stat. §6.50 (2r), the data must include:

- a. The total number of notices mailed.
- b. The number of notices returned as undeliverable.
- c. The number of notices returned requesting continuation of registration.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

- d. The number of notices returned requesting cancellation of registration.
- e. The number of notices returned with an indication that the named elector is deceased.
- f. The number of notices that were not returned.
- g. The number of electors who received notices and whose status changed from eligible to ineligible.

The full statistics from the 2021 mailing are available here:

[2021 Four-Year Voter Record Maintenance Statistics | Wisconsin Elections Commission¹](https://elections.wi.gov/resources/statistics/2021-four-year-voter-record-maintenance-statistics)

2. Mailer Design Background

The WEC regularly conducts usability studies on the four-year maintenance postcard to ensure it is understandable to the Wisconsinites who receive it.

While usability is key, the Commission also has to comply with all statutory requirements. The requirements for the postcard language and process are outlined in Wisconsin State Statute § 6.50(1). The statute says that the postcard language must be in “substantially the following form.” The language as provided in statute is as follows:

NOTICE OF SUSPENSION OF REGISTRATION

You are hereby notified that your voter registration will be suspended, according to state law, for failure to vote within the previous 4-year period, unless you apply for continuation of your registration within 30 days. You may continue your registration by signing the statement below and returning it to the office of the municipal clerk (mailing address and telephone number of office of municipal clerk or board of election commissioners) by mail or in person.

APPLICATION FOR CONTINUATION OF REGISTRATION

I hereby certify that I still reside at the address at which I am registered and apply for continuation of registration.

Signed

Present Address

If you have changed your residence within this municipality or changed your name, please contact the office of the municipal clerk (mailing address and telephone number of office of municipal clerk or board of election commissioners) to complete a change of name or address form.

[Office of clerk or board of election commissioners

Address

Telephone]

Earlier iterations of the four-year maintenance process, under the Government Accountability Board (GAB), adhered closely to the statutory language. These mail pieces produced a modest response (see Table 1 below) but also generated many calls from confused notice recipients. Common questions included:

¹ <https://elections.wi.gov/resources/statistics/2021-four-year-voter-record-maintenance-statistics>

- a. Is the mailing an authentic communication from the State of Wisconsin?
- b. Why did I receive the postcard?
- c. Is this for my vehicle registration?
- d. How do I apply for continuation?
- e. Where do I return the continuation card?
- f. What if I moved? Was temporarily away? Went to school? Joined the military?

More recent iterations of the four-year maintenance process modified the postcard design to improve the response rate, address voter questions, and reduce voter confusion. These more recent designs added the following elements to the boilerplate language contained in section 6.50:

- a. The “Official Election Mail” certification from the United States Post Office.
- b. The Great Seal of the State of Wisconsin and the agency logo.
- c. Voter registration numbers and bar codes to simplify data entry for clerks.
- d. Supplemental language explaining the statutory requirement using effective written communication principles.
 - Short sentences with simple words
 - Affirmative statements using the active voice
 - Itemizing instructions
 - Short paragraphs

In 2019, Commission staff conducted public usability testing to evaluate and enhance postcard design based on feedback from actual voters without prior exposure to the program. The usability testing sought to identify the postcard design elements that provided the highest levels of user comprehension and the lowest levels of confusion. Most recently, in 2022 WEC staff studied the new design offered to the Commission in the new version presented in the prototype in the sections below.

Table 1 shows statistics related to responses for continuation of the postcard design since 2015. While this data is somewhat helpful to understand if the usability efforts have been effective, it should be taken with a grain of salt. A goal of the postcard is certainly to ensure that eligible voters who have not changed their name or address, and who still wish to remain registered can easily return the request for continuation. But it should also be noted that many former voters who are sent the four-year maintenance postcard have not participated in four years because they have moved or have changed their names. In those cases, the voter would need to re-register, they would not return a continuation. While continuation is certainly important it is not the only measure of the postcard’s usability.

Table 1 (Mailer Statistics)

	2021	2019	2017	2015
Total Notices Mailed	186,982	113,314	381,495	97,981
Requested Continuation	12,121 (6.5%)	15,974 (14.1%)	28,169 (7.4%)	9,610 (9.8%)
Undeliverable	62,853	30,342	153,416	25,179

Requested Deactivation	38	23	250	26
Deceased	736	600	799	342
Deactivated for Other Reason	121	187	7,692	N/A
Duplicates Merged	385	271	532	N/A
No Response	112,008 (59.9%)	66,998 (59.1%)	189,702 (49.7%)	63,186 (64.5%)
Total Deactivated	174,307	95,939	351,733	83,070

3. 2023 Proposed Mailer Design

Based on the 2023 usability study conducted on the postcard, the Commission previewed an updated version of the postcard at the September 2022 Commission meeting. The proposed design will include color print, updated language to make it clear the mailer is pertinent to voter registration, and enlarged type on the most important language, while still maintaining the elements required by state statute. In February 2023, staff performed usability testing with the proposed postcard to research the public’s understanding of the information presented on it. The testing session resulted in an overall positive understanding of the postcard from the public, but there were a few observations made by test subjects on possible improvements. The observations include:

- Light gray font color was difficult to read.
- The “If” action statements presenting the two options for voters ran together and were not easily identifiable as being two different options.
- The purpose of the card was primarily due to their address situation and nothing else.
- People with questions would exclusively use the MyVote website instead of calling the WEC.

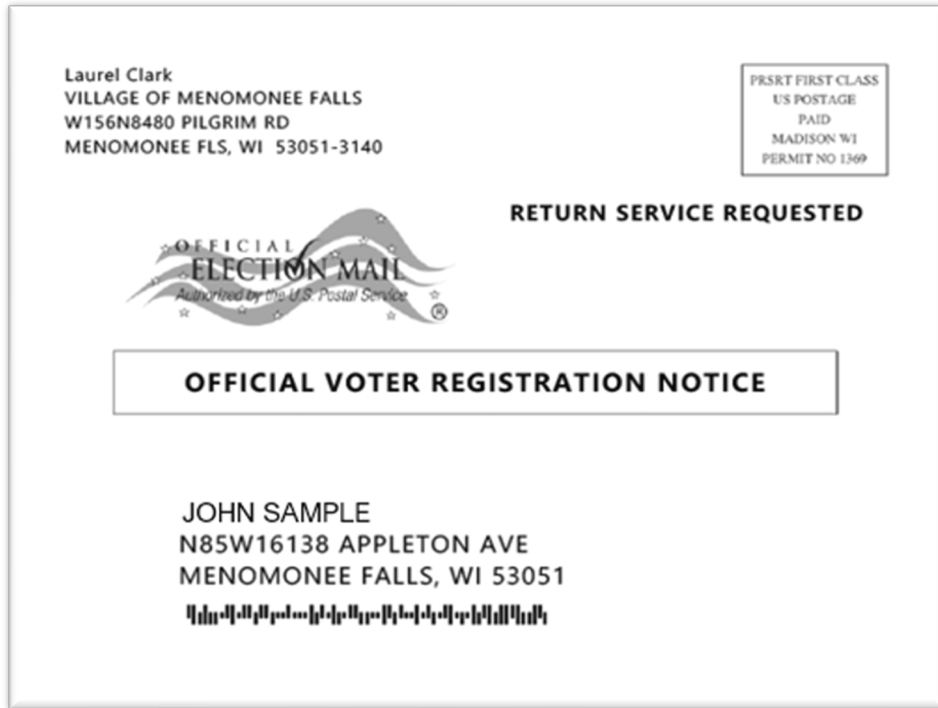
Based on those observations, WEC staff applied updates to the postcard to alleviate misunderstandings noted by the usability testing sessions. Testing sessions revealed common voter feedback:

- The purpose of the postcard being about Four-Year Maintenance should be easier to identify.
- The two statements presenting the voter’s options should be separated better to identify the options available more clearly to the voter.
- The light gray font coloring should be darker to make it easier to read.
- MyVote should be updated to include more information about the postcards.

Another change based on voter feedback addresses name changes. Often, individuals who marry do not recognize this change requires filing a new voter registration with their municipal clerk, even if their home address is unchanged. Wis Stat 6.50 (1) appears to consider this, however the certification statement prescribed for substantial compliance does not.

For a comparison of the postcard design reviewed by the Commission at the September 2022 meeting and the revised postcard design alterations made after the February 2023 usability testing session, the following pages compare new and old designs.

Exterior Side 1- (Old Version Voter Address)



Exterior Side 1- (New Version Voter Address)



Exterior Side 2 (Old Version Notice)

STATE OF WISCONSIN
Notice of Pending Voter Registration Suspension

Election records show you have not voted in the last four years.

Stay registered to vote
If your address hasn't changed, sign and return the other half of this card. If your address is different, visit myvote.wi.gov to update your voter information.

Need Help? Call Wisconsin Elections Commission 1-866-868-3947.

¿Necesitas ayuda? Llama a su secretario municipal o visita myvote.wi.gov/es-es

Statutory Notice of Suspension of Registration. You are hereby notified that **your voter registration will be suspended**, according to state law, for failure to vote within the previous 4-year period, **unless you apply for continuation of your registration within 30 days**. You may continue your registration by signing the attached statement and returning it to the office of the municipal clerk by mail or in person. Wis. Stat. sec 6.50(1).



If you do not respond to this card **you will no longer be registered to vote** in Wisconsin

Exterior Side 2 (New Version Notice)

STATE OF WISCONSIN
Notice of Voter Registration Suspension

Election records show you have not voted in the last four years.

Stay registered to vote

- If your address hasn't changed, sign and return the other half of this card.
- If your address is different visit myvote.wi.gov to update your voter information.

Need Help? Call Wisconsin Elections Commission 1-866-868-3947.

¿Necesitas ayuda? Llama a su secretario municipal o visita myvote.wi.gov/es-es

Statutory Notice of Suspension of Registration. You are hereby notified that **your voter registration will be suspended**, according to state law, for failure to vote within the previous 4-year period, **unless you apply for continuation of your registration within 30 days**. You may continue your registration by signing the attached statement and returning it to the office of the municipal clerk by mail or in person. Wis. Stat. sec 6.50(1).



If you do not respond to this card **you will no longer be registered to vote** in Wisconsin

Interior Side 3 (Old Version Certification)

Keep Me Registered To Vote



Still at the same address?
Sign the statement below and return it by **July 15, 2023** to stay registered.
I hereby certify that I still reside at the address listed below and want to stay registered to vote in Wisconsin.

Signed _____ on ___/___/2023

DALE C. COOPER
12345 WHITE LODGE RD
ANY TOWN, WI 55555-1234

CITY OF WAUKESHA - WAUKESHA COUNTY
0009240857



5 0 0 0 0 1 6 7 5 4 6

Interior Side 3 (New Version Certification)

Stay Registered To Vote




Still at the same address?
Sign the statement below and return it by **July 15, 2023** to stay registered.
I hereby certify that I still reside at the address listed below, have not had a change of name, and want to stay registered to vote in Wisconsin.

Signed: _____ on: ___/___/2023

4YRM2023
VOTER FIRST LASTNAME
123 VOTER ADDRESS
SAMPLETOWN, WI 54321

CITY OF SAMPLETOWN - EXAMPLE COUNTY
70077777



9 0 2 2 1 1 2 2 0 9

Interior Side 4 (Old Return to Clerk)



Interior Side 4 (New Return to Clerk)



4. Proposed Timeline

The timeline for four-year maintenance is established by Wis. Stat. § 6.50(1) which states that the postcard must be sent to qualifying voters by June 15. To meet this mandatory deadline, a final design needs to be approved by the Commission at the April 28th meeting. This will allow staff time to finalize the image file and send it to DOA printing and distribution in time for proofing, printing, metering, and mailing. Delays in approving a design or language on the postcard would jeopardize adherence to the statutory deadline.

Table 2. 2023 Four-Year Voter Record Maintenance Timeline

June 15, 2023	Statutory deadline for WEC to mail the Notices of Suspension of Registration Mailing. Wis. Stat. § 6.50(1).
June 15, 2021 – July 15, 2023	Clerks deactivate voter records for notices returned as undeliverable and update the status of voters who request continuation of registrations from Active – Suspended to Active – Registered. Wis. Stat. § 6.50(2).
July 31, 2023	Commission IT staff run an automated job to deactivate any voters who have not requested Continuation of Registration. Wis. Stat. § 6.50(2). Fifteen additional days are allowed for clerks to process voter Requests for Continuation received by July 15, 2023.

5. Estimated Volume and Cost

A preliminary estimate of the mailing size indicates that 118,743 people qualify to receive the four-year maintenance mailer. Previous mailings varied widely in size from a low of 97,981 to a high of nearly 400,000. The majority of current voters eligible for the mailing are currently in Active-Registered status as shown in Table 3 below. Table 4 shows the number of four-year maintenance postcards sent for each cycle since 2009.

Table 3. (2023 Four Year Maintenance Status and Preliminary Count)

Voter Status	Count
Active Registered	98,889
Active Movers	19,852
Suspended	2
TOTAL	118,743

Table 4. (Four-Year Maintenance Volume History)

Year	Total Notices Mailed
2023	118,743
2021	187,754
2019	113,314
2017	381,495
2015	97,981
2013	299,748
2011	240,505
2009	313,205

Final mailing costs will not be determined until the order is finalized. However, the Department of Administration provided a preliminary estimate. The cost of publishing the postcards was estimated at \$9,328.04. The cost of postage for the 118,743 postcards will be \$45,241.08. These figures combine for a total cost estimate of \$54,569.12.

6. Proposed Motions

Commission staff recommend approving the “New” proposed mailer designs shown on pages 5, 6, 7, and 8 of this memorandum and the plan and timeline in Table 2. If the Commission wishes to make any changes to the postcard design, language, or timeline a motion could be added or amended to direct those changes.

Motion #1: The Commission approves the design and language of the new four-year maintenance postcard as shown on pages 5 through 8 of this memorandum.

Motion #2: The Commission approves and directs staff to proceed with the timeline and process for the 2023 four-year maintenance postcard mailing as reflected in Table 2.



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: April 28, 2023

TO: Wisconsin Election Commission

FROM: Sara Linski James Witecha
IT Director Lead Attorney

SUBJECT: Absentee Envelope Redesign Update

A. Introduction

At the commission's February 2, 2023 meeting, staff were directed to develop a timeline to implement a new absentee envelope package that would allow for the commission to approve the design no later than its September 20, 2023 meeting. This report covers the results of staff research gathered between February 2 and March/April 2023, and asks the Commission to consider: (1) the timeline; (2) the envelope sizes; and (3) the design concept.

The absentee envelope package for voters includes several elements.

- EL-120: Absentee Ballot Mailer Envelope (outside envelope going to voter)
- EL-122: Official Absentee Ballot Application/Certification (inside envelope returning to clerk)
- Uniform Instructions

The absentee mailer envelope carries the blank ballot, absentee ballot application/certification envelope, return postage, and uniform instructions to the voter. The current absentee mailer envelope is a #14 envelope with the measurements of 5 inches x 11 ½ inches. The voter then returns the completed ballot in the completed absentee ballot application/certification envelope to their clerk to be counted on election day. The current EL-122 official absentee ballot application/certification envelope is a #12 envelope with measurements of 4 ¾ inches x 11 inches. For in-person absentee voting, the EL-122 also serves as the absentee ballot application form.

Statutory requirements for the EL-120 and EL-122 are listed in Appendix II.

B. Timeline

WEC staff propose the following timeline to complete this project.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

WHEN	CATEGORY	WHAT
February 2023	Feedback	Solicit feedback from clerk via survey
March 2023	Commission Update	Communicate updated timeline to commission for feedback
March 2023	Feedback	Solicit feedback from USPS, vendors, and elections experts
March 2023	Design Updates	<ul style="list-style-type: none"> • Update envelope prototypes • Legal analysis on what is required on the EL-120 envelope • Legal analysis of what is required on the EL-122 envelope <ul style="list-style-type: none"> ○ Includes analysis of absentee application for in-person absentee voting purposes • Review and incorporate clerk feedback • Map requirements to existing forms • Map requirements to prototypes
April 28, 2023	Commission Update	Present to commissioners at quarterly meeting <ul style="list-style-type: none"> • Receive approval on size of envelope • Receive commission feedback on required elements of EL-120 and EL-122 and current prototype • Receive commission feedback on existing uniform instructions
April 29, 2023	Clerk Communication	Inform clerks and envelope vendors of approved envelope size
May 2023	Design Updates	Update prototype and uniform instructions per commission feedback
May 2023	Testing	Test USPS envelope processing – small scale
May 2023	Testing	First round of usability with voters, election officials, and other interested parties. Update prototype as appropriate.
June 2023	Commission Update	Present to commissioners at special meeting <ul style="list-style-type: none"> • Receive commission feedback on required elements of uniform instructions and current prototype • Provide update on envelope usability
June 2023	Testing	Pending any design updates, second and final round of usability testing with voters and election officials
Late June 2023	Testing	Submit final revision to USPS for review
July 2023	Testing	Test USPS envelope processing – large scale
Early August 2023	Commission Update	Proposed Commission meeting EL-120, EL-122, and Uniform Instruction design approval

After August Meeting	Clerk Communication	Communication to clerks announcing approved absentee package and election implementation date of the February 20, 2024 Spring Primary
February 2024	Implementation	New Envelopes and Uniform Instructions in use. (Old envelopes are no longer in circulation.)

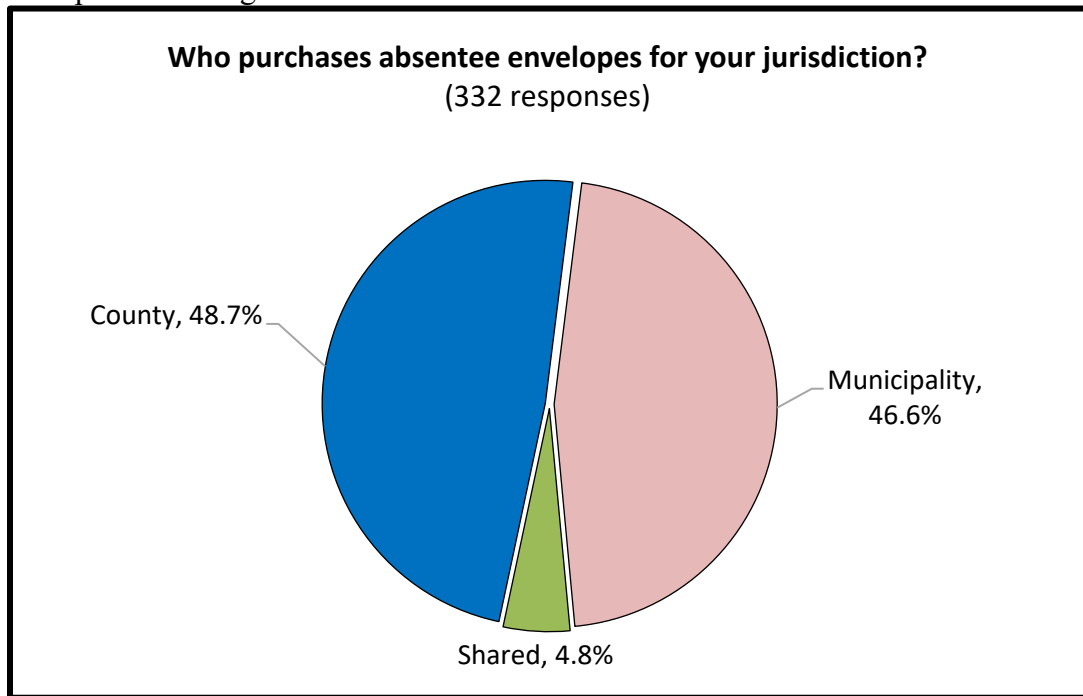
This timeline was developed considering feedback from clerks and in discussion with vendors who will be responsible for filling orders of these envelopes across the state.

C. Clerk Feedback

In preparation for this project, municipal and county clerks were surveyed on several aspects of the absentee envelope project and its design considerations. The survey focused on collecting clerk feedback on their envelope ordering process and its timing in relation to the 2024 elections, clerk preference on use of old envelope stock and a larger envelope, an opportunity for clerks to share information on events where usability sessions could occur, and freeform comments on the project.

Responses were received from 337 municipal clerks and 29 county clerks.

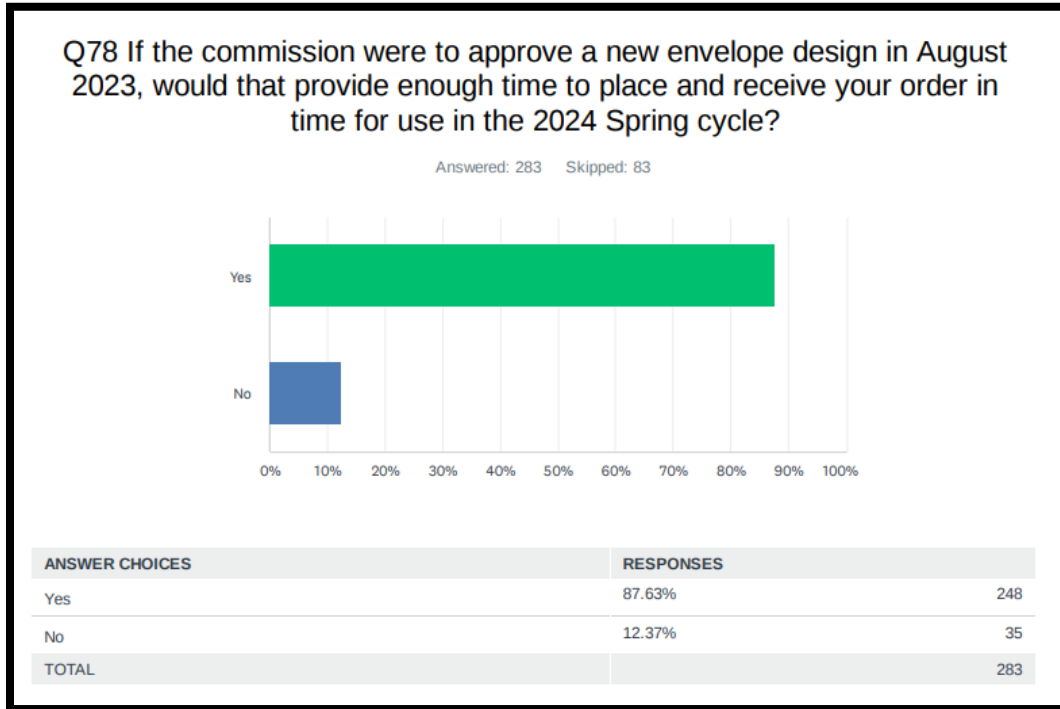
Table 1. Envelope Purchasing



272 respondents answered, “How many months before an election are you or the county placing an order for absentee envelopes?” with an average response of 6.5 months. Eleven communities responded 18 months and 5 communities responded 1 month. When the respondents were filtered to just county responders, the average lead time required was 7 months. When filtered to municipalities, the average lead time was 6.44 months.

283 respondents weighed in on the possibility of receiving commission approval for the new absentee package in August of 2023. 87.63% approved of this timing.

Table 2. Project Timing



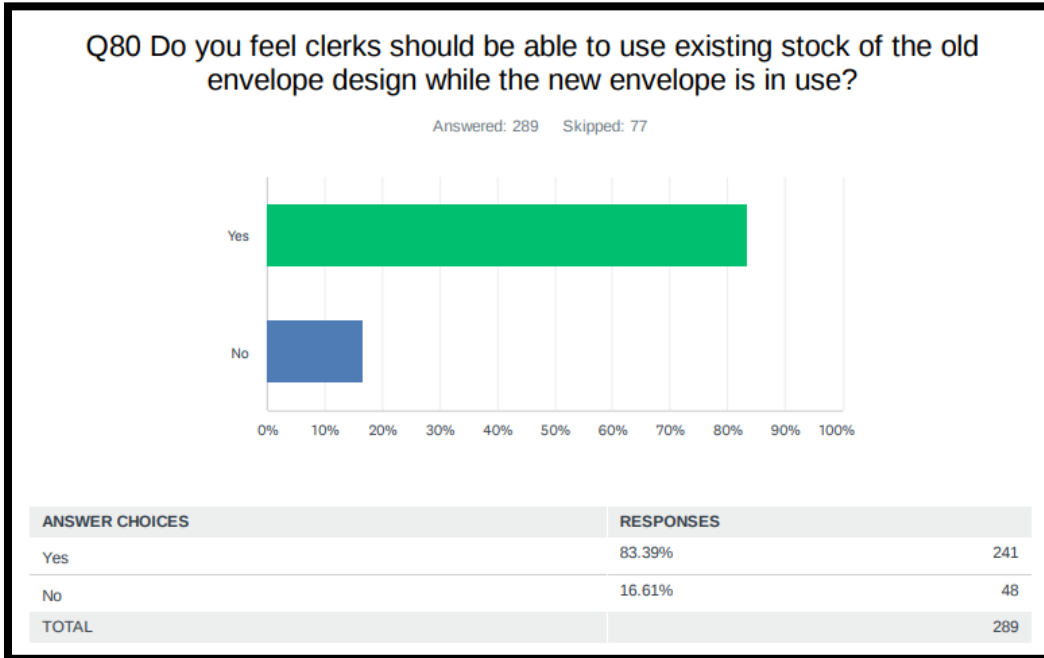
89 respondents provided additional information on communications with printing vendors. Common concerns raised included:

- a desire not to waste old stock
- supply chain limitations
- ongoing paper shortages
- excessive current stock
- adoption costs and reimbursement by the WEC

Several comments indicated that clerks were content with the existing design and did not understand the need for change.

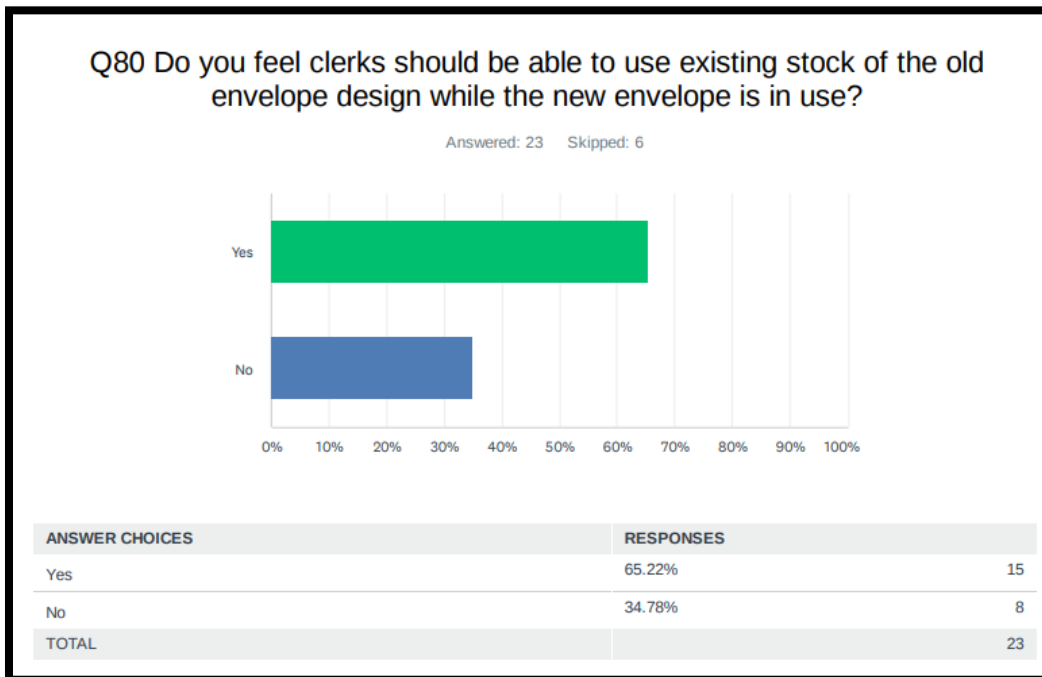
The majority of clerks indicated they should be permitted to use existing stock with the previous design once the new envelope is approved.

Table 3. Existing Stock (Municipal Clerks)



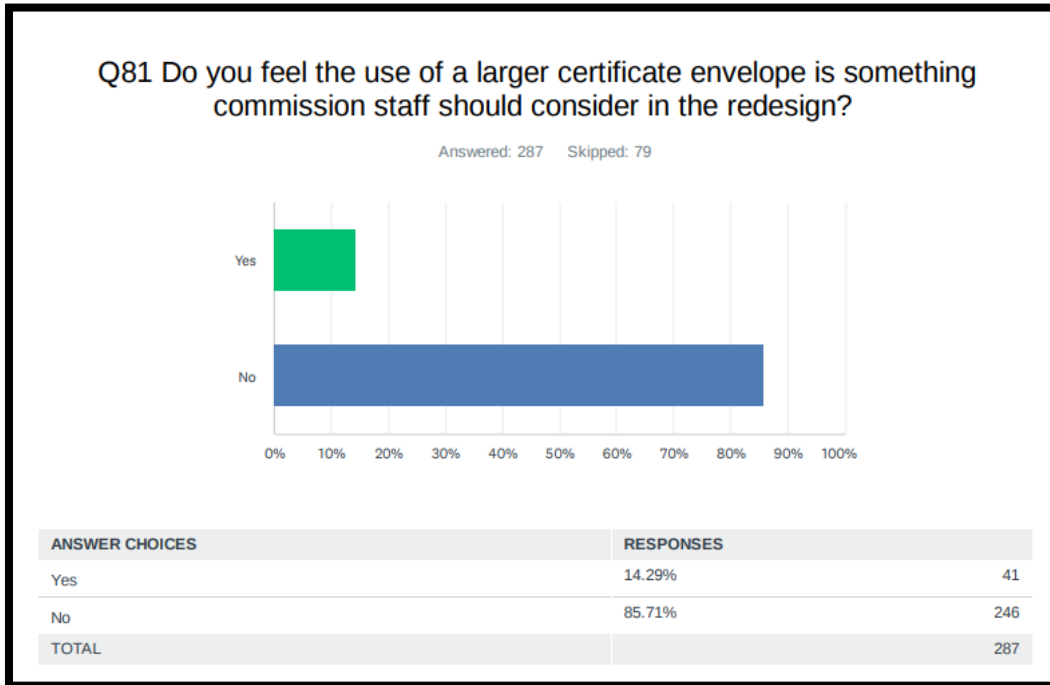
When filtered to just municipal clerks, the percentages were consistent with the summary percentages: Yes 84.96% and No 15.04%. When filtered for just county clerks, agreement shifted to 65.22%.

Table 4. Existing Stock (County Clerks)



When asked to consider the use of a larger envelope, 41 of 287 (14.29%) respondents answered yes, while 85.71% answered no. When filtered to county clerks, 30.43% answered yes, while 69.57% answered no.

Table 5. Envelope Size



Finally, clerks were given the option to provide additional comments or questions regarding the absentee envelope redesign project. Common themes include:

- improve the witness address fields.
- highlight critical information.
- endorsements and denouncements of color-coded envelopes.
- endorsements and denouncements of larger sized envelopes.
- a desire to better accommodate the WisVote generated label.
- including proper directions on the legality of drop boxes.
- frustrations with change.
- issues with ballot folding.
- a desire to use fewer words where possible.

In addition to the survey, staff met with the Wisconsin County Clerks Association to discuss their unique perspective on the project on March 3. At this meeting, the county clerks conveyed that an overlap where more than one version of the absentee certificate envelope would be in circulation would create too much risk for challenge based on differences in the envelopes. They expressed concern around the proposed design that includes a wrap-around or “bleed” of ink to the edge of the envelope as this would increase production time, complexity, and cost. They also expressed a desire to know by May 2023 what size envelope will be used for the 2024 elections so that printing vendors

could prepare to have that on-hand by the time the final design is approved at a later commission meeting.

D. Cost and Vendor Feedback

Staff evaluated different envelope sizes and consulted with clerks, vendors, and the USPS, to assess costs, availability, and mailing considerations. In particular, staff considered a larger envelope so that more space is available for the design adjustments, required fields, and instruction. Upon initial review, the use of larger envelopes seemed like a simple solution to the problem of limited space. Unfortunately, larger envelopes also result in higher postage costs and problems with limited supply. A larger commercial envelope is not available that would qualify for a letter postage rate.

See figure below for the USPS minimum and maximum dimensions and weight for first-class mail postage considerations.

Table 6.

Letters		minimum	maximum	Weight Not Over (oz.)	Stamped	Metered
	length	5 inches	11-1/2 inches	1	\$0.63	\$0.60
	height	3-1/2 inches	6-1/8 inches	2	0.87	0.84
	thickness	0.007 inch	1/4 inch	3	1.11	1.08
				3.5	1.35	1.32
Letters that meet one or more of the nonmachinable characteristics in DMM 101.1.2 are also subject to the \$0.40 nonmachinable surcharge						
Large Envelopes (Flats)		minimum*	maximum	Weight Not Over (oz.)	Price	
	length	11-1/2 inches	15 inches	1	\$1.26	
	height	6-1/8 inches	12 inches	2	1.50	
	thickness	1/4 inch	3/4 inch	3	1.74	
				4	1.98	
			5	2.22		
			6	2.46		
* Flats exceed at least one of these dimensions. Pieces that are rigid, nonrectangular, or not uniformly thick pay parcel prices.						

Current postage rates for a letter-sized envelope at 2 ounces -- the average weight of the whole absentee envelope package going out to the voter -- requires \$0.87 stamped or \$0.84 metered in postage. A large envelope at the same weight requires \$1.50 in postage.

The table below considers the costs of using the existing size envelopes in a community where the postage is metered compared to using a large envelope package based on the number of absentee ballots sent by mail in the top 5 largest jurisdictions (this number considers instances where a second ballot needed to be sent, for example, if the voter reported their original ballot was never delivered). Letter postage is calculated using \$1.44 (\$0.84 + \$0.60) to cover the cost of the outgoing and return envelope and the large envelope is calculated using \$2.76 (\$1.26 + \$1.50).

Table 7 Sample Cost Comparison in Five Large Municipalities

Number of Ballots Mailed	Total Cost of Letter Postage	Total Cost of Large Envelope Postage	Increased Postage Cost
39,550	\$85,428.00	\$137,634.00	\$52,206.00
36,586	\$79,025.76	\$127,319.28	\$48,293.52
8,644	\$18,671.04	\$30,081.12	\$11,410.08
8,212	\$17,737.92	\$28,577.76	\$10,839.84
6,940	\$14,990.40	\$24,151.20	\$9,160.80
50 (median)	\$75	\$138	\$63

Put simply, the average municipality using metered mail would see a **61.1%** increase in their postage costs with large envelopes. Municipalities using stamps (typically the smaller communities) would see postage costs increase **84.0%**.

In addition to cost concerns, vendors provided feedback that recent supply chain issues inhibit their ability to fill orders for absentee ballot envelopes, especially on tight timelines. Some vendors have proactively procured stock of the #12 and #14 envelopes ahead of the 2024 cycle to be able to fulfill orders later this fall. Vendors caution that a change in design, and especially a change in envelope size, could create significant delays and potentially unfulfilled orders if all municipalities across the state must replenish their envelope stock at the same time.

Vendors and clerks have also advised staff on the methods envelopes can be procured. With the current approach, clerks can work with a local printer adding the state-approved design and any customizations (ex. clerk’s return address information) at an additional cost to commercially available blank envelope stock. The other method is to work directly with an envelope manufacturer to have the envelope design printed directly onto paper that is later folded into the appropriate envelope shape and size. This requires access to die-cut machinery. Many smaller businesses do not have access to this type of machinery and requiring it would further limit the number of available suppliers in the state. Staff therefore adjusted the proposed design so that it could be printed upon pre-folded and glued envelopes on the advice of the clerks, who have largely shared feedback that they wish to maintain these relationships with local, Wisconsin-based printers. To print on pre-folded and glued envelopes, a 5/16 inch blank border is required on each envelope side.

For this report, staff worked with 6 Wisconsin vendors to determine the price of two envelope packages. 5 responses were received and evaluated for this report. Vendors were asked to provide pricing for two envelope packages described in the table below, considering the current proposed prototype. Vendors who responded to staff contact include the very large, franchised businesses and very small, local businesses across Wisconsin who currently fill envelope orders for clerks.

Table 8. Size Options

Package	Direction	Envelope	Dimension (inches)	Area (sq. inches)	Postage Rate
<i>Current</i>	Return	Commercial (#12)	4.75 X 11	52.25	Letter
	To Voter	Commercial (#14)	5 X 11.5	57.5	Letter
<i>Larger</i>	Return	Booklet	6 X 9	54	Large Envelope
	To Voter	Booklet	6.5 x 9.5	61.75	Large Envelope

Pricing received from the vendors varied greatly and is subject to change based on availability at the time of ordering. The average of those quotes is provided in the table below.

Table 9 Average Envelope Prices per 500

Letter Package		Large Envelope Package	
#12	#14	#6 1/2	#6 3/4
\$226.44	\$217.074	\$224.006	\$216.888

While pricing of the envelope itself does not indicate a significant difference in cost to move to a larger envelope, staff concluded that it would be best to stick with the current envelope package to provide stability to clerk budgets regarding their postage costs and to avoid supply chain limitations.

E. Changes to the EL-120 and EL-122

Template Approach

The proposed design is adapted from a template adopted in 21 states and the District of Columbia. Starting from this template offers us the benefit of previous rounds of usability testing that produced this template. It also means that Wisconsin’s new envelopes will be more readily recognized as election mail within the U.S. Postal System. Prototypes are attached to this memorandum as Appendices I.2, I.3, I.4, and I.5. Note that the enclosed prototypes are not final and will receive further usability testing with voters.

Greater recognition of Wisconsin absentee ballots in the postal system is particularly meaningful for Wisconsin residents away from home at the time of voting. Every spring election cycle, a sizeable number of Wisconsin “snow-birds” request their ballot be sent to an address other than their Wisconsin address, among other individuals who validly request their ballot sent to an address other than their Wisconsin address.

In Wisconsin, postal employees are trained and under heightened awareness to properly process ballot mail. When the mail-piece reaches the postal carrier in another state where the postal employees are not under this heightened awareness, too often the ballot is returned to the clerk as undeliverable and not properly delivered although it was validly requested and addressed. During the 2023 Spring

Election, voters reported multiple instances of undelivered ballots to their second residences in other states. It is believed that if the absentee ballot was more recognizable at a national level, these incidents would decrease.

Usability

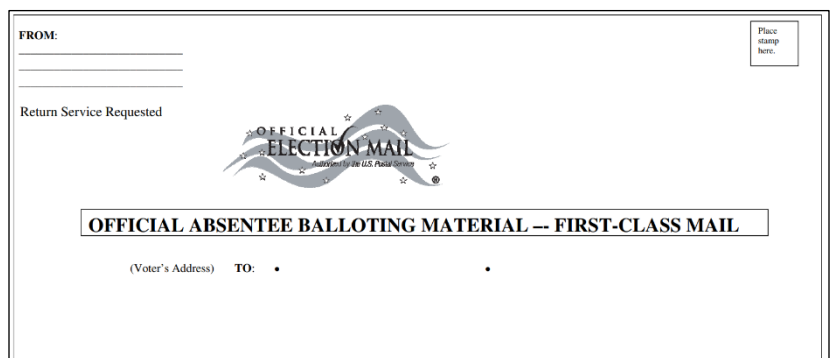
Since the last presentation of the prototype to the commission, several updates were made to improve the user experience in the envelope. The title has been adjusted to “Official Absentee Certificate and Application”. Simple instructions were added to both the voter and witness sections stating that the voter or witness must complete the section. The placement of the assistance certification has been combined with the voter certification section. The font used across the designs mirrors the font used on our main Elections.wi.gov website to indicate the relationship between the products.

Please note that this prototype was developed to address initial usability concerns flagged by commissioners at their last quarterly meeting and to meet statutory requirements. Additional changes will be made to the envelopes as deemed necessary through the usability testing process planned for May and June of 2023 and will be subject to commission approval.

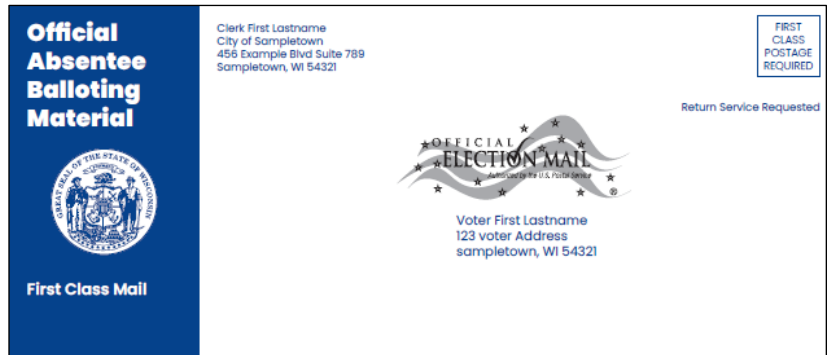
Changes to the EL-120

The new design of the absentee envelope provides key indicators to postal workers and clerk staff that inform them of the nature of the materials enclosed. The mail piece is labeled “Official Absentee Balloting Material”, contains the official election mail logo, and includes the Wisconsin state seal. The blue ink on each side of the envelope will provide postal workers with a better opportunity to quickly identify ballot mail versus other mail. WEC staff reduced the margins of these colors so that they would not truly wrap around the sides of the mail piece, due to vendor concerns with increased costs of production for that design.

The proposed design also clearly indicates the envelope is first-class mail and includes the USPS endorsement of “Return Service Requested”. This endorsement means that if a mail piece is unable to be delivered as addressed, it will be returned to the sender with a notice of the issue preventing delivery or simply a notice of non-delivery.



The new design also better fits the 2 x 4 inch mailing label generated by WisVote. The current design is too small for the label, meaning that clerks must either obscure text or fold the label under the envelope. Folded labels increase the chance that the printed intelligent mail barcode will not be read. Currently, the label includes the voter's name, absentee mailing address, the WisVote absentee mailing ID, the voter type, the voter's ward, the name of the ballot style for the voter, and an intelligent mail barcode.



Not all clerks use WisVote or its absentee labels, though their use does improve efficiency and accuracy in preparing absentee ballots for mailing. Since June 2020, intelligent mail barcodes (IMBs) have been available for clerks to use for ballots travelling to voters. The logic to generate an IMB for the specific voter is maintained in WisVote. When an absentee ballot record is created, an IMB is generated that indicates it is ballot mail, that the generator of the code is the Wisconsin Elections Commission, assigns it its own unique 9-digit number, and indicates the appropriate 5, 9, or 11 digit zip code for the mail piece for delivery. WisVote is programmed to determine the correct address record and zip code to be used. Voters may request their ballot be sent to their home address, a permanent mailing address other than their residential address (ex. a PO box), or a temporary address submitted with their absentee application. WisVote's programming will determine which address and related zip code to use based on what the voter has provided.

Changes to the EL-122

The proposed EL-122 incorporates many revisions to ensure statutory compliance and improve usability. The revised elements of the certificate envelope include the voter information section, voter certification, assistant certification, and witness certification. Note that clerks typically pre-fill the voter information section with a printed label, but voters in some jurisdictions may receive a blank form.

Voter Information Old

OFFICIAL ABSENTEE BALLOT APPLICATION/CERTIFICATION			
<small>(Official Use Only) The voter has met or is exempt from the photo ID requirement. Municipal or Deputy Clerk initial here:</small>			
<small>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).</small>			
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 <input type="checkbox"/> Village <input type="checkbox"/> City <input type="checkbox"/> of			
Voter's Name (Last, First, Middle) including suffix. <i>(Please print legibly)</i>			
Street Address—Provide house number and street name or fire number and street name. OR			
<small>If your rural address does not include a house number/fire number and street name, provide rural route number and box no.</small>			
City		WI	Zip Code
<small>Official use only:</small>	Ward #	District (if applicable)	Voted in clerk's office <input type="checkbox"/>

Voter Information New

Official Absentee Ballot Certificate & Application			
Voter Information (required)		Date of Election (mm/dd/yyyy)	
<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town Name			
Name (Last, First, Middle)			
Street Address			
County		City	
State	Zip	Ward (if known)	Ald. Dist (if known)

To ensure voters complete the statutorily required elements of the certificate envelope, three versions are proposed for three distinct audiences:

- Special Voting Deputies
- Military and Overseas Voters
- and Regular absentee voters, including in-person absentee voters.

Voter Certification

The new voter certification section uses a larger font and bullet points to ensure substantial compliance with Wis. Stat. § 6.87 (2). The section states:

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.
- I am entitled to vote in the 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 on election day or have changed my residence within the state from one ward or election district 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 further certify that I requested this ballot.

Voter Certification Old

3	Sign and date this section.
CERTIFICATION OF VOTER (Required)	
<p>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.</p>	
<p><input checked="" type="checkbox"/> _____ / ____ / ____ ▲ Signature of Voter ▲ (All voters must sign.) Today's Date</p>	
<p>REQUIRED OF MILITARY AND OVERSEAS VOTER ONLY: I further certify my birth date is: _____ / ____ / ____</p>	

Voter Certification New

Voter must complete this section	
<p>I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:</p> <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 	
<p><input checked="" type="checkbox"/> _____ / ____ / ____ Voter Signature Date of Birth (Military Voters and Overseas Voters Only)</p>	

The final bullet is not present in Wis. Stat. § 6.87 (2), however it does help to establish the document in its dual purpose as an absentee application and absentee certificate. The date of the signature has no statutory basis and is not included in the revised version. The date of birth is required to be included for military and overseas voters per Wis. Stat. § 6.22 and is suggested to be included only on that version.

Assistant Certification

The assistant certification was moved into the box for the voter certification but otherwise remains unchanged. There is no requirement that the certificate contain an assistant signature, but in the cases that a voter cannot sign their own name due to a disability, a signature line is available as applicable to voters, and for compliance purposes with Wis. Stat. § 6.86(1)(ag) in the instances where the envelope is used for application purposes during the in-person absentee voting period.

Witness Certification

As with the voter certification, the new witness certification section uses a larger font and bullet points to ensure substantial compliance with Wis. Stat. § 6.87 (2). It states:

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.
- 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.
- I further certify that the name and address of the voter is correct as shown.

Witness Certification Old

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.

Witness Certification New

Witness must complete this section

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
- 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.
- I further certify that the name and address of the voter is correct as shown

Witness Printed Name

X
Witness Signature

Witness Address (Number, Street Name, Municipality)

The new witness certification includes a separate field for the witness printed name as required by statute. This addition was explicitly recommended by the Legislative Audit Bureau during their review completed in October 2021. This same report suggested the legislature consider modifying statutes to specify the specific components that constitute a valid witness address for certification purposes. WEC staff have included guidance to include the street address and municipality. In the Military and Overseas specific version, the first bullet is revised to “I am an adult” per Wis. Stat. § 6.87(4)(b)1. In the Special Voting Deputy specific version, a final bullet is added in compliance with Wis. Stat. § 6.87(4)(b)5. This version also duplicates and labels the printed name, signature, and address fields so that dedicated space is provided to the two special voting deputies to complete their statutory requirements.

Official Use Only

The two elements requiring clerk initialing per Wis. Stat. § 6.87(2) have been moved to the very bottom of the envelope under an official use only label. The option regarding in-person absentee voting is not included on the Military and Overseas or Special Voting Deputy versions. No clerk initialing options appear on the Special Voting Deputy version as Wis. Stat. § 6.87(2) refers to the initials of a municipal clerk or their deputy, rather than special voting deputy.

Clerk-Addressed Side of the Envelope

The flip side of the envelope in the provided prototype includes the statutorily required clerk’s name, title, and postal address. As provided to clerks, this information would be blank as it must be customized per municipality. Training on the required elements will need to be arranged, however this is not a change in interpretation. As a helpful reminder and in keeping with instruction #5 at the bottom the previous iteration of the certificate envelope, a reminder on the front of the envelope regarding the 8:00 pm deadline on election day is included.

New Return Envelope



The commission also asked WEC staff to investigate the use of intelligent mail barcodes (IMB) for ballot mail returning to the clerk’s office. In 2020, WisVote was programmed to generate return intelligent mail barcodes. Additional development would be required to accommodate the logic update made in 2021 to include 9- and 11-digit zip codes and a printable report available to the clerks. However, the greatest hurdle with implementation of a return intelligent mail barcode is the logistics of preparing absentee ballots to be sent.

For clerks and their staff applying the labels to the absentee envelopes, it would be difficult to ensure that the labels across the three spots for label placement were all related to the same individual. The mailing ID, a unique number generated per absentee ballot record in WisVote, could be included on this label and be present across all three labels, but would require individuals preparing the envelopes to match a seven-digit string across labels. If a label is misapplied, we may see return ballot tracking for an individual who hasn’t actually returned their ballot, creating distrust in the system.

Staff will continue to research this topic to identify a solution that would result in a user-friendly process. This research may include an approach that allowed clerks to easily print in groups of three labels per individual. Currently when printing in large batches, WisVote reports are programmed to work with a sheet of 10 labels, with five rows and two columns, with a unique voter per row. The labels are 2 x 4 inches, to accommodate all of the required and helpful fields in the voter information section of the certificate envelope discussed above. This information would need to be reformatted to fit on the more standard address label size of 1 x 2 5/8 inches. Given the change around the envelope already planned and the anticipated waste of unused envelopes, staff do not recommend pursuing this additional change at this time.

F. Conclusion

Clerk feedback and staff research since the last quarterly Commission meeting led to two significant conclusions driving the current prototypes and proposed motions. First, staff now recommend

maintaining the existing envelope sizes because of additional postage costs and supply chain concerns associated with larger sizes. Second, staff concluded that the benefits of separate EL-122 forms for Special Voting Deputies and UOCAVA voters outweighs the risk of user confusion based on clerk feedback, usability testing, improved legibility, and the elimination of information irrelevant to the voter. Staff therefore request the Commission consider the following motions adopting the proposed timeline and moving forward with #12 and #14 envelope sizes.

Motions

Recommended Motion 1: WEC staff should use the outlined timeline to implement a new absentee envelope design to be approved at a special meeting to be scheduled for early August 2023.

Recommended Motion 2: WEC staff should advise clerks and vendors that the #12 and #14 size envelopes will be utilized in the new design to be approved at the August 2023 commission meeting.

Recommended Motion 3: WEC commissioners approve that the EL-120 and EL-122 are statutorily compliant and will discuss the final proposed design at XX date.

Recommended Motion 4: WEC commissioners direct the new envelope design be adopted for the February 20, 2024 Spring Primary. Old envelope designs (may)/(may not) remain in use until supplies are exhausted.

Appendices

- I.1. Absentee Ballot Cert. Legal Analysis Memo with Prototypes
- I.2. EL-120 Redesign Proposal
- I.3. EL-122 Redesign Proposal (Certificate Only)
- I.4. EL-122 Redesign Proposal – SVD Variant (Certificate Only)
- I.5. EL-122 Redesign Proposal – UOCAVA Variant (Certificate Only)

APPENDIX I.1

Absentee Voting - Statutory Overview

Below is a chart containing a sequential, categorized list of the statutory provisions relating to absentee voting. Where applicable, the far-right column identifies which area(s) of redesign the statute relates to (i.e., uniform instructions, registration, application, footnote number corresponding to the documents)

General Commission Authority

Wis. Stat. Number	Subject	Description	Relevant to / Footnote
§5.01	Scope	(1) Construction of chs. 5 to 12. Except as otherwise provided, chs. 5 to 12 shall be construed to give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to fully comply with some of their provisions. ...	General statutory construction / administration
§5.05	Elections commission; powers and duties	(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. ...	General statutory construction / administration

General Absentee Voting Provisions / Non-Statutory Inclusions

Wis. Stat. Number	Subject	Description	Relevant to / Footnote
§6.869	Uniform instructions	The commission shall prescribe uniform instructions for municipalities to provide to absentee electors. The instructions shall include the specific means of electronic communication that an absentee elector may use to file an application for an absentee ballot and, if the absentee elector is required to register, to request a registration form or change his or her registration. The instructions shall include information concerning whether proof of identification is required to be presented or enclosed. The instructions shall also include information concerning the procedure for correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of each elector and preserve the confidentiality of each elector's vote.	Uniform Instructions
§12.60(1)(b)	Penalties	Whoever violates...may be fined not more than \$1,000, or imprisoned not more than 6 months or both.	2-1; 2-5; 3-1; 3-4; 4-1; 4-5
N/A	Signature on absentee certification	Wisconsin Statutes contemplate several situations under which a voter unable to sign their name can receive assistance (<i>See Wis. Stats. §§ 6.86 (1)(ag), (3)(a)</i>). Several assistor provisions are explored below in this	EL-122 2-2; 3-2; 4-2

		Appendix A as well. The Commission also opined in its “Absentee Voting in Residential Care Facilities and Retirement Homes” manual that, “If the voter is unable to sign any document necessary for voting, the voter may direct the assistor to sign the voter’s name to the document.” Other legal principles also contemplate a party directing another party to sign on their behalf (<i>See</i> “Signature by Proxy” principles for a notary public). The Commission must be advised, however, that Wis. Stat. § 6.87(5) only contemplates an assistor giving assistance to an absent elector in the marking of the ballot, not specifically signing on the absent elector’s behalf. The proposed template allows the assistant to certify that the voter was unable to sign their name due to a physical disability.	
--	--	---	--

EL-120 Ballot Envelope

Wis. Stat. Number	Subject	Description	Relevant to / Footnote
§ 6.87(2)	Absentee voting procedure	The envelope shall have the name, official title and post-office address of the clerk upon its face.	EL-120 1-1
§6.87(6) <i>See also</i> § 6.87(2)	Absent voting procedure	The ballot shall be returned so it is delivered to the polling place no later than 8 p.m. on election day. Except in municipalities where absentee ballots are canvassed under s. 7.52, if the municipal clerk receives an absentee ballot on election day, the clerk shall secure the ballot and cause the ballot to be delivered to the polling place serving the elector's residence before 8 p.m. Any ballot not mailed or delivered as provided in this subsection may not be counted.	EL-120 1-2
§6.87(3)		(a) Except as authorized under par. (d) and as otherwise provided in s. 6.875, the municipal clerk shall mail the absentee ballot to the elector's residence unless otherwise directed by the elector, or shall deliver it to the elector personally at the clerk's office or at an alternate site under s. 6.855. If the ballot is mailed, and the ballot qualifies for mailing free of postage under federal free postage laws, the clerk shall affix the appropriate legend required by U.S. postal regulations. Otherwise, the clerk shall pay the postage required for return when the ballot is mailed from within the United States. If the ballot is not mailed by the absentee elector from within the United States, the absentee elector shall provide return postage...	EL-120 1-3

EL-122 Certificate and Application

Wis. Stat. Number	Subject	Description	Relevant to / Footnote
§6.02	Qualifications, general	(1) Every U.S. citizen age 18 or older who has resided in an election district or ward for 28 consecutive days before any election where the citizen offers to vote is an eligible elector.	Voter Certification, Generally
§6.20	Absent electors	Any qualified elector of this state who registers may vote by absentee ballot under ss. 6.84 to 6.89.	Voter Certification /Application, Generally
§6.85	Absent elector; definition	(1) An absent elector is any otherwise qualified elector who for any reason is unable or unwilling to appear at the polling place in his or her ward or election district. (2) Any otherwise qualified elector who changes residence within this state by moving to a different ward or municipality later than 28 days prior to an election may vote an absentee ballot in the ward or municipality where he or she was qualified to vote before moving. (3) An elector qualifying under this section may vote by absentee ballot under ss. 6.86 to 6.89.	EL-122 2-1; 3-1; 4-1
§6.86	Methods for obtaining an absentee ballot	(1) (a) Any elector of a municipality who is registered to vote whenever required and who qualifies under ss. 6.20 and 6.85 as an absent elector may make written application to the municipal clerk of that municipality for an official ballot by one of the following methods: 1. By mail. 2. In person at the office of the municipal clerk or at an alternate site under s. 6.855, if applicable. 3. By signing a statement and filing a request to receive absentee ballots under sub. (2) or (2m) (a) or s. 6.22 (4), 6.24 (4), or 6.25 (1) (c). 4. By agent as provided in sub. (3). 5. By delivering an application to a special voting deputy under s. 6.875 (6). 6. By electronic mail or facsimile transmission as provided in par. (ac).	IPAV Application
	Methods for obtaining an absentee ballot	(ac) Any elector qualifying under par. (a) may make written application to the municipal clerk for an official ballot by means of facsimile transmission or electronic mail. Any application under this paragraph need not contain a copy of the applicant's original signature. An elector requesting a ballot under this paragraph shall return with the voted ballot a copy of the request bearing an original signature of the elector as provided in s. 6.87 ...	Military signature

	Methods for obtaining an absentee ballot	(ag) An elector who is unable to write his or her name due to physical disability may authorize an application to be made by another elector on his or her behalf. In such case, the application shall state that it is made on request and by authorization of a named elector who is unable to sign the application due to physical disability.	Assistant Certification 2-2; 3-2; 4-2
	Methods for obtaining an absentee ballot	(ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not issue an absentee ballot unless the clerk receives a written application therefore from a qualified elector of the municipality. The clerk shall retain each absentee ballot application until destruction is authorized under s. 7.23 (1). Except as authorized in s. 6.79 (6) and (7), ... The clerk shall then enter his or her initials on the certificate envelope indicating that the absentee elector presented proof of identification to the clerk.	IPAV Application 2-3; 4-3
	Methods for obtaining an absentee ballot	(b) The municipal clerk or an election official shall witness the certificate for any in-person absentee ballot cast. (a) ... The envelope containing the absentee ballot shall be clearly marked as not forwardable. If any elector is no longer indefinitely confined, the elector shall so notify the municipal clerk....	Witness Certification (IPAV/SVD) EL-120
§ 6.87(2)	Absentee voting procedure	Except as authorized under sub. (3) (d), the municipal clerk shall place the ballot in an unsealed envelope furnished by the clerk. The envelope shall have the name, official title and post-office address of the clerk upon its face...	EL-122 2-4; 3-3; 4-4
	Absentee voting procedure	The other side of the envelope shall have a printed certificate which shall include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that if the absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of identification to the clerk and the clerk verified the proof presented. The certificate shall also include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that the elector is exempt from providing proof of identification because the individual is a military elector or an overseas elector who does not qualify as a resident of this state under s. 6.10 or is exempted from providing proof of identification under sub. (4) (b) 2. or 3...	EL-122 2-3; 4-3
	Absentee voting procedure	The certificate shall be in substantially the following form: [STATE OF County of] or [(name of foreign country and city or other jurisdictional unit)]	Voter Certification EL-122 2-1; 3-1; 4-1

		<p>I,, certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, that I am a resident of the [... ward of the] (town) (village) of, or of the aldermanic district in the city of, residing at* in said city, the county of, state of Wisconsin, and am entitled to vote in the (ward) (election district) at the election to be held on; 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) (election district) on election day or have changed my residence within the state from one ward or election district 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 (his) (her) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I voted.</p> <p>Signed</p>	
	Absentee voting procedure	<p>The witness shall execute the following: I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that I am an adult U.S. citizen** and that the above statements are true and the voting procedure was executed as there 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.</p> <p>....(Printed name) (Address)*** Signed</p>	<p>Witness Certification</p> <p>EL-122</p> <p>2-5; 3-4; 4-5</p>
	Absentee voting procedure	<p>** — An individual who serves as a witness for a military elector or an overseas elector voting absentee, regardless of whether the elector qualifies as a resident of Wisconsin under s. 6.10, Wis. Stats., need not be a U.S. citizen but must be 18 years of age or older.</p>	<p>Military - Witness Certification</p> <p>EL-122</p> <p>4-5</p>
	Absentee voting procedure	<p>*** — If this form is executed before 2 special voting deputies under s. 6.875 (6), Wis. Stats., both deputies shall witness and sign.</p>	<p>SVD Certification</p> <p>EL-122</p> <p>3-4</p>

§6.87(4)(b)	Absentee voting procedure	1. Except as otherwise provided in s. 6.875, an elector voting absentee, other than a military elector or an overseas elector, shall make and subscribe to the certification before one witness who is an adult U.S. citizen. A military elector or an overseas elector voting absentee, regardless of whether the elector qualifies as a resident of this state under s. 6.10, shall make and subscribe to the certification before one witness who is an adult but who need not be a U.S. citizen...If the elector requested a ballot by means of facsimile transmission or electronic mail under s. 6.86 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an original signature of the elector...	Military - Witness Certification EL-122 4-5
	Absentee voting procedure	The witness may not be a candidate...Unless subd. 3. applies, if the absentee elector has applied for and qualified to receive absentee ballots automatically under s. 6.86 (2) (a), 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 which contains the name and address of the elector and verifies that the name and address are correct... 5. 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 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...	Witness Certification EL-122 2-5; 3-4; 4-5
§6.87(5)	Absentee voting procedure	If the absent elector declares that he or she is unable to read, has difficulty in reading, writing or understanding English or due to disability is unable to mark his or her ballot, the elector may select any individual, except the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector, to assist in marking the ballot, and the assistant shall then sign his or her name to a certification on the back of the ballot, as provided under s. 5.55.	Assistant Certification 2-2; 3-2; 4-2

§6.87(6)	Absentee voting procedure	The ballot shall be returned so it is delivered to the polling place no later than 8 p.m. on election day...	EL-122 2-6; 4-6
§6.87(7)	Absentee voting procedure	No individual who is a candidate at the election in which absentee ballots are cast may serve as a witness...	Witness Certification EL-122 2-5; 3-4; 4-5
§6.87(8)	Absentee voting procedure	The provisions of this section which prohibit candidates from serving as a witness for absentee electors shall not apply to the municipal clerk in the performance of the clerk's official duties...	Witness Certification EL-122 2-5; 3-4; 4-5
§6.875	Absentee voting in certain residential care facilities and retirement homes	(4)(b)...No individual who is employed or retained, or within the 2 years preceding appointment has been employed or retained, at a qualified retirement home or residential care facility in the municipality, or any member of the individual's immediate family, as defined in s. 19.42 (7), may be appointed to serve as a deputy.	Uniform Instructions EL-122 3-4
	Absentee voting in certain residential care facilities and retirement homes	(6)(c)1 In lieu of providing a copy of proof of identification under s. 6.87 (4) (b) 1. with his or her absentee ballot, the elector may submit with his or her ballot a statement signed by both deputies that contains the name and address of the elector and verifies that the name and address are correct. The deputies shall enclose the statement in the certificate envelope...The deputies shall each witness the certification and may, upon request of the elector, assist the elector in marking the elector's ballot.... No individual other than a deputy may witness the certification and no individual other than a deputy or relative of an elector may render voting assistance to the elector.	EL-122 3-4

EL-122 Certificate and Application – Military Voter Specifics

Wis. Stat. Number	Subject	Description	Relevant to / Footnote
§6.06	Information for Uniformed Service Members	“The commission is the agency designated by this state under 42 USC 1973ff-1 to provide information regarding voter registration and absentee balloting procedures to absent members of the uniformed services and overseas voters with respect to elections for national office.”	Military Voting Generally
§6.22	Absentee voting for military electors	(2)(b) A military elector shall make and subscribe to the certification under s. 6.87 (2) before a witness who is an adult.	EL-122 4-5

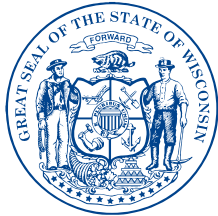
	Absentee voting for military electors	(3) Registration exempt. Military electors are not required to register as a prerequisite to voting in any election.	Military Registration
	Absentee voting for military electors	(4)(e) Whenever the material is mailed, the material shall be prepared and mailed to make use of the federal free postage laws. If the material does not qualify for mailing without postage under federal free postage laws, the municipal clerk shall pay the postage required for mailing to the military elector. If the return envelope qualifies for mailing free of postage under federal free postage laws, the clerk shall affix the appropriate legend required by U.S. postal regulations. Otherwise the municipal clerk shall pay the postage required for return when the ballot is mailed from within the United States. If the ballot is not mailed by the military elector from within the United States the military elector shall provide return postage.	EL-120 Uniform Instructions
	Absentee voting for military electors	(5) Except as authorized in s. 6.25, the ballot shall be marked and returned, deposited and recorded in the same manner as other absentee ballots. In addition, the certification under s. 6.87 (2) shall have a statement of the elector's birth date.	EL-122 4-1
§6.24	Federal overseas voting	(3) Registration. The overseas elector shall register in the municipality where he or she was last domiciled or where the overseas elector's parent was last domiciled on a form prescribed by the commission designed to ascertain the elector's qualifications under this section. The commission shall ensure that the form is substantially similar to the original form under s. 6.33 (1), insofar as applicable. Registration shall be accomplished in accordance with s. 6.30 (4) or (5).	Military Voting Generally
	Federal overseas voting	(5) Ballots. The commission shall prescribe a special ballot for use under this section whenever necessary. Official ballots prescribed for use in the presidential preference primary may also be used. The ballot shall be designed to comply with the requirements prescribed under ss. 5.60 (8), 5.62, and 5.64 (1) insofar as applicable. All ballots shall be limited to national offices only.	Military Voting Generally

	Federal overseas voting	<p>(6) Instructions and handling. The municipal clerk shall send a ballot, as soon as available, to each overseas elector by whom a request has been made. The commission shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose such instructions with each ballot. The envelope, return envelope and instructions may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties. Except as authorized in s. 6.87 (3), the municipal clerk shall mail the material, with sufficient postage to ensure that the elector receives the ballot, unless the material qualifies for mailing free of postage under federal free postage laws. If the return envelope qualifies for mailing free of postage under federal free postage laws, the clerk shall affix the appropriate legend required by U.S. postal regulations. Otherwise, the municipal clerk shall pay the postage required for return when the ballot is mailed from within the United States. If the ballot is not mailed by the overseas elector from within the United States, the overseas elector shall provide return postage.</p>	<p>Military Voting Generally EL-122 4-7</p>
	Federal overseas voting	<p>(7) Voting procedure. Except as authorized under s. 6.25, the ballot shall be marked and returned, deposited and recorded in the same manner as other absentee ballots. In addition, the certificate shall have a statement of the elector's birth date...</p>	<p>EL-122 4-1</p>

Official Absentee Balloting Material

First Class Mail

Clerk First Lastname **1-1**
City of Sampletown
456 Example Blvd Suite 789
Sampletown, WI 54321

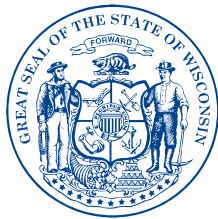


Voter First Lastname **1-2**
123 voter Address
sampletown, WI 54321

1-3

FIRST
CLASS
POSTAGE
REQUIRED

Return Service Requested



Official Absentee Balloting Material



Official Absentee Ballot Certificate & Application

Voter Information (required)		/ / Date of Election (mm/dd/yyyy)	
<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town Name			
Name (Last, First, Middle)			
Street Address			
County		City	
State	Zip	Ward (If known)	Ald. Dist (If known)

Voter must complete this section

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 further certify that I requested this ballot

X

2-1

Voter Signature

Certification of Assistant (If applicable)

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

Assistant Signature

2-2

Witness must complete this section

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
- 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 Printed Name

X

Witness Signature

Witness Address (Number, Street Name, Municipality)

2-5

↓ ↓ Official Use Only ↓ ↓

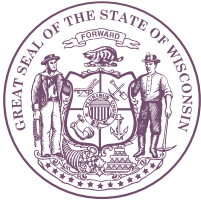
Clerk Initial Here	Voter exempt from or has met POI requirement <input style="width: 40px; height: 20px;" type="checkbox"/>	Voted in clerk's office <input style="width: 40px; height: 20px;" type="checkbox"/>
---------------------------	--	---

2-3

Absentee Ballot Return Envelope

2-6 Ballot must
arrive by 8 p.m.
on Election Day

Clerk First Lastname
City of Sampletown
456 Example Blvd Suite 789
Sampletown, Wi 54321



2-4

Clerk First Lastname
City of Sampletown
456 Example Blvd Suite 789
Sampletown, Wi 54321

FIRST
CLASS
POSTAGE
REQUIRED

Official Absentee Ballot Certificate

[SVD]

Voter Information (required)

____ / ____ / ____
Date of Election (mm/dd/yyyy)

- City
- Village
- Town Name

Name (Last, First, Middle)

Street Address

County

City

State

Zip

Ward
(if known)

Ald. Dist
(if known)

Voter must complete this section

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

3-1

X

Voter Signature

Certification of Assistant (if applicable)

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

3-2

Assistant Signature

SVDs must complete this section

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
- 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.
- I further certify that the name and address of the voter is correct as shown

3-4

Deputy #1 Printed Name

Deputy #2 Printed Name

X

X

Deputy #1 Signature

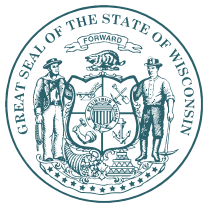
Deputy #2 Signature

Deputy #1 Address (Number, Street Name, Municipality)

Deputy #2 Address (Number, Street Name, Municipality)

Absentee Ballot Return Envelope

For Special
Voting Deputies
Only



3-3

Clerk First Lastname
City of Sampletown

Official Absentee Ballot Certificate

[UOCAVA]

**Voter Information
(required)**

____ / ____ / ____
Date of Election (mm/dd/yyyy)

- City
- Village
- Town Name

Name (Last, First, Middle)

Street Address

County

City

State

Zip

Ward
(If known)

Ald. Dist
(If known)

Voter must complete this section

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

4-1

X

Voter Signature

Date of Birth ____ / ____ / ____

(Military and Overseas Voters Only)

Certification of Assistant (If applicable)

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

4-2

Assistant signature

Witness must complete this section

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

- I am an adult
- 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

4-5

Witness Printed Name

X

Witness Signature

Witness Address (Number, Street Name, Municipality)

↓ ↓ Official Use Only ↓ ↓

Clerk Initial Here (Required)

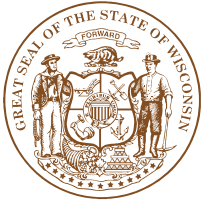
Voter exempt from or has met POI requirement

4-3

Absentee Ballot Return Envelope

4-6 Ballot must
arrive by 8 p.m.
on Election Day

Clerk First Lastname
City of Sampletown
456 Example Blvd Suite 789
Sampletown, Wi 54321



OFFICIAL ABSENTEE BALLOTING MATERIAL — FIRST-CLASS MAIL

NO POSTAGE NECESSARY IN THE U. S. MAIL — DMM-703.8.0

4-7

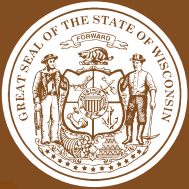
FIRST
CLASS
POSTAGE
REQUIRED

PAR AVION
AIRMAIL

4-4

Clerk First Lastname
City of Sampletown
456 Example Blvd Suite 789
Sampletown, Wi 54321

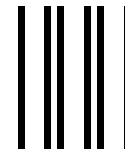
Absentee Ballot Return Envelope



4-6

Ballot must arrive
by 8 p.m. on
Election Day

Clerk First Lastname
City of Sampletown
456 Example Blvd
Suite 789
Sampletown, Wi 54321



4-7

U.S.
POSTAGE
PAID, 39
USC 3406



PAR AVION
AIRMAIL

OFFICIAL ABSENTEE BALLOTING MATERIAL — FIRST-CLASS MAIL

NO POSTAGE NECESSARY IN THE U. S. MAIL — DMM-703.8.0

4-4

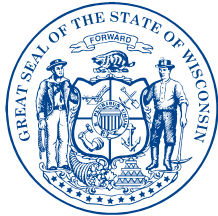
Clerk First Lastname
City of Sampletown
456 Example Blvd Suite 789
Sampletown, Wi 54321

Appendix I.2

**Official
Absentee
Balloting
Material**

First Class Mail

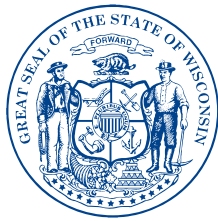
Clerk First Lastname
City of Sampletown
456 Example Blvd Suite 789
Sampletown, WI 54321



Voter First Lastname
123 voter Address
sampletown, WI 54321

FIRST
CLASS
POSTAGE
REQUIRED

Return Service Requested



Official Absentee Balloting Material



Official Absentee Ballot Certificate & Application			
Voter Information (required)		Date of Election (mm/dd/yyyy) <u> </u> / <u> </u> / <u> </u>	
<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town Name			
Name (Last, First, Middle)			
Street Address			
County		City	
State	Zip	Ward (If known)	Ald. Dist (If known)

Voter must complete this section

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 further certify that I requested this ballot

X

Voter Signature

Certification of Assistant (If applicable)
 I certify that the voter is unable to sign their name due to a physical disability and that I signed the voter's name at the direction and request of the voter

Assistant Signature

Witness must complete this section

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
- 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 Printed Name

X

Witness Signature

Witness Address (Number, Street Name, Municipality)

↓ ↓ Official Use Only ↓ ↓

Clerk Initial Here	Voter exempt from or has met POI requirement <input type="checkbox"/>	Voted in clerk's office <input type="checkbox"/>
---------------------------	---	--

Official Absentee Ballot Certificate [SVD]			
Voter Information (required)		/ / Date of Election (mm/dd/yyyy)	
<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town Name			
Name (Last, First, Middle)			
Street Address			
County		City	
State	Zip	Ward (if known)	Ald. Dist (if known)

Voter must complete this section

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

X

Voter Signature

Certification of Assistant (if applicable)
 I certify that the voter is unable to sign their name due to a physical disability and that I signed the voter's name at the direction and request of the voter

Assistant Signature

SVDs must complete this section

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
- 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.
- I further certify that the name and address of the voter is correct as shown

Deputy #1 Printed Name	Deputy #2 Printed Name
X	X
Deputy #1 Signature	Deputy #2 Signature
Deputy #1 Address (Number, Street Name, Municipality)	Deputy #2 Address (Number, Street Name, Municipality)

Official Absentee Ballot Certificate				[UOCAVA]
Voter Information (required)		/ / Date of Election (mm/dd/yyyy)		
<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town Name				
Name (Last, First, Middle)				
Street Address				
County			City	
State	Zip	Ward (if known)	Ald. Dist (if known)	

Voter must complete this section

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

X Voter Signature	Date of Birth / / (Military and Overseas Voters Only)
-----------------------------	--

Certification of Assistant (if applicable)
 I certify that the voter is unable to sign their name due to a physical disability and that I signed the voter's name at the direction and request of the voter

Assistant signature

Witness must complete this section

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

- I am an adult
- 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 Printed Name

X
Witness Signature

Witness Address (Number, Street Name, Municipality)

↓ ↓ Official Use Only ↓ ↓

Clerk Initial Here (Required) Voter exempt from or has met POI requirement



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 April 28, 2023, Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by Elections Commission Staff

SUBJECT: Commission Staff Update

GENERAL OPERATIONS

1. Elections

Ahead of each election, the Elections team ensures that the necessary administrative tasks to conduct the election are completed. These tasks typically include reviewing the contests up for election and adding any contests that are a special election, providing the necessary pre-election notices and templates for said notices to clerks, working with clerks to confirm or update their polling place information, and ensuring that candidates' names have been entered into our system in their various contests. WEC staff provided reminders and information on completing these tasks, and no major issues were discovered for the April 4, 2023 Spring Election.

Staff are currently working through the post-election tasks, primarily gathering the various canvass statements from county clerks, performing internal quality checks, and preparing the necessary certification statements for the WEC chair.

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. The matches are first reviewed by DOC, then by the municipal clerks, and finally by Wisconsin Elections Commission staff before any referrals are made to county district attorneys for 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

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

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.

The Commission unanimously approved this motion at the September 21, 2022, meeting: If a district attorney's office does not provide an update within six years of the election date, staff should consider the referral closed and discontinue providing updates to the Commission. The current meeting documentation reflects this change. (Please note, there are not any open 2017 Voter Felon Audits, which is the six-year point; they were previously closed. Materials will start with 2018 records).

Voter felon audits have been performed for all previous elections through the 2022 General Election. The 2022 General Election review is still in the Stage 1 review process with DOC. Both the 2023 Spring Primary and 2023 Spring Election will be considered after staff can verify all clerk participation work has been entered for these elections.

Staff is also providing its bi-yearly update on the status of the past Voter Felon Audits and District Attorney response information. Attachment H.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.

2. Voters

The MyVote website continues to be an important source of election information for voters in Wisconsin. Since the February 2023 Commission meeting, site traffic increased as expected during a spring election cycle. Daily traffic increased in the run-up to both elections, with a daily average of users increasing to 30,000 visitors between the two elections and peaks of 118,000 visitors on February 21 and 221,000 visitors on April 4. Since the Spring Election, and with no statewide elections on the calendar for the rest of 2023, site traffic has begun to return to lower levels as expected.

Commission staff also saw an increase in comments from voters regarding text, phone, and mail contacts from political parties and third-party groups attempting to drive turnout for the February and April elections. The most common contacts were related to handwritten postcards/letters, a mailing listing vote participation history for the recipient and their neighbors by name, and the amount of texts/phone calls being received. Many of these comments were submitted to the WEC based on the incorrect belief that the WEC was responsible for the contacts or that the MyVote site was associated with the group making contact. A common issue that was mentioned regardless of the contact received by the voter was poor data quality on the part of the originating group. This included old or out-of-date mailing addresses and phone numbers. In almost all cases the erroneous data was not sourced from Wisconsin voter data which limited Commission staff in offering any assistance or resolution. A positive inference from these comments and unofficial complaints is that

political groups are more often referring voters to official state sources for election information as part of their voter contacts than they have in the past.

3. Data Quality & Reporting

Data quality queries are run every day 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. This past election cycle three new queries were added.

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 will be posted for each state on the EAC's website by end of summer 2023 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

- 1,777 municipalities reconciled their voting statistics for all reporting units.
- 72 municipalities outstanding, encompassing 88 reporting units.

2023 Spring Primary Election

- 1,751 municipalities reconciled their voting statistics for all reporting units.
- 98 municipalities outstanding, encompassing 157 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 March 27, 2023:

- 2022 Spring Election – 71 municipalities with incomplete reports
- 2022 Partisan Primary – 135 municipalities with incomplete reports
- 2022 General Election – 163 municipalities with incomplete reports
- 2023 Spring Primary Election – report not due until May 22, 2023

ERIC Movers Mailing

The Quarter 1 (Q1) 2023 Movers Mailing was sent out on March 31, 2023, to a total of 32,551 voters.

Table 1: Summary of Movers Mailings 2021 to present

Movers Summary as of March 30, 2023	Voter Count	Percentage of All Cards Mailed
Possible Movers ¹	191,054	41%
Registered ²	199,986	43%
Inactive Voters ³	76,899	16%
Total Records	467,939	100%

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.

FY22 figures include requests and net revenue received through January 17, 2023. Note that nomination papers are offered at no charge and thus not included in the “Requests” and “Purchased” columns.

For several months, usability testing has occurred in hopes to create a more comprehensive user experience. Our goal has been to offer an easy-to-navigate system through a simplistic visual design and decisive search criteria. In ensuring an improved user experience, we gain confident repeat requestors who can readily access voter data and candidate papers. Deployment of the improved website is scheduled for May 1, 2023.

Table 2: Badger Voters Revenue

Fiscal Year	Requests	Purchased	% Purchased	Net Revenue	Nomination Papers
FY2023	1,069	946	88.5%	\$653,667	188
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
FY2015	679	418	61.5%	\$242,801	NA

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

4. Accessibility

See WEC Accessibility Report published separately.

5. Absentee

Staff encountered some difficulties with USPS deliveries, specifically when absentee ballots were being sent out of state. One issue related to ballots being sent to locations that were not owned by the voters. Voters would request a ballot be sent to their vacation or temporary home in a different location and though they provided the exact address to USPS (i.e., not their permanent Wisconsin address), it was being returned to the clerk as not deliverable. Even though ballots should be delivered as addressed, USPS was not able to explain all instances where this occurred. The most common explanation is that the local mail carrier on a non-Wisconsin route determined the piece was undeliverable due to the mismatch between the name on the envelope and the expected name on the mailbox.

A second issue related to voters not receiving ballots when they had a forwarding service placed on their account with USPS. It appears the USPS system will allow an individual to create a “loop” where mail cannot be delivered to an individual when they set up a forward at one post office, and then a reverse of that forward at another. Even though they were giving the clerk the exact address to have their ballot sent, because USPS had a forwarding/return service on their account, it was causing ballots to not be delivered. USPS understood this was causing an issue but was not able to work with their customers to resolve the problem. In this case, the clerk placed the absentee ballot in a manilla envelope and the voter was able to receive the ballot, but not in time to return it.

Finally, some overseas voters encountered issues when they attempted to have their ballots returned using rush or expedited delivery. Because they were not appearing in normal form for ballot mail (i.e. the EL-122 was concealed within the expediated envelope), USPS was not processing their mail pieces within the promised timeframe. In this instance, the ballot involved was tracked as having been delivered to Milwaukee on March 25. Because it was concealed within the expediated envelope, USPS could not quickly identify the envelope in their standard sweeps for ballot mail until Thursday, April 6, when it was too late to be counted.

6. Addressing & Districts

Staff prepared ward updates in January before the Spring Primary Election and in March before the Spring Election to reflect annexation changes to municipal lines. These changes resulted in 42 new wards being created and 152 municipal lines altered to reflect those annexations.

In addition, the Town of Lisbon incorporated to become the Village of Lisbon after the Spring Primary and WisVote was updated to reflect this change at the beginning of March before absentee ballots were generated for the Spring Election.

7. Security

Election Security Subgrants

Election Security .gov Email Domain Subgrant

The Election Security .gov Email Domain Subgrant was approved by the Commission on January 11, 2022, and initially announced on February 10, 2022, with a total allocation of \$300,000. The subgrant was reauthorized by the Commission at the September 21, 2022, meeting and was announced on April 10, 2023. Municipalities that have transitioned to a wi.gov or .gov domain during the grant project period (August 24, 2021, to January 31, 2024) are eligible for reimbursement of up to \$600 in related expenses.

- To date, \$140,000 has been disbursed to over 280 municipalities to assist with the transition to a .gov or wi.gov domain.
- WEC staff have processed approximately 500 service requests to DOA/DET on behalf of local jurisdictions.
- WEC staff have assisted over 600 jurisdictions in establishing a wi.gov/.gov domain through these service requests and/or by processing their subgrant reimbursements.
- A more streamlined process to request a wi.gov domain has been established with DOA/DET, enabling municipalities to make their requests directly to the authorizing entity.

Table 3: Trusted .gov Domain statistics

.gov Domains in use by WI localities	Jan 2022	March 2023	Percentage Increase
.wi.gov	139	354	155%
.gov	80	487	509%
Total	219	841	284%

Note: January 2022 data counts derived from wi.gov and .gov domains in WisVote, wi.gov service requests, subgrant requests and DOA/DET reporting. March 2023 data counts from DOA/DET reporting and complete list of .gov domains at get.gov/data.

2022 HAVA Election Security Subgrant for Municipalities

The Commission approved the renewal of the 2019/2020 Election Security Subgrant at the July 22, 2022, meeting. The grant was created to allow municipalities to make fundamental cyber-security improvements to meet baseline cybersecurity requirements, such as up-to-date software, endpoint security, and technical support. The Commission allocated \$1,000,000 to this program.

Table 4: Municipal Subgrant Key Dates

Date	Event
September 13, 2022	Subgrant announced, applications accepted
December 31, 2022	Deadline to submit subgrant applications (MOU)
February 28, 2023	Compliance forms due

In total, \$430,300 was awarded to 416 municipalities. Commission staff are currently working with municipalities to close out this subgrant and ensure all required documentation is collected.

TRAINING & EQUIPMENT

8. Clerk Training

Following this memorandum as Attachment H.2 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 specialized election training through its election administration and WisVote webinar training series. The election administration webinar on “*Conducting a Recount*” reviewed recommended procedures, including who can request a recount, the timeline for a recount and sample forms for conducting a recount of a local election result. The “*What to Know About the April Election*” included a look back at several 2022 court decisions and a review of issuing ballots, counting write-in votes, and breaking ties, among other election day duties.

The “*WisVote Addressing: Put a Pin in It*” webinar covered when and how to enter a new address, how to correct and update an existing address, and when each should be done. The webinar also provided guidance on the impact an incorrect address entry or update can have on other WisVote records.

WEC staff presented at the Wisconsin Municipal Clerks Association District 4 meeting on February 28 in Verona. Topics included tracking Election Day registrations, inspector statement, recording participation and reconciliation in WisVote and the Badger Books project. Staff also met with the Wisconsin County Clerks Association on March 7 in Madison and discussed a variety of topics of interest to the county clerks.

9. Badger Book Program

A total of 198 municipalities used Badger Books in the 2023 Spring Election. This constitutes the largest number of users for any election in the history of the program. Overall, clerks and election inspectors reported a positive experience using Badger Books during this election cycle. As with

every election, the credit for a successful experience belongs to the local election officials using Badger Books in their polling places.

Despite the high turnout and a large number of municipalities being relatively new to the program, clerks and election inspectors were able to solve most issues experienced in pre-election prep or in their polling places without additional input from WEC staff. The Badger Book team recorded 90 phone contacts from users on Election Day, many of which concerned hardware issues, minor problems with the Badger Book application, and general election administration questions. Given the number of municipalities using Badger Books, this is still a relatively low contact rate, which speaks to the quality of the Badger Book product.

The largest share of contacts handled by staff before, on, and after Election Day were users reporting issues with their hardware. This experience is consistent with previous elections. While there are sometimes reports of issues with the WEC-developed application, hardware concerns are the most common problems staff are asked to resolve or assist with during an election. This factors heavily into the decision to further research other hardware solutions that would better serve Badger Book users.

As previously reported, staff will be spending the remainder of 2023 focusing on program improvements. This includes software enhancements, revisiting existing training offerings/content, and researching alternative hardware solutions. Defining the structure and future growth of the Badger Book program is an important goal for this year, with the major focus being on ensuring the program can continue to grow sustainably for years to come. Staff will communicate any major developments to the Commission accordingly.

10. Voting Equipment

In the current reporting period, the voting equipment team finalized the review of nine Engineering Change Orders (ECOs) from Dominion Voting Systems. These ECOs were reviewed by the WEC Administrator and Chair- in accordance with state law and the policies adopted by the full Commission- and full documentation will be sent to the vendor authorizing the approval of all nine ECOs.

1. Dominion Voting Systems ECO 100772
2. Dominion Voting Systems ECO 100803
3. Dominion Voting Systems ECO 100812
4. Dominion Voting Systems ECO 100829
5. Dominion Voting Systems ECO 100830
6. Dominion Voting Systems ECO 100830
7. Dominion Voting Systems ECO 100833
8. Dominion Voting Systems ECO 100845
9. Dominion Voting Systems ECO 100864

The voting equipment team is in receipt of four complete applications for approval of electronic voting systems. These applications, as well as additional context on the certification schedule for the upcoming year, will be presented as a separate agenda item in these materials.

COMMUNICATIONS

11. Outreach

Newsletter

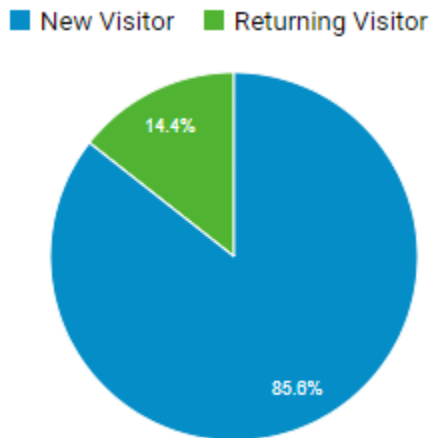
The newsletter team recently published Volume III, Issue VIII of its biweekly clerk newsletter, the eighth of the year. The newsletter team recently began including profiles of municipal and county clerks in its newsletter to highlight the hard work of local election officials and to give clerks a platform to share insights. The team has also worked to streamline editorial processes to ensure consistency and accuracy of the newsletter product.

In the past six months, the newsletter has featured a 42% unique open rate, significantly higher than the industry average, according to Campaign Monitor. The newsletter's click-to-open rate, the percentage of people who opened the email and clicked a link within the newsletter, is 20%.

Website

Leading up to and through the election, staff monitored the use of elections.wi.gov through WEC's Google Analytics account. On an average weekday, the website draws about 4,000 users. On April 3, that number increased to 12,585 and on April 4 it jumped to 116,721. As expected, the traffic decreased over the subsequent days to 51,945 on April 5 and 6,990 on April 6 before returning to the daily average.

Over the course of the week of April 2-8, there were 175,738 new users to the site.



Below is a list of the 10 pages most frequently accessed throughout that week:

1. Election Results
2. County Results List
3. Homepage
4. 2023 Spring Election Event
5. Voter Registration
6. Elections

7. Election Day Voting
8. Election Day Reminders for April 4, 2023 (News)
9. Voter Turnout (Statistics & Data)
10. Clerk Directory

Page ?	Pageviews ?	Unique Pageviews ?	Avg. Time on Page ?	Entrances ?	Bounce Rate ?
	404,805 <small>% of Total: 100.00% (404,805)</small>	313,197 <small>% of Total: 100.00% (313,197)</small>	00:01:33 <small>Avg for View: 00:01:33 (0.00%)</small>	216,731 <small>% of Total: 100.00% (216,731)</small>	45.62% <small>Avg for View: 45.62% (0.00%)</small>
1. /elections/election-results	134,657 (33.26%)	87,689 (28.00%)	00:01:05	81,977 (37.82%)	51.07%
2. /wisconsin-county-election-websites	60,627 (14.98%)	50,723 (16.20%)	00:05:20	34,273 (15.81%)	8.12%
3. /	29,293 (7.24%)	24,544 (7.84%)	00:00:54	21,793 (10.06%)	45.49%
4. /event/2023-spring-election	17,995 (4.45%)	16,401 (5.24%)	00:01:03	14,669 (6.77%)	61.58%
5. /Register	14,064 (3.47%)	11,252 (3.59%)	00:03:01	10,492 (4.84%)	58.55%
6. /elections	13,893 (3.43%)	10,628 (3.39%)	00:00:19	744 (0.34%)	33.51%
7. /election-day-voting	8,838 (2.18%)	8,292 (2.65%)	00:01:47	7,980 (3.68%)	76.91%
8. /news/election-day-reminders-april-4-2023	6,701 (1.66%)	6,342 (2.02%)	00:04:12	5,725 (2.64%)	82.18%
9. /statistics-data/voter-turnout	5,866 (1.45%)	4,565 (1.46%)	00:01:30	3,807 (1.76%)	50.66%
10. /clerks/directory	5,448 (1.35%)	4,277 (1.37%)	00:00:46	764 (0.35%)	56.47%

While Election Results and Voter Turnout were both accessed frequently, they also saw fairly high bounce rates (visitors leaving from those pages without going anywhere else on the website) presumably due to the lack of information related to the Spring Election. Most visitors to elections.wi.gov come to the website through organic searches, meaning they search for a Wisconsin election-related topic through Google, Bing, Yahoo, etc. and find our website that way. If voters land on exactly the page they need (such as Voter Registration), they may leave once they have their answer and not explore further.

Staff continue to monitor user experiences on elections.wi.gov and have plans to improve the site and increase public awareness of it going forward.

Social Media

On Election Day, PIO staff went into the field to capture photos of the WEC’s polling place accessibility review program that the agency conducts with the assistance of Disability Rights Wisconsin. The WEC shared a couple of these photos on its social media pages to spread awareness of the program.

As with previous elections, PIO staff provided templated social media posts for both the agency and local clerks to inform the public of important dates and deadlines related to the Spring Election.

Spring Election Information

In the weeks before the Spring Election, PIO staff released several news releases to increase awareness of the pre-election public test of voting equipment, reminders of how to be prepared for Election Day, and a guide for media on how to cover Wisconsin elections.

Administrator Wolfe also conducted an Election Day media availability to update the public on the potential threat posed by severe weather, how Election Day was going, what to expect after the polls closed, and to answer questions.

12. Elections Help Desk & Customer Service

The Elections Help Desk staff is supporting more than 2,300 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, administering WEC’s O365 email system. The staff continues to administer the WisVote Active Directory system and the Elections Learning Center, maintaining system security.

On January 12, the agency made the transition for remaining shared email inboxes onto the Zendesk platform. Zendesk is an online ticking application that allows for efficient management and tracking of emailed contacts to the agency. This platform was adopted over many months and directly addresses a recommendation from the Legislative Audit Bureau.

Customer Service Call Volume

January 2023	1,697
February 2023	2,486
March 2023	3,058
April 2023 (1 st – 4 th)	1,038
Total for Reporting Period	8,279

Customer Service Email Volume elections@wi.gov

January 2023	3,658
February 2023	4,692
March 2023	4,632
April 2023 (1 st – 4 th)	802
Total for Reporting Period	13,784

Address Verification Postcards Mailed

January 2023	3,525
February 2023	7,852
March 2023	2,171
April 2023 (1 st – 4 th)	165
Total for Reporting Period	13,713

Voter Cancellations Received by Email

January 2023	16
February 2023	22
March 2023	13
April 2023 (1 st – 4 th)	3
Total for Reporting Period	54

ADMINISTRATION

13. Financial Services Activity

The WEC financial staff has performed the following financial services activities since the February 2, 2023, Staff Update to the Commission:

- On January 25 & 27, 2023, staff attended the U.S. Election Assistance Commission’s (EAC) webinars to discuss the new 2023 disbursement of federal Election Security grant funds.
- On January 27, 2023, staff submitted to the EAC our Federal Financial Report (FFR) for the first quarter of federal fiscal year 2023.
- On February 1 & 2, 2023, staff attended the State of Wisconsin’s Procurement Conference.
- On February 8, 2023, staff attended our Department of Administration’s (DOA’s) Federal Funding Accountability and Transparency Act (FFATA) Subaward training.
- On March 7, 2023, after several meetings over the past three months with DOA’s Treasury and STAR teams, staff successfully completed our first batch deposit via the Onsite Electronic Deposit system.
- On March 8, 2023, staff attended a meeting with DOA’s Audit Supervisor to discuss the State Single Audit Guidelines and proposed updates to the main document and review process.
- On March 23, 2023, staff attended a webinar presented by the Department of Homeland Security (DHS) to learn about the Homeland Security grant programs.
- On March 27-30, 2023, staff reconciled our federal Election Security grant for the close of the second federal fiscal quarter.
- On March 30, 2023, staff submitted to DOA our agency’s 2023 Internal Control Plan.

- On April 4 & 5, 2023, staff attended the EAC's training on submitting our FFR in the GrantSolutions system for the second federal fiscal quarter of 2023.
- Staff have continued to meet and communicate with representatives from McBride, Lock & Associates accounting firm as we submit financial samples for our routine federal audit.

In addition, staff has performed the following monthly:

- Staff continued to perform and submit to the SCO scheduled month-end close queries, inquiries, and reports. Staff conducted the necessary adjusting entries to resolve any discrepancies.
- Staff continued to validate Wisconsin Department of Administration (DOA)'s monthly Diverse Spend Reports.
- Staff continued to participate in monthly DOA virtual user group webinars pertaining to Project Costing, Accounts Receivable and Billing, Accounts Payable, Travel and Expenses, and Asset Management.
- Staff continued to participate in the virtual PCard Administrators Group to discuss issues pertaining to the Wisconsin Purchasing Card (PCard) and 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 13 Purchase Orders totaling \$89,049.62 have been processed since the February 2, 2023, Staff Update to the Commission:

- A \$194.26 Purchase Order was written to Paragon Development Systems for a Camtasia video editing license.
- A \$11,088.00 Purchase Order was written to Paragon Development Systems for a Surface Pro with carrying case and warranty plan.
- A \$6,995.00 Purchase Order was written to Articulate Global, Inc. for Articulate 360 Teams.
- A \$9,894.00 Purchase Order was written to SHI International Corp. for Google Maps API Applied Geographics credits.
- A \$28,440.00 Purchase Order was written to Knowledge Services for an IT Technical Writer II's services through 6/30/2023.

- A \$11,073.25 Purchase Order was written to Beyond Vision Inc. for call service support preceding and during the Spring Primary Election.
- A \$151.00 Purchase Order was written to Paragon Development Systems for a Surface Pro keyboard.
- A \$2,504.97 Purchase Order was written to DI & Associates for temporary staff to assist in the Spring Primary Election accessibility audits.
- A \$5,882.50 Purchase Order was written to Insite Public Sector for Yubico Security Keys.
- An \$8,554.94 Purchase Order was written to Beyond Vision Inc. for call service support preceding and during the Spring General Election.
- A \$2,177.34 Purchase Order was written to SHI International Corp. for Progress DevCraft Complete Developer License.
- A \$1,815.30 Purchase Order was written to DI & Associates for temporary staff to assist in the Spring General Election accessibility audits.
- A \$279.06 Purchase Order was written to SHI International Corp. for six additional LastPass licenses.

All purchases accurately followed the Wisconsin State Procurement Process.

15. Meetings and Presentations

WEC staff attended the following events since the last Staff Update memorandum.

February 7, 2023	WI-ISAC Cybersecurity Meeting
February 16-19, 2023	National Association of State Elections Directors Conference
February 19, 2023,	ERIC Board of Directors Meeting
February 23-24, 2023	Wisconsin Land Information Association Conference
February 28, 2023	Wisconsin Municipal Clerks Association – District 4 Meeting
March 1, 2023	Wisconsin County Clerks Association – Elections Meeting
March 3, 2023	Meeting with the U.S. Postal Service
March 6-9, 2023	Overseas Voting Initiative Working Group Conference

March 6-8, 2023	Wisconsin Municipal Clerks Association Conference
March 9, 2023	Election Observer Advisory Committee Meeting
March 13, 2023	Division of Enterprise Technology Projects Review
March 14, 2023	Homeland Security Council Meeting
March 15, 2023	National Association of Secretaries of State Meeting
March 16, 2023	Homeland Security Funding Workgroup Meeting
March 17, 2023	ERIC Board of Directors Meeting
March 21, 2023	WI-ISAC Cybersecurity Meeting
March 22, 2023	Enterprise IT Meeting
March 23, 2023	Meeting with Montana Elections Technical Staff
March 27, 2023	Meeting with Michigan Elections Technical Staff Carter Center & Tommy Thompson Center Presentation
March 28, 2023	Spring Election Security Review Meeting Meeting with the USPS Carter Center & Tommy Thompson Center Presentation
March 30, 2023	Homeland Security Funding Workgroup Meeting
April 5, 2023	State IT Directors Council Meeting
April 10, 2023	Disability Vote Coalition Meeting
April 12, 2023	Meeting with Wisconsin Native American Groups
April 13, 2023	Homeland Security Funding Workgroup Meeting
April 18, 2023	WI-ISAC Cybersecurity Meeting

OPEN VOTER FELON AUDITS

ELECTION	Number of voters matched with felons per Election	Number of matches referred to district attorneys	Number of referrals closed by DA without charges	Number of referrals resulting in a conviction	Number of remaining referrals with current charges filed status	Number of matches or cases referred remaining open or under investigation	Number of matches closed	Total number of voters	Referrals as a percentage of total number of voters
2022 General Election	50	0	0	0	0	50	0	2,668,891	0.000000%
2022 Partisan Primary	10	3	0	0	0	6	4	1,229,501	0.000244%
2022 Spring Election	12	7	0	0	0	8	4	982,884	0.000712%
2022 Spring Primary	4	3	0	0	0	3	0	241,450	0.001242%
2021 Spring Election	8	4	2	0	1	2	6	953,414	0.00042%
2021 Spring Primary	2	2	1	0	0	1	1	339,805	0.00059%
2020 General Election	147	107	37	16	7	48	99	3,297,524	0.00324%
2020 Partisan Primary	11	4	2	1	0	1	10	959,348	0.00042%
2020 May 12 Special Election	3	1	0	0	0	1	2	191,720	0.00052%
2020 Spring Election/Pres. Pref.	32	8	5	1	0	2	30	1,605,912	0.00050%
2020 Spring Primary	15	6	3	1	0	2	13	729,307	0.00082%
2019 Spring Primary	2	2	1	0	0	1	1	8,295	0.024111%
2018 General Election	79	52	31	4	1	17	62	2,688,879	0.001934%
2018 Partisan Primary	15	8	2	1	0	5	10	1,043,074	0.000767%
2018 Spring Election	8	2	0	1	0	1	7	1,017,513	0.000197%

MATCHES ARE IN STAGE 1

ATTACHMENT H.2

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

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>	16-section online presentation with quizzes	75
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>	7-section online presentation with self-evaluation	217
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>2/28/2023: <i>WisVote Addressing, Put a Pin In It</i>; 3/1/2023: <i>Conducting a Recount</i>; 3/8/2023: <i>What to Know for the April election.</i></p>	50 – 500 per live webinar; posted to website for clerks to use on-demand.

ATTACHMENT H.2

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

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>February 28, 2023: Wisconsin Municipal Clerks Association District 4 March 7, 2023: Wisconsin County Clerks Association Spring Conference</p>					
<p>The Learning Center (TLC) statistics, February 4-April 4:</p>					
<ul style="list-style-type: none"> • 4.1 thousand users with the most accessing it leading up to the primary • 57.8% of those users were new and averaged about 3 visits each 					
<p>Here is a list of the 10 most accessed TLC modules:</p>					
<ol style="list-style-type: none"> 1. Baseline CIT 2. MCT Core 3. Badger Books 4. WisVote Absentee Voting 5. WisVote Introduction 6. EA Webinar Series 7. WisVote Voter Management 8. Securing Elections Series, Security Awareness 9. WisVote Election Management 10. Election Administration (training videos) 					

