

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Elections Commission

Regular Meeting

February 2, 2023

9:00 A.M.

Due to the COVID-19 pandemic, this meeting is being held via video teleconference only.

Members of the public and media may attend online or by telephone. Please visit

<https://elections.wi.gov/event/wisconsin-elections-commission-february-2023-meeting> to view materials for the meeting. All public participants' phones/microphones will be muted during the meeting. Members of the public wishing to provide written comment to the Commissioners should email electioncomments@wi.gov with "Message to Commissioners" in the subject line.

Members of the public who wish to address the Commission during public comment should email electioncomments@wi.gov with the words "Request to Speak" in the subject line. The deadline to submit requests is 4:00 p.m. on February 1, 2023. Please consult the "Instructions for Public Comment" document included in the meeting materials on the Commission website.

Zoom information for meeting:

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/85876988904?pwd=QmpDZE9JaXNrd2pTNTg2V3ZtR1NBdz09>

Passcode: 717357

Or Telephone:

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

US: +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 719 359 4580 or +1 720 707 2699 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171

Webinar ID: 858 7698 8904

Passcode: 717357

AGENDA

- A. Call to Order**
- B. Administrator's Report of Appropriate Meeting Notice**
- C. Public Comment**
- D. Approval of Previous Meeting Minutes**

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E. Closed Session*

1. **Litigation Update**
2. **Closed Session Minutes Approval**

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

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NOTICE OF OPEN AND CLOSED MEETING

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

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O. Adjourn

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



Wisconsin Elections Commission

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

Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
12:30 p.m. October 28, 2022

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, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Sara Linski, Kelly McCormick, Riley Vetterkind, Jacob Walters, Riley Willman, Jim Witecha, and Meagan Wolfe, all by teleconference.

A. Call to Order

Commission Chair Millis called the meeting to order at 12:33 p.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Closed Session

1. Litigation Update

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

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.

The Commission moved into closed session at 12:35 p.m.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Administrator Wolfe noted that the public would be notified when the Commission returned to open session.

D. Discussion and Possible Action Related to Court Ruling in *Kormanik vs. WEC* Concerning Guidance on Spoiling Absentee Ballots

The Commission reconvened into open session at 1:10 p.m.

MOTION: To adopt the second proposed clerk communication dated October 28, 2022 with the amended language stating, “This order was stayed by the Court of Appeals until it made a decision to lift the stay on October 27, 2022, and the order will now go into effect starting at 3 p.m. on October 28, 2022.”

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.

E. Adjourn

MOTION: To adjourn.

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.

The Commission adjourned in open session at 1:19 p.m.

#####

October 28, 2022 Wisconsin Election Commission meeting minutes prepared by:

October 28, 2022 Wisconsin Election Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

February 2, 2023

DRAFT



Wisconsin Elections Commission

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

Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
9:00 a.m. November 30, 2022

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, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Kelly McCormick, Riley Vetterkind, Jacob Walters, Riley Willman, Jim Witecha, and Meagan Wolfe, all by teleconference.

A. Call to Order

Commission Chair Millis called the meeting to order at 9:01 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 and provided comment on the 2022 General Election, the election observers scope statement, and accessibility concerns related to the Dominion ImageCast Evolution machine. She recommended that the Commission assemble an advisory committee of key stakeholders to share insights concerning the election observers scope statement.

Discussion.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Renee Bradley

Renee Bradley appeared and provided comment concerning her negative experience as an election observer in City of Racine. She recommended that the “between three and eight feet” section of the current guidance be updated to prevent issues in the future.

Discussion.

Julie Seegers

Julie Seegers appeared and provided comment concerning reports she dealt with when scheduling Republican observers for Racine County for the 2022 Partisan Primary and General Election.

Discussion.

Barbara Beckert

Barbara Beckert appeared on behalf of Disability Rights Wisconsin and the Wisconsin Disability Vote Coalition. She provided comment on challenges faced by voters with disabilities in the 2022 election cycle.

Discussion.

Sandy Juno

Sandy Juno appeared and provided comment concerning her experiences coordinating election observers for the Republican Party in Brown County. She also referenced her written comments, which touched on concerns over Badger Voters list pricing.

Discussion.

Lee Ann Kristiansen

Lee Ann Kristiansen appeared and provided comment concerning her negative experience as an election observer in City of Racine.

Discussion.

Martha Chambers

Martha Chambers appeared and provided comment on absentee voting and ballot return assistance. She recommended that the absentee ballot instructions be updated to provide a more thorough explanation of voting accessibility options.

Discussion.

Holly Liska

Holly Liska appeared and provided comment concerning the legislative request for data and her experiences as an election observer in Town of Union, Vernon County.

Discussion.

Mary Jo Thompson

Mary Jo Thompson appeared and presented research concerning irregularities in the 2020 General Election.

Discussion.

Scott Woiak

Scott Woiak appeared and provided comment concerning his negative experience as an election observer in City of Racine.

Discussion.

Michael Mac Donald

Michael Mac Donald appeared and provided comment concerning her negative experience as an election observer in City of Racine. He recommended that observers be allowed to get screened in order to use the bathroom. He also recommended that observers be allowed to go to the polling place prior to the election to give feedback on the layout of the polling place setup.

Discussion.

D. Approval of Previous Meeting Minutes

MOTION: To approve the minutes for the September 6, 2022, September 13, 2022, September 21, 2022, October 7, 2022, October 10, 2022, and November 15, 2022, Commission meetings.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

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 10:15 a.m.

Jacob Walters left the meeting.

E. Scheduling the 2023 Commission Meetings

The Commission returned at 10:26 a.m.

Administrator Wolfe presented possible dates for the four quarterly Commission meetings of 2023.

Discussion.

MOTION: The four quarterly meetings for 2023 will begin at 9 a.m. on the following dates: February 2, 2023, April 28, 2023, September 20, 2023, and November 2, 2023. The ballot access meeting on January 10, 2023 will begin at 9 a.m.

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.

Discussion.

F. Discussion and Possible Approval of a Notice for a Preliminary Public Hearing and Comment Period for the Commission's Election Observers Scope Statement

Staff Attorney Brandon Hunzicker updated the Commission on the status of the scope statement concerning election observers. He presented a notice that would hold the preliminary public hearing for the scope statement on January 9, 2023, from 1-3 p.m.

Discussion. The Commission discussed moving to ask staff to reach out to relevant groups with the intent of assembling an informal advisory committee on the scope statement concerning election observers. However, they refrained from doing so after being reminded by staff that action on that topic was not noticed.

MOTION: The following notice of a preliminary public hearing and comment period and possible quorum, as modified during this meeting, is approved for publication, and staff is directed to conduct the preliminary hearing on the scope statement concerning the conduct, regulation, and accommodation of election observers. The hearing shall be held via Zoom on January 17, 2023, from 1-3 p.m. with comments accepted until 4:30 p.m. that same day.

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.

G. Discussion of Legislative Request for Data

Deputy Administrator Robert Kehoe updated the Commission on the status of the records request submitted by Representative Janel Brandtjen, Chair of the Assembly Committee on Campaigns and Elections. He asked the Commission for guidance on how to proceed with the request.

Discussion.

MOTION: The Commission grants the request 2A through H subject to the Committee voting to approve the Memorandum of Understanding and authorizing the Committee Chair to approve the Memorandum of Understanding.

Moved by Chair Millis. Seconded by Commissioner Spindell.

Discussion.

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

Motion failed 3-3.

The Commission took a break for lunch at 12:11 p.m.

The Commission returned at 1:00 p.m.

MOTION: Allow the staff to continue to negotiate with legislative counsel and the Assembly Committee on Campaigns and Elections. The staff will keep the Chair informed so it may be brought to a future meeting.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

Discussion.

Commissioner Spindell withdrew his motion.

MOTION: Direct staff to continue discussions with the newly designated Committee Chair of the Assembly Committee on Campaigns and Elections for the 2023-2024 Legislature as soon as they are announced, on whether they want to continue with the request.

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.

H. Ballot Template Discussion and Possible Approval

Administrator Wolfe presented the agenda item to the Commission.

Discussion.

MOTION: The Commission approves the ballot design presented by staff and directs staff to utilize the ballot design for the 2023 Spring Primary and Spring Election.

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.

I. Staff Update

Administrator Wolfe presented an overview of the staff update provided in the Commission meeting materials.

Discussion.

a. Discussion and Possible Action related to the 2022 Voting Equipment Audit Deadlines

Discussion.

MOTION: To authorize the Administrator to grant an extension until 5:00 p.m. on December 9, 2022 for clerks who request an extension based on hardship or unusual circumstances with the audit.

Moved by Chair Millis. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

J. Consideration of Whether to Take Exception to the Delegation of Authority with Regard to the Wis. Stat. § 5.06 Complaint of Wanggaard v. Coolidge et al. (EL 22-30)

Staff Attorney Jim Witecha introduced the agenda item and provided background information concerning Wanggaard v. Coolidge et al. (EL 22-30).

Discussion.

K. Closed Session

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

Moved by Commissioner Bostelmann. Seconded by Commissioner Spindell.

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 2:15 p.m.

L. Adjourn

The Commission adjourned in closed session at 3:19 p.m.

####

November 30, 2022 Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

December 1, 2022

November 30, 2022 Wisconsin Election Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

February 2, 2023



Wisconsin Elections Commission

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

Wisconsin Elections Commission

Ballot Access Meeting

201 W. Washington Avenue, Second Floor

Madison, Wisconsin

9:00 a.m. January 10, 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, 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 9:02 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Ballot Access Challenges and Issues

Election Supervisor Riley Willman appeared and provided an overview of the ballot access memo and attachments.

Discussion.

D. Ballot Access Report and Certification of Candidates for the 2023 Spring Election

MOTION: Staff recommends that the Commission certify ballot access for the 72 candidates listed as "approved" in Attachment B, Candidate Tracking by Office report.

Moved by Commissioner Thomsen. Seconded by Commissioner Spindell.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

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

Motion carried 6-0.

Discussion.

E. Closed Session

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

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 moved into closed session at 9:22 a.m.

F. Adjourn

The Commission adjourned in closed session at 9:41 a.m.

####

January 10, 2023 Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

January 10, 2023

January 10, 2023 Wisconsin Election Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

February 2, 2023



Wisconsin Elections Commission

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

DATE: For the February 2, 2023 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator, Wisconsin Elections Commission

Prepared and Presented by:

Robert Williams
Elections Specialist

Cody Davies
Elections Specialist

SUBJECT: 2022 Post-Election Voting Equipment Audit Final Report

2022 Post-Election Voting Equipment Audit Results Summary

Over seven days in late November and early December 2022, county and municipal clerks directed the hand tally auditing of nearly 225,000 ballots from the November 2022 General Election. Municipal clerks conduct their audits as part of a publicly noticed meeting. Once the audit is completed, municipalities are required to submit their audit data and outcomes to the WEC. After analyzing the data received from local auditors on these ballots, staff identified a total of six voting equipment errors based upon the definition approved by the Elections Commission as detailed in Appendix A.

The findings of the 2022 Post-Election Voting Equipment Audit showed no evidence that any voting equipment used in the 2022 General Election in Wisconsin, and subject to audit, changed votes from one candidate to another, incorrectly tabulated votes, or altered the outcome of any audited contest. Additionally, as detailed herein, there was no evidence of programming errors, unauthorized alterations or “hacking” of voting equipment software, or malfunctions of voting equipment that altered the outcome of any races on the ballot. This report does, however, highlight the limitations of electronic voting equipment and underscores the necessity of comprehensive administrative procedures required to ensure the effectiveness of voting equipment used in Wisconsin elections.

Post-Election Voting Equipment Audit Introduction

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

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

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

To achieve this, the Elections Commission approves the sample size, procedures, and timeline for conducting the post-election voting equipment audit. With limited exceptions, each selected municipality is required to conduct the audit, with some local election officials receiving assistance from their county clerk’s office.¹ Wisconsin has conducted a post-election voting equipment audit after each General Election since 2006. Audits are required by state law to ensure that tabulation equipment is performing at the standards set forth in the certification for each piece of equipment.

Equipment is audited to the testing standards set forth in the Help America Vote Act (HAVA), which requires all voting tabulation equipment accurately tabulate ballots and not exceed a pre-determined error rate. Sec. 301(a)(5) of HAVA states that the error rate for federal certification is determined by the standards set forth under section 3.2.1 of the federal Election Assistance Commission voluntary voting system guidelines (VVSG 1.0). The current federal standard maximum acceptable error rate for testing purposes under VVSG 1.0 is 1 in 500,000 ballot positions, with one ballot position representing one properly marked vote in a controlled testing environment. Note that this standard is different than the definition adopted by the Commission in 2022, as shown in Appendix A. Specifically, the Commission has asked WEC staff to identify and flag errors that could be attributed to human behavior and not just those that are attributable solely to the equipment. None of the 2022 post-election audit findings included an actual or potential error that was solely equipment-based, as opposed to solely human error or a combination of the two. **However, the Commission explicitly said in their motion that staff shall not even suggest any error that could be attributed to human behavior be considered as part of an error rate calculation.**

This is an important distinction, because Sec. 301(a)(5) of HAVA states, “The error rate of the voting system in counting ballots (**determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter**) shall comply with the error rate standards established...” by VVSG 1.0 (**Emphasis added**). HAVA explicitly exempts one form of human error from error rate calculations by saying the rate should not be attributable to voter behavior. Likewise, it should not be attributable to other forms of human error, such as the clerk or election inspector behavior described later in this report (at least not for the purposes of calculating error rates against the 1 in 500,000 ballot position standard found in VVSG 1.0).

Instead, HAVA directs that error rates be attributable to the voting system. “Voting systems” are defined under Sec. 301(b) as the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and

¹ Exceptions in 2022 included reporting units with no voters, jurisdictions that elected not to use their electronic tabulators, and one jurisdiction that performed a local recount in conjunction with their Sheriff’s office. See the section titled, “Reporting Unit and Contest Selection Outcome and Clerk Notification” for more information.

support the equipment) that is used to define ballots, cast and count votes, report or display results, maintain and produce an audit trail, and otherwise include the practices and documentation associated with electronic voting. No human element is contemplated by the terms “error rate” or “voting system,” and VVSG 1.0 includes further definition of related terms:

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

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

The audit process is designed to ensure that the equipment is performing up to certification standards and to identify any issues that impact vote tabulation. The acceptable error rate established in HAVA and VVSG 1.0 is intended for equipment certification testing scenarios which are conducted in lab settings under optimized conditions using test deck ballots that are marked in accordance with ballot instructions. Laboratory testing procedures do not include the same imperfections as a real-world absentee ballot that is required to be handled multiple times prior to processing. Auditing the machines to this certification standard as part of a performance audit can complicate the review of the results as it considers how the equipment performs during live elections where voter behavior and ballot marking are not scripted. When testing for certification purposes, the results set is pre-determined so that if there is an error in tabulation it will be noticed and investigated.

In a performance audit, however, the teams of auditors must sometimes make their own determinations on how the equipment may have counted a ballot, especially if there are ambiguous marks. Auditing teams conducting the post-election voting equipment audit must reconcile the ballots and votes recorded by equipment and eliminate any potential non-tabulation related sources of error including printer malfunctions, voter generated ballot marking errors, poll worker errors, or chief inspector errors. The benefit of using the certification standard for this audit is that it identifies performance areas where certification standards and required administrative procedures need evaluation. While the equipment performed to certification standards during the election, it is important to note that things like auditor error and election day ballot jams may impact the data collected during a performance audit.

Reporting Unit Selection Criteria

Wisconsin Elections Commission staff randomly selected a pre-determined number of reporting units across Wisconsin for participation in the post-election voting equipment audit. The selection took place as part of a public meeting on November 9, 2022, in accordance with the guidelines approved at the September 2022 meeting of the Wisconsin Elections Commission.

For the 2022 post-election audit, the Commission approved an increase to the number of reporting units audited, raising it to 10% of all reporting units statewide. The Commission also determined that at least one reporting unit from each county be included in the sample selected for audit along with a minimum of five reporting units per equipment type.

In summary, the Commission approved the following selection criteria for the 2022 audit:

1. Establish the audit sample as 10% of all reporting units statewide for a minimum of 364 total audits before exceptions applied.
2. Ensure that at least one (1) piece of voting equipment is selected for audit in each of the 72 Wisconsin counties.
3. Ensure that a minimum of five (5) reporting units are selected for each piece of equipment certified for use in Wisconsin that records and tabulates votes.

Reporting Unit and Contest Selection Outcome and Clerk Notification

During a public meeting after the election, WEC staff randomly selected 369 total reporting units for audit. Of these, there were 357 ultimately subject to audit, with seven reporting units excused due to zero voters residing within selected reporting units. A further three reporting units were excused from the audit because there was no tabulator utilized in the November 2022 election. Finally, two reporting units in the City of La Crosse were exempted from the audit after ballots were hand counted as part of a local recount in the office of Sheriff.

Every county in Wisconsin was represented by at least one reporting unit and 301 different municipalities participated in the audit, including 68 municipalities required to conduct audits of more than one reporting unit. Staff utilized the same tiered selection algorithm used for the 2020 post-election audit, which was intended to provide a more representative sample of ballots cast in the 2022 General Election by ensuring larger municipalities have more reporting units selected for audit. Commission-approved selection criteria established a maximum of eight reporting units to be selected from Wisconsin's two largest municipalities (Cities of Milwaukee and Madison), up to six reporting units from the top twenty other municipalities in terms of voter population, and one reporting unit maximum for the remainder of all reporting units across the state. A complete list of all selected reporting units is included with this memorandum as Appendix B.

In addition to the reporting units selected, WEC also selected the contests for audit during the public meeting on November 9, 2022. All federal and state-level contests were included as possible selections, including the office of State Senate. As this contest is not on all ballots statewide, it had never been included as part of the audit prior to 2018. Staff included this contest in the list of possible selections, with the caveat that if State Senate was selected an alternate contest would be selected for reporting units whose State Senator was not up for election this cycle. The following contests were selected for audit:

1. Governor/Lt. Governor (required)
2. Attorney General
3. Secretary of State
4. Representative to the Assembly

Staff reviewed the initial sample selected for audit to ensure that all voting equipment that records and tabulates votes was represented by at least 5 reporting units. All selected municipalities were notified of their selection by email on November 9, 2022. Included in the email was a [link](#)² to a page on the agency website where audit materials were posted, including a training webinar, instructions, tally sheets, reporting forms and municipal reimbursement information. Notification of selection for audit was sent to both municipal and county clerks for selected jurisdictions.

Audit Completion Timeline

For the 2022 post-election voting equipment audit, the Commission determined that all audits should be conducted prior to the state deadline to certify election results on December 1, 2022. The Commission specifically established November 25, 2022 as the deadline to complete and report the results to the WEC. However, the Commission also approved an automatic extension to the November 25 deadline if there were offices within the margin where a recount could be requested. The extended date for all municipalities to complete audits was December 2, 2022.

After all results and county canvasses were received, the Secretary of State contest was within the 1% recount margin. As a result, all audits were postponed until after the deadline for the aggrieved party to petition for a recount had passed, with the fallback deadline of December 2 becoming the required date for audit completion in most selected reporting units. Only one municipality completed their audit prior to the deadline to petition for a recount. With only two exceptions, all voting equipment audits were completed by the December 2, 2022 deadline approved by the Commission. The Commission authorized the Administrator to grant a one-week extension for municipalities that, for good cause, could not complete the audit by December 2. Three municipalities requested and were granted this extension. All three met the extended December 9 deadline.

The two municipalities noncompliant with the December 2, 2022 deadline were Village of Wind Point in Racine County and Town of Georgetown in Polk County. In both instances, staff reached out to municipal clerks on multiple occasions with limited success. Audit materials from Village of Wind Point were received on December 13 after the village audit was completed on December 12. For the Town of Georgetown, the County Clerk's office was gracious enough to step in and complete the voting equipment audit on December 30 after WEC staff were unable to connect with the Town Clerk despite weeks of repeated attempts. Audit materials were received from Polk County the same day.

2022 Voting Equipment Summary

There are two types of voting equipment approved for use in Wisconsin. Optical scan equipment requires that voter to mark a paper ballot, and then feed the paper ballot through an optical scan tabulator. About 90% of ballots cast in Wisconsin are cast using optical scan technology. The second type of equipment allows voters to mark their ballot on an electronic screen, and then cast the paper print out using the same device's tabulator. These systems allow all voters and voters with disabilities to use assistive ballot marking features. This type of equipment is often referred to as Direct Recording Electronic machines, or DREs, and the one system currently in use in Wisconsin is the Dominion ImageCast X. Approximately 5% of ballots cast in Wisconsin are cast on DRE tabulators.

² <https://elections.wi.gov/2022-voting-equipment-audit>

In addition to the DRE category, there are four different ballot marking devices approved for use in Wisconsin. Voters use a touchscreen interface or tactile keypad on these devices to make their ballot choices. When the voter is finished, the machine provides them with a paper ballot marked with their choices and those ballots are then inserted into and tabulated by the optical scan equipment or hand tallied.

All voting equipment audits of DREs were completed by municipal or county clerks. The audit reports indicate the machine tallying function on all audited devices tabulated correctly, with no identifiable bugs, errors, or failures occurring between the individual cast vote record and the total tabulated vote record. Ballots marked by any of the four different ballot marking devices approved for use in Wisconsin were audited along with the rest of the ballots processed by the optical scan tabulator. These ballots are not segregated from other optical scan ballots, so it is difficult to determine how many ballots marked by these devices were audited. Auditors did not report any discrepancies that could be attributed to ballot marking devices.

Table 1. Accessible Voting Equipment

Accessible Voting Equipment that Records Tallied Votes	Audits Conducted
Dominion ImageCast X with VVPAT	26
Ballot Marking Devices that Assist Voters with Marking Ballots Processed by Optical Scan Equipment	Audited as Part of Optical Scan Ballots
ES&S AutoMark	35
ES&S ExpressVote	166
Clear Ballot Group ClearAccess	16
Dominion ImageCast Evolution (ICE)	128

The primary focus of the voting equipment audit is the tabulation equipment. There are six approved ballot tabulators from four voting equipment vendors in use throughout Wisconsin. As detailed in the table below, the primary tabulation equipment used in the state are the ES&S DS200 and the Dominion ImageCast Evolution (ICE), with the two tabulator models representing roughly 82% of all audits conducted. The other tabulator models listed, a combination of dedicated central count and polling place tabulators, account for 11% of audits conducted.

The remaining audits were completed on DRE equipment, which is described above. Each municipality in the state, whether ballots are hand counted or tabulated, is required by state and federal law to have accessible voting equipment available in each polling place on election day to be used by any voter who wishes to vote in that manner. In most locations, where tabulators are used, the accessible ballots are interspersed with the ballots marked by hand. There are many municipalities in Wisconsin where hand count paper ballots and a traditional ballot box are used for most voters on election day. For places where hand marked ballots are then hand counted, the accessible ballots, most commonly DRE ballots, are segregated from those in the ballot box. The DRE is required to be audited while the hand count ballots are not. As such, 7% of all audits conducted are completed by municipalities that hand count ballots marked by hand.

Table 2. Tabulation Voting Equipment (Optical Scan)

Optical Scan Equipment	Audits Conducted
ES&S M100	4
ES&S DS200	185
ES&S DS450	13
ES&S DS850	8
Dominion ImageCast Evolution (ICE)	130
Clear Ballot Group ClearCast	16
Hand-Count Paper Ballots – DRE Equipment Only	26

Audit Results

In total, 222,075 ballots were hand counted during this audit. The total ballots audited represents approximately 8.4% of all ballots cast statewide. Each municipality was required to provide a summary of each of the four audited contests showing the allocation of votes between candidates, write-in votes, undervotes, and overvotes. The post-election voting equipment audit showed that the voting equipment utilized in the 2022 November General Election performed up to certification standards, tabulating and counting votes accurately.

As tasked by federal law, state statute, and the Commission, staff analyzed all data received to identify any legitimate voting equipment errors that may have occurred. Applying the Commission definition of “Voting Equipment Error” outlined in Appendix A, staff identified six errors in four municipalities that could potentially be attributed to the tabulation equipment, but also partially or completely attributed to human factors. These six errors would therefore **not** be part of any error rate calculation under the HAVA and VVSG 1.0 standards. One of these errors does warrant further analysis below, as it is more likely than the others to meet the Commission’s definition of an error. Details of these errors are discussed later and found in Table 5. There were several instances of human error that led to discrepancies between equipment result tapes and the total number of ballots audited in specific contests. Issues experienced by staff can generally be divided into two classifications: auditor errors and election administration errors. A representative summary of those issues is itemized later in this report.

As expected, the total number of votes cast on voting equipment and the total number of ballots audited do not match in all audits that were conducted. There were multiple occurrences in which auditors included the hand-count paper ballots that were cast in their reporting units in their final ballot totals when only the votes cast on the accessible voting equipment should have been tallied.

Some participating municipalities experienced issues unique to optical scanning equipment. For example, auditors reported issues arising from poorly marked ballots, refeeding of ballots that were already tabulated by the voting equipment after ballot jams were cleared, and the issue of considering voter intent. In the Village of Cedar Grove, election inspectors noted that some ballots took up to four attempts to be accepted by the tabulator. After the clerk reviewed Chief Inspector statements, the

discrepancies identified in the audit were explained by these ballots, 11 of which were remade by inspectors to be accepted by the tabulator.

In all cases, the incidents that led to minor discrepancies between the final audit tallies and the equipment result tapes were documented, either by Election Inspectors on Election Day or by auditors throughout the course of conducting the audit. No discrepancies were left unexplained by the officials responsible for conducting the audit.

Table 4. Number of Ballots Audited by Equipment Type

DRE Equipment	Total Ballots Audited
Dominion ImageCast X	3,001

Optical Scan Equipment	Total Ballots Audited
ES&S M100	1,718
ES&S DS200	129,053
Dominion ICE	71,609
ES&S DS450	3,051
ES&S DS850	1,133
Clear Ballot Group ClearCast	12,510

General Election Administration and Auditor Errors

All voting equipment audits were completed by municipal or county clerks. Minor discrepancies were reconciled between the audit hand count totals and the election results produced by the voting equipment from Election Day. Staff contacted municipalities for clarification if any discrepancies were reported to WEC. Reported discrepancies are as follows:

1. Human error on Election Day or during the audit. Human error represented the vast majority of reconciliation issues identified and only impacted one or two votes in a contest. This suggests opportunities for training but is not indicative of equipment malfunction or failure.
2. Ballots in the machine count that were counted twice when ballot jams were not cleared properly on Election Day. Ballots were sometimes incorrectly reinserted in the equipment and processed a second time.
3. In some cases, auditors determined voter intent and counted a vote where it was impossible for the machine to do so. For example, if a voter circled a candidate name rather than filling in the oval next to that name no vote should have been counted during the audit as the equipment could not find an oval filled in to count. This created a discrepancy that auditors sometimes flagged for their report, but not indicative of an equipment failure.
4. Auditors likewise noted discrepancies in some instances where the ballot contained an ambiguous mark or an oval that was not completely filled.

5. In a few instances auditors inadvertently included ballots from other reporting units. Many polling places have more than one reporting unit active in a General Election, and ballots from different reporting units may become mixed at the end of the night. In these instances, it was determined that a ballot from a reporting unit not subject to audit in the same polling place was inadvertently sealed in the ballot bag for the reporting unit being audited.
6. Some discrepancies were attributable to human error in hand counting votes. These issues could be identified by reviewing the tally sheets submitted by auditors.

Many of the reported discrepancies occurred because voter intent was considered when hand counting ballots. The instructions provided to local election officials clearly state that the purpose of this process is to verify the performance of the voting equipment, not to determine the voter’s intent as to votes which the equipment cannot read. Throughout all the reporting units selected for audit, municipal and county clerks reported 181 instances of human error in conducting the audit that required further explanation. In some cases, the human errors required the audit to be conducted a second time.

Voting Equipment Errors and Calculating Error Rate

Staff identified six errors that may be potentially attributed to the voting equipment using the definition adopted by the Commission in Appendix A. However, most, if not all, fall outside federal definitions of what should be included in an error rate calculation. These six errors occurred in four separate municipalities, were discovered by auditors, and confirmed by WEC staff. The errors affected a single contest on each individual ballot and did not negatively impact the outcome of any contest. Five of the six errors may also be categorized as election administration errors - meaning the six errors identified are not purely technical and include human elements. Despite this possible cross categorization, auditors in these four municipalities identified these errors as the reason for a discrepancy on their reporting forms.

It is important to note that none of the potential equipment errors altered a vote from one candidate to another. In each case, the equipment registered an overvote; too many votes cast for one contest, which means that the equipment did not register any vote for that single contest on the individual ballot.

Table 5. Potential Equipment/Human Errors by Location

Municipality	Equipment Type	Total Errors	Explanation
City of De Pere	ES&S DS200 Tabulator	1	Stray mark or ballot fold led to equipment interpreting a vote for a ballot candidate as an overvote for Rep. to the Assembly.
City of Owen	ES&S DS200 Tabulator	3	Heavy crease lines on unscored absentee ballots led to false overvotes on those ballots in the Secretary of State contest.
Village of Whitelaw	ES&S DS200 Tabulator	1	A single ballot had a tear that went through a timing mark and oval for Tim Michels, which was read as an overvote.

Town of Grand Chute	ES&S DS200 Tabulator	1	A properly filled oval marked with green ink was read as a blank oval by the equipment but as a valid vote for a ballot candidate by auditors in the Secretary of State contest. This is the error most likely to warrant Commission consideration for inclusion in the error rate calculation.
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Three of the six errors, from the City of Owen, result from a creased fold in an absentee ballot running through an otherwise empty oval. While this is not a common occurrence, it is an issue that has presented in both the 2020 and 2022 voting equipment audits. This happens because of the way the tabulator reads the ballots. When such a crease is present on a ballot, and it goes through the tabulator, the bumps and ridges of the crease create a shadow effect. This shadow, when dark enough, is read by the tabulator as a valid mark. As a result, the tabulator marks that contest as overvoted.

The possibility of a crease that runs through an oval creating a false positive overvote is a concern addressed in state certification testing and noted in subsequent certification reports presented to the Commission. Specifically, the Commission amended certification for some systems to disable the ability of an election inspector to “over-ride” the error notification on the tabulator that there is an overvote. Instead, in instances where a fold in an absentee is flagged as an overvote, the election inspector should follow the statutory process to remake the ballot so that it can be counted correctly.

The Commission also directed additional training and contact with vendors to mitigate this error. For example, guidance was issued reminding clerks to consider where ballots are folded and ensure they are not folded through a contest. Clerks are also encouraged to work with their vendor to “score” the fold in ballots to avoid contests and mitigate this concern. Sometimes clerks may run out of scored ballots and manually fold absentees, or a voter may fold their ballot in a different manner when returning it.

Administrative procedures are in place to prevent ballots with false overvotes from being overridden and processed without those ballots being remade. In five instances of overvote documented in DePere, Owen, and Whitelaw, it appears unlikely that these administrative procedures were followed. Had these procedures been followed, these overridden ballots would have been correctly remade preventing any anomalies from materializing and ensuring all votes on the affected ballots would have been counted appropriately. This, in turn, would have resulted in no such errors being reported in the three affected municipalities.

The final error, in Town of Grand Chute, involves a ballot marked with green ink. One absentee ballot was processed on Election Day that was returned by a voter who used a green pen to mark their selections. Ordinarily, required procedures dictate that ballot returned with green ink in a municipality using a DS200 must be remade. The Grand Chute clerk, citing high volume on election day, believes that the ballot marked in green ink was not noticed by the inspectors. The clerk further noted that that no warning prompt was given by equipment. The ballot in question was voted in all contests. However, only one green mark in a single contest was missed by the tabulator. This resulted in auditors having one less vote on the tabulator results tape for the Secretary of State contest than what was found as part of the hand tally.

The possibility of an oval marked with a green pen being inconsistently read by the DS200 is an item addressed in state certification testing and noted in subsequent certification reports presented to the Commission. The recommended course of action would generally be to remake this ballot in accordance with existing guidelines. However, the Commission may wish to consider whether this type of event meets the definition of a calculatable error.

Calculating an Error Rate

The U.S. Elections Assistance Commission (EAC) and federal law establish criteria for calculating an acceptable error for tabulator equipment when they certify equipment tested during federal certification. This error rate is applied to evaluate technical errors identified in a laboratory environment on brand-new equipment. The accepted federal error rate is 1 in 500,000 or 0.00002%. As the Commission has previously discussed, the federal error rate contemplates purely technical errors, where the equipment acts contrary to the way it is programmed and certified to operate. The federal standard does not account for human errors or conditions caused by human behavior.

Wis. Stat. §7.08(6) requires the WEC to determine an error rate after the audit and determine if that error rate is consistent with federal requirements. The statute gives the Commission the discretion to calculate the error rate and to determine if the errors or the error rate requires any remedial action. As shown in Appendix A, in 2022 the Commission defined “error” and asked that the staff flag these errors for the Commission to review. The question before the Commission now, is which of those errors should be included in the calculation of an error rate. It should be noted that the Commission’s September 2022 motion explicitly states, “Any errors attributable to human actions, such as election administration shortcomings or equipment auditors during ballot review, **will not be suggested** for inclusion of the final equipment error rate calculation as they are not attributable to the equipment itself.” Therefore, staff does not include or suggest inclusion of the errors identified in Table 5 which are attributable to human actions.

None of the errors uncovered in the Wisconsin 2022 General Election Voting Equipment Audit, shown in Table 5 above, represent a purely technical issue with the tabulation equipment, and are thus staff do not recommend including them in the error rate calculation. Auditing real-world Election Day ballots is vastly different than the highly controlled environment of a federal voting equipment testing laboratory using test deck ballots. Additionally, these errors were likely avoidable had proper administrative procedures been followed.

Because each of the potential equipment errors contains a human element, the Commission must determine if the errors should be documented as an equipment error or not. The error rate consequently depends upon the Commission’s determination of which errors should be counted, if any. The final findings of the 2022 voting equipment audit show that there were six potential equipment and human attributable errors across 888,300 ballot positions on 222,075 ballots as shown in Table 5. Thus, a simple formula may be applied to determine the error rate: $R = e / p$ where Rate (R) equals errors (e) divided by ballot positions (p). Using that formula, if the Commission determines that none of the errors should be included in the calculation of an error rate, then the error rate would be 0.0%. If the Commission should decide that one error qualifies to be calculated, then the error rate would be 0.000113%, and so forth.

No matter if the Commission determines the error rate is 0.0% or if the Commission determines that there is a qualifying error that should be calculated, the Commission can provide additional guidance or direction to municipal clerks or to equipment vendors to mitigate the possibility for the same errors in the future. Wis. Stat. § 7.08(6) gives the Commission the authority to “take remedial action and order remedial action to be taken by affected counties and municipalities to ensure compliance with the standard.” It is recommended that the Commission use the equipment/human errors identified in Table 5 to inform the direction of future guidance and training to clerks and vendors.

Post-Audit Municipal Reimbursement

At its July 2022 meeting, the Wisconsin Elections Commission approved the procedure by which municipalities would be reimbursed for the costs incurred for conducting the voting equipment audit in their selected reporting units. The reimbursement process for the 2022 audit continued a flat selection fee of \$50 for each reporting unit and additional reimbursement at a rate of \$0.35 per ballot audited. This reimbursement method was originally introduced in 2020.

Currently, staff have received 344 reimbursement requests totaling \$92,060.51. Based on the formula approved by the Commission for municipal reimbursement, the maximum cost of the audit will be \$95,576.25. This figure reflects total reimbursements if received from all municipalities selected for audit. By comparison, the reimbursement requests for the 2020 voting equipment audit totaled \$55,359.10. Reimbursement information for each reporting unit selected for the 2022 voting equipment audit is further detailed in Appendix B.

Conclusion

The 2022 post-election voting equipment audit was the largest audit of its kind ever undertaken in the State of Wisconsin. Despite the truncated timeline to complete the process, municipal and county auditors successfully completed audits and reported their findings to WEC. While there were several instances of auditor error requiring follow-up, identifying and evaluating problems in the audit process is a means to ensure the procedures are being followed and that the equipment is performing as certified. Identifying human errors is a necessary part of the process but in no way minimize the efforts of the individuals who accomplished a large task under a tight timeline. With very limited exceptions, tabulation and accessible voting equipment used in the 2022 General Election recorded and tabulated votes in the expected manner. The few discrepancies identified during the audit were primarily the result of human error that occurred as part of the process of conducting the audit. WEC staff believe there is value in conducting a larger and more comprehensive audit that notes these behaviors and errors, like the audit that was conducted in 2022. While human factors may not be relevant to the federal definition of an error, they nonetheless inform the WEC of opportunities for improvement through additional training, procedural changes, or other actions. As a result, the Commission may wish to continue directing staff to report and resolve these issues during future audits in order to inform the direction of training, guidance, and public information around appropriate use of voting systems.

Recommended Motions

1. The Commission accept this as the final report of the 2022 Post-Election Voting Equipment Audit.

2. 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.

Appendix A: Commission Approved Definition of Voting Equipment Error

In July 2022 the Wisconsin Elections Commission defined a voting equipment error for the purposes of the 2022 voting equipment audit as any and all of the following, if resulting in discrepancies between hand tally and equipment vote totals:

- a. extraneous perforations, smudges, and folds,
- b. marking pen bleed through,
- c. dirty scan head,
- d. votes attributed to the wrong candidate by the tabulator,
- e. votes not counted due to a certain color of ink being used,
- f. foreign bodies such as ink flakes and dust on the ballot,
- g. programming issues not present at the time of public testing, or
- h. Anything not mentioned herein which would cause an otherwise empty oval to register as a vote.

Any errors attributable to human actions, such as election administration shortcomings or equipment auditors during ballot review, will not be suggested for inclusion of the final equipment error rate calculation as they are not attributable to the equipment itself.

Appendix B:
 Municipalities Selected for Audit with Total Number of Ballots Audited and Reimbursement Amounts

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Adams	T. Big Flats	Wards 1-2	ES&S DS200	476	\$ 216.60
Adams	T. Monroe	Ward 1	ES&S DS200	247	\$ 136.45
Adams	T. Preston	Wards 1-2	ES&S DS200	655	\$ 279.25
Adams	T. Springville	Wards 1-2	ES&S DS200	596	\$ 258.60
Adams	V. Friendship	Ward 1	ES&S DS200	224	\$ 128.40
Adams	T. Strongs Prairie	Wards 1,2	ES&S DS200	600	\$ 260.00
Ashland	T. Morse	Wards 1-2	ES&S M100	264	\$ 142.40
Ashland	T. White River	Wards 1-2	ES&S M100	403	\$ 191.05
Ashland	T. Sanborn	Wards 1-2	ES&S M100	398	\$ 189.30
Barron	T. Bear Lake	Ward 1	ES&S DS200	367	\$ 178.45
Barron	T. Cumberland	Ward 1	ES&S DS200	426	\$ 199.10
Barron	T. Maple Grove	Wards 1-2	ES&S DS200	403	\$ 191.05
Barron	T. Prairie Lake	Wards 1-2	ES&S DS200	833	\$ 341.55
Barron	T. Stanfold	Ward 1	ES&S DS200	324	\$ 163.40
Bayfield	T. Barnes	Ward 1	ES&S DS200	600	\$ 260.00
Bayfield	T. Clover	Ward 1	ES&S DS200	189	\$ 116.15
Brown	C. De Pere	Wards 1-5	ES&S DS200	1503	\$ 576.05
Brown	C. Green Bay	Ward 11	ES&S DS200, DS450	675	\$ 286.25
Brown	C. Green Bay	Ward 17	ES&S DS200, DS450	482	\$ 218.70
Brown	C. Green Bay	Ward 27	ES&S DS200, DS450	582	\$ 253.70
Brown	C. Green Bay	Ward 43	ES&S DS200, DS450	999	\$ 399.65
Brown	C. Green Bay	Ward 7	ES&S DS200, DS450	1531	\$ 585.85
Brown	T. Holland	Wards 1-2	ES&S DS200	839	\$ 343.65
Brown	T. Wrightstown	Wards 1-4	ES&S DS200	1269	\$ 494.15
Brown	V. Allouez	Wards 3-4	ES&S DS200	814	\$ 334.90
Brown	V. Ashwaubenon	Ward 9	ES&S DS200	236	\$ 132.60
Brown	V. Suamico	Wards 1-3	ES&S DS200	713	\$ 299.55
Buffalo	T. Canton	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	148	\$ 101.80
Buffalo	T. Glencoe	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	196	\$ 118.60
Burnett	T. West Marshland	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	64	\$ 72.40

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Calumet	T. Rantoul	Ward 1	ES&S DS200	409	\$ 193.15
Calumet	C. Appleton	Ward 13	ES&S DS200	975	\$ 391.25
Chippewa	C. Chippewa Falls	Wards 11-12	ClearCast 2.0.0	748	\$ 311.80
Chippewa	T. Anson	Wards 1-3	ClearCast 2.0.0	1295	\$ 503.25
Chippewa	T. Delmar	Wards 1-2	ClearCast 2.0.0	431	\$ 200.85
Chippewa	T. Edson	Wards 1-2	ClearCast 2.0.0	398	
Chippewa	T. Hallie	Ward 1	ClearCast 2.0.0	103	\$ 86.05
Chippewa	T. Sigel	Wards 1-2	ClearCast 2.0.0	518	
Chippewa	T. Woodmohr	Wards 1-2	ClearCast 2.0.0	536	\$ 237.60
Chippewa	V. Cadott	Wards 1,2	ClearCast 2.0.0	528	\$ 234.80
Chippewa	V. New Auburn	Ward 2	ClearCast 2.0.0	7	\$ 52.45
Chippewa	T. Cooks Valley	Ward 1	ClearCast 2.0.0	356	\$ 174.60
Chippewa	C. Bloomer	Wards 1-4	ClearCast 2.0.0	1653	\$ 628.55
Clark	C. Neillsville	Ward 2	ES&S DS200	284	\$ 149.40
Clark	C. Owen	Wards 1-3	ES&S DS200	368	\$ 178.80
Clark	T. Colby	Wards 1-3	ES&S DS200	243	\$ 135.05
Clark	T. Hewett	Wards 1-2	ES&S DS200	170	\$ 109.50
Clark	T. Mead	Ward 1	ES&S DS200	122	\$ 92.70
Clark	T. Thorp	Wards 1-2	ES&S DS200	162	\$ 106.70
Clark	T. Unity	Ward 1	ES&S DS200	268	\$ 143.80
Columbia	C. Wisconsin Dells	Ward 7	Zero Pop Ward		
Columbia	T. Arlington	Ward 1	ES&S DS200	464	
Columbia	V. Fall River	Wards 1-2	ES&S DS200	752	\$ 313.20
Crawford	T. Marietta	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	248	\$ 136.80
Crawford	T. Utica	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	326	\$ 164.10
Crawford	V. Bell Center	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	36	\$ 62.60
Dane	C. Madison	Ward 100	ES&S DS200	335	\$ 167.25
Dane	C. Madison	Ward 78	ES&S DS200	344	\$ 170.40
Dane	C. Madison	Ward 56	ES&S DS200	577	\$ 251.95
Dane	C. Madison	Ward 38	ES&S DS200	824	\$ 338.40
Dane	C. Madison	Ward 29	ES&S DS200	1365	\$ 527.75
Dane	C. Madison	Ward 11	ES&S DS200	1542	\$ 589.70
Dane	C. Madison	Ward 19	ES&S DS200	2214	\$ 824.90
Dane	C. Sun Prairie	Ward 11	ES&S DS200	607	\$ 262.45

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Dane	T. Dunkirk	Wards 1-6	ES&S DS200	1147	\$ 451.45
Dane	T. Westport	Wards 1-5	ES&S DS200	2831	\$ 883.35
Dane	T. York	Ward 1	ES&S DS200	403	\$ 191.05
Dane	V. Blue Mounds	Ward 1	ES&S DS200	515	\$ 230.25
Dane	V. Brooklyn	Wards 1,3	ES&S DS200	510	\$ 228.50
Dane	V. Deforest	Ward 11	ES&S DS200	5	\$ 51.75
Dane	V. Mcfarland	Wards 1,2,3,4,5,6,7,8,9,10	ES&S DS200	5305	\$1,906.75
Dane	V. Mount Horeb	Wards 6-10	ES&S DS200	2140	\$ 799.00
Dane	V. Oregon	Wards 7-10,13-14	ES&S DS200	2678	\$ 987.30
Dane	V. Rockdale	Ward 1	ES&S DS200	103	\$ 86.05
Dane	V. Shorewood Hills	Wards 1-2	ES&S DS200	1462	\$ 561.70
Dane	C. Monona	Wards 1-5	ES&S DS200	2771	\$1,019.85
Dane	C. Madison	Ward 125	Zero Pop Ward	0	
Dodge	C. Beaver Dam	Wards 1-2,4,16	ES&S DS200	1091	\$ 431.85
Dodge	T. Lomira	Wards 1-2	ES&S DS200	634	\$ 271.90
Dodge	T. Lowell	Ward 1	ES&S DS200	248	\$ 136.80
Dodge	V. Neosho	Ward 1	ES&S DS200	305	
Dodge	V. Randolph	Wards 1-2	ES&S DS200	525	\$ 233.75
Door	C. Sturgeon Bay	Wards 10-15	Dominion Voting - ImageCast Evolution (ICE)	1382	\$ 533.70
Door	T. Brussels	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	584	\$ 254.40
Door	T. Gardner	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	718	\$ 301.30
Door	T. Sturgeon Bay	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	470	\$ 214.50
Door	V. Forestville	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	230	\$ 130.50
Door	V. Sister Bay	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	719	\$ 301.65
Douglas	T. Gordon	Ward 1	ES&S DS200	413	\$ 194.55
Douglas	T. Oakland	Wards 1-2	ES&S DS200	586	\$ 255.10

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Douglas	V. Lake Nebagamon	Wards 1-2	ES&S DS200	646	\$ 276.10
Dunn	C. Menomonie	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	1214	
Dunn	T. Peru	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	109	\$ 88.15
Dunn	T. Sheridan	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	226	
Dunn	V. Downing	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	100	\$ 85.00
Eau Claire	C. Eau Claire	Ward 15	ES&S DS200	536	\$ 237.60
Eau Claire	C. Eau Claire	Ward 27	ES&S DS200	553	\$ 243.55
Eau Claire	C. Eau Claire	Ward 60	ES&S DS200	568	\$ 248.80
Eau Claire	C. Eau Claire	Ward 67	ES&S DS200	0	\$ -
Eau Claire	T. Bridge Creek	Wards 1-3	ES&S DS200	583	\$ 254.05
Eau Claire	T. Brunswick	Wards 1-2	ES&S DS200	1052	\$ 417.50
Eau Claire	T. Wilson	Ward 1	ES&S DS200	174	\$ 110.90
Florence	T. Homestead	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	226	\$ 129.10
Fond Du Lac	C. Fond Du Lac	Ward 10	Dominion Voting - ImageCast Evolution (ICE)	769	\$ 319.15
Fond Du Lac	C. Fond Du Lac	Ward 4	Dominion Voting - ImageCast Evolution (ICE)	517	\$ 230.95
Fond Du Lac	C. Ripon	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	840	\$ 344.00
Fond Du Lac	T. Alto	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	584	\$ 254.40
Forest	T. Nashville	Wards 1-3	Dominion Voting - ImageCast X (ICX) VVPAT	257	\$ 139.95
Forest	T. Freedom	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	136	\$ 97.60
Grant	C. Lancaster	Wards 1-6	Dominion Voting - ImageCast Evolution (ICE)	1513	\$ 579.55

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Grant	T. Ellenboro	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	275	\$ 146.25
Grant	T. Fennimore	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	205	\$ 121.75
Grant	T. Marion	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	147	\$ 101.45
Grant	T. Watterstown	Wards 1-2	Dominion Voting - ImageCast X (ICX) VVPAT	156	\$ 104.60
Grant	V. Woodman	Ward 1	Exempt – No Tabulator		
Green	C. Monroe	Ward 10	Zero Pop Ward		
Green	T. Adams	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	287	\$ 150.45
Green	T. Spring Grove	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	440	\$ 204.00
Green	T. York	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	607	\$ 262.45
Green Lake	C. Green Lake	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	530	\$ 235.50
Green Lake	C. Princeton	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	536	\$ 237.60
Iowa	T. Clyde	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	193	\$ 117.55
Iowa	T. Waldwick	Wards 1-3	ES&S DS200	245	\$ 135.75
Iowa	V. Cobb	Ward 1	ES&S DS200	222	\$ 127.70
Iowa	V. Linden	Ward 1	ES&S DS200	182	\$ 113.70
Iron	C. Hurley	Ward 2	Dominion Voting - ImageCast Evolution (ICE)	165	\$ 107.75
Iron	T. Pence	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	79	
Iron	T. Saxon	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	69	\$ 74.15
Jackson	T. City Point	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	88	\$ 80.80

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Jackson	T. Komensky	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	131	\$ 95.85
Jackson	T. North Bend	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	219	\$ 126.65
Jackson	V. Melrose	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	209	\$ 123.15
Jackson	V. Taylor	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	134	\$ 96.90
Jefferson	T. Concord	Wards 1,2	ES&S DS200	134	\$ 439.90
Jefferson	C. Waterloo	Wards 1-5	ES&S DS200	1114	\$ 563.10
Jefferson	C. Watertown	Wards 16-17	ES&S DS200	1097	\$ 433.95
Jefferson	T. Cold Spring	Ward 1	ES&S DS200	414	\$ 194.90
Jefferson	T. Waterloo	Ward 1	ES&S DS200	512	\$ 229.20
Jefferson	C. Whitewater	Wards 11-12	ES&S DS200	453	\$ 208.55
Juneau	V. Hustler	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	82	\$ 78.70
Juneau	T. Germantown	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	449	\$ 207.15
Juneau	T. Lyndon	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	608	\$ 262.80
Juneau	V. Necedah	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	353	\$ 173.55
Kenosha	C. Kenosha	Ward 10	ES&S DS200	56	\$ 69.60
Kenosha	C. Kenosha	Ward 16	ES&S DS200	96	\$ 83.60
Kenosha	C. Kenosha	Ward 17	ES&S DS200	63	\$ 72.05
Kenosha	C. Kenosha	Ward 21	ES&S DS200	45	\$ 65.75
Kenosha	C. Kenosha	Ward 46	ES&S DS200	27	\$ 59.50
Kenosha	C. Kenosha	Ward 62	ES&S DS200	530	\$ 235.50
Kewaunee	C. Algoma	Wards 1-7	Dominion Voting - ImageCast Evolution (ICE)	1417	\$ 545.95
La Crosse	C. La Crosse	Ward 12	Exempt – Hand Recount		\$ -
La Crosse	C. La Crosse	Ward 16	Exempt – Hand Recount		\$ -
La Crosse	C. La Crosse	Ward 25	ES&S DS200	871	\$ 354.50
La Crosse	C. La Crosse	Ward 4	ES&S DS200	816	\$ 335.60

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
La Crosse	C. La Crosse	Ward 6	ES&S DS200	610	\$ 263.50
La Crosse	C. Onalaska	Wards 6-10	ES&S DS200	2974	\$1,090.90
La Crosse	T. Barre	Wards 1-2	ES&S DS200	698	\$ 294.30
La Crosse	T. Burns	Wards 1-2	ES&S DS200	499	\$ 224.65
La Crosse	V. Rockland	Ward 1	ES&S DS200	329	\$ 165.15
Lafayette	T. Elk Grove	Wards 1-3	Dominion Voting - ImageCast X (ICX) VVPAT	148	\$ 101.80
Lafayette	T. White Oak Springs	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	50	\$ 67.50
Lafayette	V. South Wayne	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	102	\$ 85.70
Langlade	T. Antigo	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	695	\$ 293.25
Langlade	T. Vilas	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	108	\$ 87.80
Lincoln	C. Merrill	Wards 7,9	ES&S DS200	448	\$ 206.80
Lincoln	C. Tomahawk	Wards 3-4	ES&S DS200	521	\$ 232.35
Lincoln	T. Birch	Ward 1	ES&S DS200	229	\$ 130.15
Lincoln	T. Skanawan	Ward 1	ES&S DS200	252	\$ 138.20
Manitowoc	C. Manitowoc	Wards 17-18,21-22	ES&S DS200	410	\$ 193.50
Manitowoc	V. St. Nazianz	Ward 1	ES&S DS200	304	\$ 156.40
Manitowoc	V. Whitelaw	Ward 1	ES&S DS200	391	\$ 186.85
Manitowoc	T. Meeme	Wards 1-2	ES&S DS200	829	\$ 340.15
Marathon	T. Hewitt	Ward 1	ES&S DS200	334	\$ 166.90
Marathon	T. Ringle	Wards 1-2	ES&S DS200	969	\$ 389.15
Marathon	C. Colby	Ward 1	ES&S DS200	205	\$ 121.75
Marathon	C. Wausau	Ward 17	ES&S DS200	743	\$ 310.05
Marathon	C. Wausau	Ward 25	ES&S DS200	2	\$ 50.70
Marathon	T. Rietbrock	Ward 1	ES&S DS200	440	\$ 204.00
Marathon	V. Elderon	Ward 1	ES&S DS200	64	\$ 72.40
Marinette	C. Peshtigo	Wards 3-4	Dominion Voting - ImageCast Evolution (ICE)	441	\$ 204.35
Marinette	T. Beaver	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	573	\$ 250.55
Marinette	T. Middle Inlet	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	470	\$ 214.50

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Marinette	V. Coleman	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	292	\$ 152.20
Marquette	T. Montello	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	598	\$ 259.30
Marquette	V. Oxford	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	224	\$ 128.75
Marquette	T. Buffalo	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	523	\$ 233.05
Marquette	T. Mecan	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	405	\$ 191.75
Marquette	T. Neshkoro	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	338	
Menominee	T. Menominee	Ward 2	ES&S DS200	98	\$ 84.30
Milwaukee	C. Franklin	Ward 12A	ES&S DS200	27	\$ 59.45
Milwaukee	C. Franklin	Ward 15C	ES&S DS200	143	\$ 100.05
Milwaukee	C. Franklin	Ward 1A	ES&S DS200	20	\$ 57.00
Milwaukee	C. Glendale	Wards 2,8	ES&S DS200	1418	\$ 546.30
Milwaukee	C. Greenfield	Ward 1	ES&S DS200	769	\$ 319.15
Milwaukee	C. Greenfield	Ward 11	ES&S DS200	913	\$ 369.55
Milwaukee	C. Greenfield	Ward 14	ES&S DS200	871	\$ 354.85
Milwaukee	C. Greenfield	Ward 25	ES&S DS200	614	\$ 264.20
Milwaukee	C. Greenfield	Ward 8	ES&S DS200	762	\$ 316.70
Milwaukee	C. Greenfield	Ward 9	ES&S DS200	797	\$ 328.95
Milwaukee	C. Milwaukee	Ward 133	ES&S DS200/ES&S DS450/ES&S DS850	201	\$ 120.35
Milwaukee	C. Milwaukee	Ward 190	ES&S DS200/ES&S DS450/ES&S DS850	84	\$ 79.40
Milwaukee	C. Milwaukee	Ward 292	ES&S DS200/ES&S DS450/ES&S DS850	222	\$ 127.70
Milwaukee	C. Milwaukee	Ward 324	ES&S DS200/ES&S DS450/ES&S DS850	87	\$ 80.45
Milwaukee	C. Milwaukee	Ward 328	ES&S DS200/ES&S DS450/ES&S DS850	77	\$ 76.95
Milwaukee	C. Milwaukee	Ward 34	ES&S DS200/ES&S DS450/ES&S DS850	103	\$ 86.05
Milwaukee	C. Milwaukee	Ward 44	ES&S DS200/ES&S DS450/ES&S DS850	221	\$ 127.35

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Milwaukee	C. Milwaukee	Ward 80	ES&S DS200/ES&S DS450/ES&S DS850	138	\$ 98.30
Milwaukee	C. Oak Creek	Ward 18	ES&S DS200	213	\$ 169.70
Milwaukee	C. Oak Creek	Ward 2	ES&S DS200	342	\$ 124.55
Milwaukee	C. Wauwatosa	Ward 24A	ES&S DS200	314	\$ 159.90
Milwaukee	C. Wauwatosa	Ward 2B	ES&S DS200	33	\$ 61.55
Milwaukee	V. Whitefish Bay	Wards 9,11	ES&S DS200	1357	\$ 524.95
Monroe	T. Lafayette	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	174	\$ 110.90
Monroe	V. Melvina	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	37	\$ 62.95
Monroe	V. Oakdale	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	115	\$ 90.25
Oconto	T. Gillett	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	553	\$ 243.55
Oconto	T. Mountain	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	519	\$ 231.65
Oconto	V. Lena	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	212	\$ 130.85
Oneida	C. Rhinelander	Wards 4-5	Dominion Voting - ImageCast Evolution (ICE)	349	\$ 172.15
Oneida	T. Little Rice	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	212	\$ 124.20
Oneida	T. Crescent	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	1189	\$ 446.15
Oneida	T. Lynne	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	55	\$ 69.25
Oneida	T. Woodruff	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	1167	\$ 458.45
Outagamie	T. Maple Creek	Ward 1	ES&S DS200	272	\$ 145.20
Outagamie	C. Appleton	Ward 29	ES&S DS200	965	\$ 387.75
Outagamie	C. Appleton	Ward 41	ES&S DS200	1187	\$ 465.45
Outagamie	C. Appleton	Ward 42	ES&S DS200	1344	\$ 520.40
Outagamie	C. Appleton	Ward 51	Zero Pop Ward		

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Outagamie	C. Appleton	Ward 8	ES&S DS200	694	\$ 292.90
Outagamie	T. Grand Chute	Wards 14-17	ES&S DS200	2693	\$ 992.55
Ozaukee	C. Cedarburg	Ward 5	Dominion Voting - ImageCast Evolution (ICE)	1004	\$ 401.40
Ozaukee	C. Mequon	Ward 2A	Dominion Voting - ImageCast Evolution (ICE)	281	\$ 148.35
Ozaukee	C. Port Washington	Ward 2	Dominion Voting - ImageCast Evolution (ICE)	927	\$ 374.45
Ozaukee	T. Belgium	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	861	\$ 351.35
Ozaukee	V. Grafton	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	1065	\$ 422.75
Pepin	T. Stockholm	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	115	\$ 90.25
Pierce	C. Prescott	Wards 1-5	ES&S DS200	1875	\$ 706.25
Pierce	T. Maiden Rock	Ward 1	ES&S DS200	317	\$ 160.95
Polk	T. Alden	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)/ Dominion Voting - ImageCast X (ICX) VVPAT	1193	\$ 467.55
Polk	T. Laketown	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	477	\$ 216.95
Polk	V. Turtle Lake	Ward 2	ES&S DS200	19	\$ 56.65
Polk	C. Amery	Wards 1-5	Dominion Voting - ImageCast Evolution (ICE)	1189	
Polk	T. Balsam Lake	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	719	\$ 301.65
Polk	T. Osceola	Wards 1-5	Dominion Voting - ImageCast Evolution (ICE)/ Dominion Voting - ImageCast X (ICX) VVPAT	1422	\$ 547.70
Polk	V. Balsam Lake	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	342	\$ 169.70

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Polk	V. Centuria	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	241	\$ 134.35
Polk	T. Georgetown	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	500	\$ 225.00
Portage	T. Buena Vista	Wards 1-2	ES&S M100	653	\$ 278.55
Portage	C. Stevens Point	Wards 28-30	ES&S DS200	1041	\$ 414.35
Price	T. Georgetown	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	74	\$ 75.90
Racine	V. Wind Point	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	1122	\$ 442.70
Racine	C. Burlington	Ward 10	Exempt – No Tabulator		
Racine	C. Racine	Ward 11	Dominion Voting - ImageCast Evolution (ICE)	263	\$ 142.05
Racine	C. Racine	Ward 2	Dominion Voting - ImageCast Evolution (ICE)	183	\$ 114.05
Racine	C. Racine	Ward 30	Dominion Voting - ImageCast Evolution (ICE)	243	\$ 135.05
Racine	C. Racine	Ward 43	Dominion Voting - ImageCast Evolution (ICE)	0	\$ -
Racine	C. Racine	Ward 6	Dominion Voting - ImageCast Evolution (ICE)	105	\$ 86.75
Racine	C. Racine	Ward 9	Dominion Voting - ImageCast Evolution (ICE)	117	\$ 90.95
Racine	V. Mount Pleasant	Ward 23	Dominion Voting - ImageCast Evolution (ICE)	236	\$ 132.60
Richland	C. Richland Center	Ward 3	Dominion Voting - ImageCast Evolution (ICE)	129	\$ 95.15
Richland	T. Richwood	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	224	\$ 128.40
Richland	T. Westford	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	97	\$ 83.95

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Richland	V. Lone Rock	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	316	\$ 160.60
Richland	V. Viola	Ward 2	Dominion Voting - ImageCast Evolution (ICE)	178	\$ 112.30
Richland	T. Dayton	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	327	\$ 164.45
Rock	C. Janesville	Ward 12	ES&S DS200, DS450		\$ -
Rock	T. Plymouth	Ward 2	ES&S DS200	152	\$ 103.20
Rock	C. Beloit	Ward 29	ES&S DS200	3	\$ 51.05
Rock	C. Edgerton	Wards 1-6	ES&S DS200	2520	\$ 932.00
Rock	T. Newark	Wards 1,2	ES&S DS200	841	\$ 344.35
Rock	C. Janesville	Ward 1	ES&S DS200, DS450	1087	\$ 430.45
Rock	C. Janesville	Ward 2	ES&S DS200, DS450	966	\$ 388.10
Rock	C. Janesville	Ward 3	ES&S DS200, DS450	777	\$ 321.95
Rock	C. Janesville	Ward 31	ES&S DS200, DS450	845	\$ 345.75
Rock	T. Beloit	Wards 6-7	ES&S DS200	227	\$ 129.45
Rock	T. Johnstown	Ward 1	ES&S DS200	382	\$ 183.70
Rock	C. Janesville	Ward 7	ES&S DS200, DS450	2	\$ 50.70
Rock	T. Union	Wards 1,2,3	ES&S DS200	1108	\$ 437.80
Rusk	T. Hubbard	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	98	
Sauk	T. Franklin	Wards 1,2	ES&S DS200	356	\$ 174.60
Sauk	T. Honey Creek	Ward 4	Zero Pop Ward		\$ -
Sauk	T. Washington	Wards 1-2	ES&S DS200	325	\$ 163.75
Sawyer	C. Hayward	Wards 1,2,3,4,5	Dominion Voting - ImageCast Evolution (ICE)	916	\$ 370.60
Sawyer	T. Ojibwa	Wards 1-2	Dominion Voting - ImageCast X (ICX) VVPAT	147	
Shawano	V. Pulaski	Wards 4,7	ES&S DS200	65	\$ 72.75
Shawano	T. Birnamwood	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	332	\$ 166.20
Shawano	C. Shawano	Wards 9-10	Dominion Voting - ImageCast Evolution (ICE)	481	
Shawano	T. Fairbanks	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	102	

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Shawano	T. Lessor	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	655	\$ 279.25
Shawano	V. Birnamwood	Ward 2	Dominion Voting - ImageCast X (ICX) VVPAT	255	\$ 139.25
Shawano	V. Eland	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	40	
Sheboygan	V. Cedar Grove	Wards 1-3	ClearCast 2.0.0	1125	\$ 443.75
Sheboygan	T. Holland	Wards 1-3	ClearCast 2.0.0	1388	\$ 535.80
Sheboygan	C. Sheboygan	Ward 11	ClearCast 2.0.0	561	\$ 246.35
Sheboygan	V. Oostburg	Wards 1-4	ClearCast 2.0.0	1758	
Sheboygan	C. Sheboygan	Ward 2	ClearCast 2.0.0	1105	\$ 436.75
St. Croix	V. Wilson	Ward 1	ES&S DS200	81	\$ 78.35
St. Croix	V. Star Prairie	Ward 1	ES&S DS200	256	\$ 139.60
St. Croix	T. Cady	Ward 1	ES&S DS200	411	\$ 193.85
St. Croix	T. Hudson	Wards 1-14	ES&S DS200	4546	\$1,641.10
St. Croix	T. Kinnickinnic	Wards 1-3	ES&S DS200	944	\$ 397.90
Taylor	T. Molitor	Ward 1	ES&S DS200	186	\$ 115.10
Taylor	T. Maplehurst	Ward 1	ES&S DS200	147	\$ 101.45
Taylor	T. Rib Lake	Wards 1-2	ES&S DS200	386	\$ 185.10
Taylor	V. Stetsonville	Ward 1	ES&S DS200	224	\$ 128.40
Trempealeau	C. Whitehall	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	601	\$ 260.35
Trempealeau	T. Dodge	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	226	\$ 129.10
Vernon	T. Harmony	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	323	\$ 163.05
Vernon	T. Kickapoo	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	249	\$ 137.15
Vernon	T. Liberty	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	191	\$ 116.85
Vernon	T. Whitestown	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	229	\$ 130.15
Vernon	V. Stoddard	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	383	

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Vilas	T. Land O-Lakes	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	572	\$ 250.20
Vilas	T. Lincoln	Wards 1-5	Dominion Voting - ImageCast Evolution (ICE)	1501	\$ 575.35
Vilas	T. Presque Isle	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	554	\$ 243.90
Vilas	T. St. Germain	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	1257	\$ 489.95
Walworth	T. Richmond	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	994	\$ 397.90
Walworth	T. Sharon	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	468	\$ 213.80
Walworth	T. Darien	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	731	\$ 305.85
Walworth	T. Linn	Wards 1-4,6	Dominion Voting - ImageCast Evolution (ICE)	1108	\$ 437.80
Walworth	V. Walworth	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	1115	
Walworth	T. Lyons	Wards 1-7	Dominion Voting - ImageCast Evolution (ICE)	1739	\$ 658.65
Washburn	T. Chicog	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	154	\$ 103.90
Washburn	T. Stinnett	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	79	
Washburn	T. Stone Lake	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	180	
Washburn	V. Birchwood	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	162	
Washington	C. West Bend	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	603	\$ 261.05
Washington	T. Jackson	Wards 1-7	Dominion Voting - ImageCast Evolution (ICE)	2507	\$ 927.45

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Washington	T. West Bend	Wards 1,2,3,4,5,6	Dominion Voting - ImageCast Evolution (ICE)	2956	\$1,084.60
Washington	C. Hartford	Wards 8-10,14	Dominion Voting - ImageCast Evolution (ICE)	2203	\$ 821.05
Waukesha	C. Oconomowoc	Wards 1,2,3	ES&S DS200	2698	\$ 994.30
Waukesha	C. Brookfield	Ward 12	ES&S DS200	997	\$ 398.95
Waukesha	C. Brookfield	Ward 17	ES&S DS200	1461	\$ 561.35
Waukesha	C. Brookfield	Ward 22	Zero Pop Ward		
Waukesha	C. Brookfield	Ward 8	ES&S DS200	1041	\$ 561.35
Waukesha	C. Muskego	Wards 2,17-18	ES&S DS200	1021	
Waukesha	C. New Berlin	Ward 15	ES&S DS200, DS450	1763	\$ 667.05
Waukesha	C. New Berlin	Ward 2	ES&S DS200, DS450	951	\$ 382.85
Waukesha	C. New Berlin	Ward 4	ES&S DS200, DS450	1110	\$ 438.50
Waukesha	C. Waukesha	Ward 3	ES&S DS200	649	\$ 277.15
Waukesha	C. Waukesha	Ward 4	ES&S DS200	331	\$ 165.85
Waukesha	T. Lisbon	Wards 1,7	ES&S DS200	1435	\$ 552.25
Waukesha	T. Oconomowoc	Wards 5,8-9	ES&S DS200	1749	\$ 662.15
Waukesha	V. Sussex	Ward 5	ES&S DS200	1177	\$ 461.95
Waupaca	C. Manawa	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	464	\$ 212.40
Waupaca	C. Marion	Wards 1-3	Dominion Voting - ImageCast Evolution (ICE)	484	\$ 219.40
Waupaca	C. New London	Wards 3,5	Dominion Voting - ImageCast Evolution (ICE)	463	\$ 212.05
Waupaca	T. Weyauwega	Ward 1	Dominion Voting - ImageCast X (ICX) VVPAT	246	\$ 136.10
Waupaca	V. Fremont	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	388	\$ 185.80
Waushara	T. Leon	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	822	\$ 337.70
Waushara	T. Richford	Wards 1-2	Dominion Voting - ImageCast Evolution (ICE)	234	\$ 131.90

County	Municipality	Reporting Unit	Auditable Equipment	Ballots Audited	Reimbursement
Waushara	T. Saxeville	Ward 1	Dominion Voting - ImageCast Evolution (ICE)	573	\$ 250.55
Waushara	V. Redgranite	Wards 1,2	Dominion Voting - ImageCast Evolution (ICE)	381	\$ 183.35
Winnebago	C. Menasha	Ward 13	Dominion Voting - ImageCast Evolution (ICE)	448	\$ 206.80
Winnebago	C. Neenah	Wards 5-8	Dominion Voting - ImageCast Evolution (ICE)	701	\$ 295.35
Winnebago	C. Oshkosh	Ward 17	Dominion Voting - ImageCast Evolution (ICE)	1009	\$ 403.15
Winnebago	C. Oshkosh	Ward 18A	Dominion Voting - ImageCast Evolution (ICE)	8	\$ 52.80
Winnebago	C. Oshkosh	Ward 21A	Zero Pop Ward		
Winnebago	C. Oshkosh	Ward 22	Dominion Voting - ImageCast Evolution (ICE)	1339	\$ 518.65
Winnebago	C. Oshkosh	Ward 22A	Dominion Voting - ImageCast Evolution (ICE)	46	\$ 66.40
Winnebago	C. Oshkosh	Ward 23	Dominion Voting - ImageCast Evolution (ICE)	1114	\$ 439.90
Winnebago	T. Algoma	Wards 1-4	Dominion Voting - ImageCast Evolution (ICE)	1885	\$ 709.75
Wood	C. Marshfield	Wards 3,13	ES&S DS200	1006	\$ 402.10
Wood	T. Cranmoor	Ward 1	Exempt – No Tabulator		
Wood	T. Hiles	Ward 1	ES&S DS200	94	\$ 82.90
Wood	T. Milladore	Ward 1	ES&S DS200	351	\$ 172.85
Wood	T. Sherry	Ward 1	ES&S DS200	388	\$ 185.80
Wood	V. Auburndale	Ward 1	ES&S DS200	300	\$ 155.00
Wood	V. Milladore	Ward 1	ES&S DS200	132	\$ 96.20



Wisconsin Elections Commission

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DATE: For the February 2, 2023, Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by Elections Commission Staff

SUBJECT: 2022 Accessibility Review Program Summary

Introduction

The Wisconsin Elections Commission has been conducting reviews of polling places to assess accessibility for over a decade. Reviews are conducted using the Polling Place Accessibility Survey that was developed with the assistance of the WEC Accessibility Advisory Committee. The survey contains around 100 questions based on the Americans with Disabilities Act (ADA) requirements, the Americans with Disabilities Act Accessibility Guidelines (ADAAG), the ADA Checklist for Polling Places, the ADA Guide for Small Towns, Wisconsin Building Codes, and state statutes pertaining to elections. A complete list of questions is included in *Appendix A*. Questions were designed to ensure reviewers can answer questions accurately, regardless of their ADA background knowledge. Reviewers complete two-and-a-half days of training to understand the survey and learn how to complete 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.

There was also a mock polling place review which was conducted in partnership with the City of Madison Clerk's Office.

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.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

In January of 2022, the Commission approved a site review plan that aimed to visit 330 polling places:

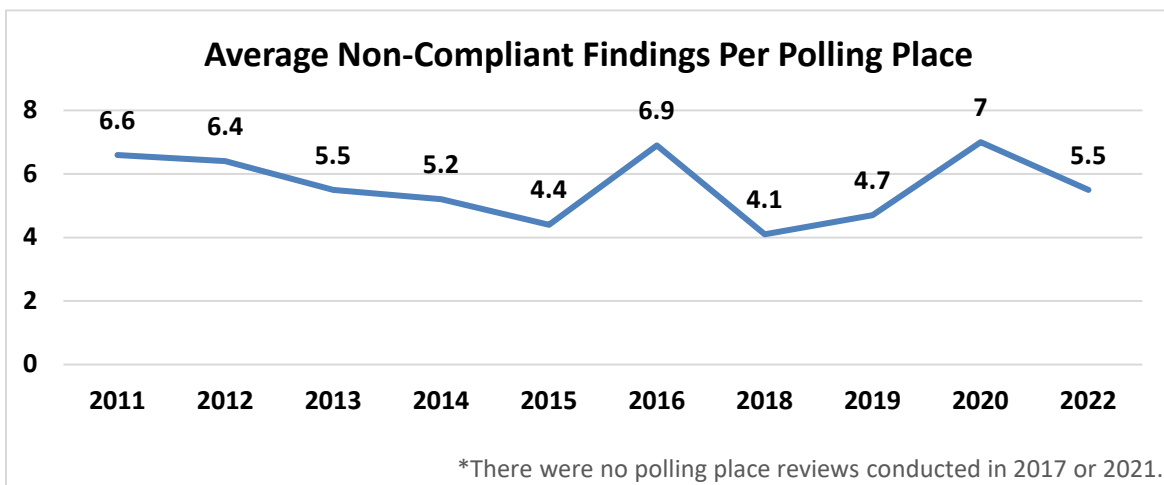
- 30 at the Spring Primary.
- 100 at the Spring Election.
- 100 at the Partisan Primary
- 100 at the General Election.

In total 464 polling places were reviewed in 2022:

- 36 at the Spring Primary.
- 72 at the Spring Election.
- 182 at the Partisan Primary.
- 174 at the General Election.

These polling places were spread across 453 municipalities in 45 counties. The data collected mirrored many of the same trends from data collected in previous election cycles. There were 2,565 non-compliant findings at the 464 polling places averaging 5.5 non-compliant findings per polling place. That is down from an average of 7 non-compliant findings per polling place in 2020. Data shows there tends 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. There is less room to maneuver and there is decreased privacy at accessible voting booths and accessible voting equipment.

Table 1.



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 were as shown in Table 2.

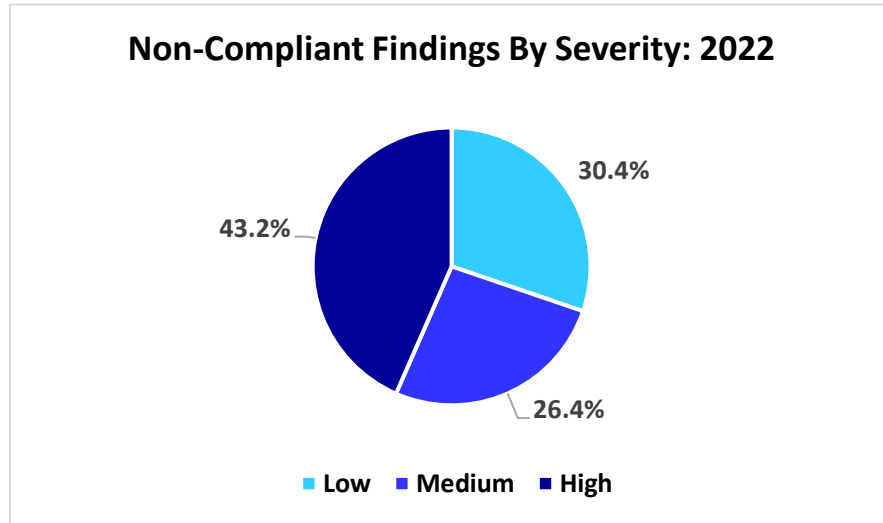
Table 2.

2022 Rank	2016-2019 Rank	Non-Compliant Finding	Severity Level	2022 No Count
1	2	The accessible entrance was not clearly marked at the door.	High	212
2	1	The off-street parking area did not have enough van-accessible spaces.	Medium	170
3	6	The accessible parking sign in the off-street parking area was not posted high enough.	Low	166
4	10	Election notices and instructions were not posted in at least 18-pt size font.	High	137
5	5	The accessible entrance door required more than 8 pounds of force to open.	High	88
6	8	The accessible voting equipment in the voting area was not set up to ensure voter privacy.	High	85
7	3	The Type D Polling Place Hours and Location Notice was not posted.	Low	78
8	16	The accessible booth or table in the voting area was not set up to ensure voter privacy.	High	78
9	17	The accessible parking spaces in the parking area were not on level, firm, stable and slip-resistant ground.	Medium	65
10	6	The accessible pathway (including any grating surface) had breaks, cracks or edges where the difference in height was over 1/2".	Medium	64

Severity Levels

Each survey question is assigned a severity level: low, medium, or high. These were created and assigned by WEC staff in collaboration with Accessibility Advisory Committee members. The 2,565 non-compliant findings are split fairly evenly between severity levels. There were 780 findings (30.4%) with low severity, which would likely not prevent an older voter or a voter with a disability from casting a ballot but would make that process more difficult. There were 677 findings (26.4%) with medium severity, which would significantly impact the ability of those same voters to participate in the electoral process. There were 1,108 (43.2%) findings with high severity, meaning that the presence of one or more of these problems represents a barrier that, in and of itself, would be likely to prevent an older voter or a voter with a disability from entering a polling place and casting a ballot privately and independently.

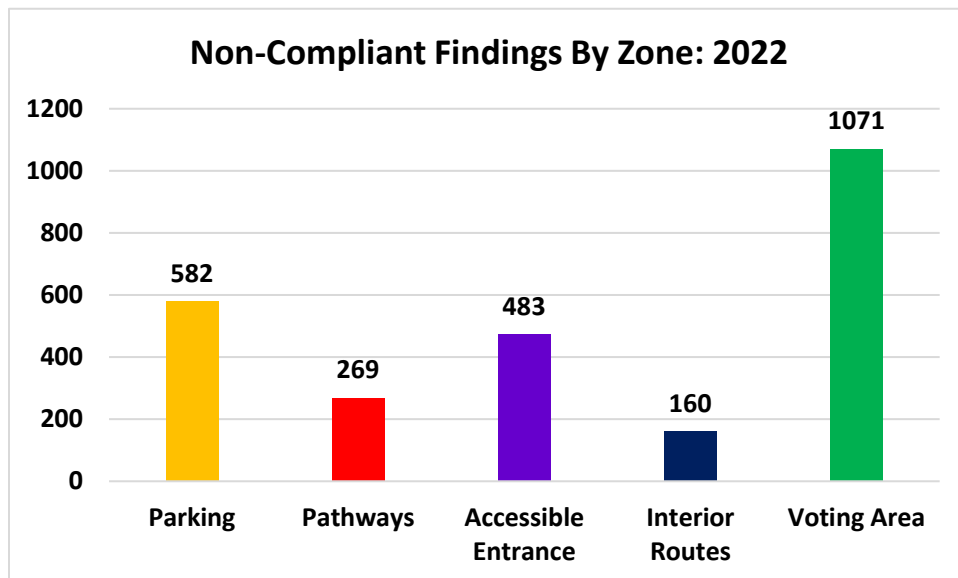
Table 3.



Polling Place Zones

Polling Places are split into five zones: Parking, which includes off-street parking, drop-off zones, and on-street parking; Pathways, which include the width of pathways, obstacles/hazards in pathways, curb cuts, ramps, and lighting; Accessible Entrance, which include doors, ramps, and threshold ramps; Interior Routes, which include signage, width, obstacles or hazards in pathways, lighting, doors, ramps, elevators, and wheelchair lifts; and Voting Area, which includes layout, paths of travel, accessible voting booths, and accessible voting equipment. Out of the 2,565 non-compliant findings, 582 (22.7%) were in a parking area, 269 (10.5%) were on pathways, 483 (18.8%) were at an accessible entrance, 160 (6.2%) were in interior routes, and 1,071 (41.7%) were in the voting area. Polling places can vary greatly in size and layout which accounts for the low number of findings in interior routes. If the voting area is right inside the entrance, like in a one room town hall, there is no interior route.

Table 4.

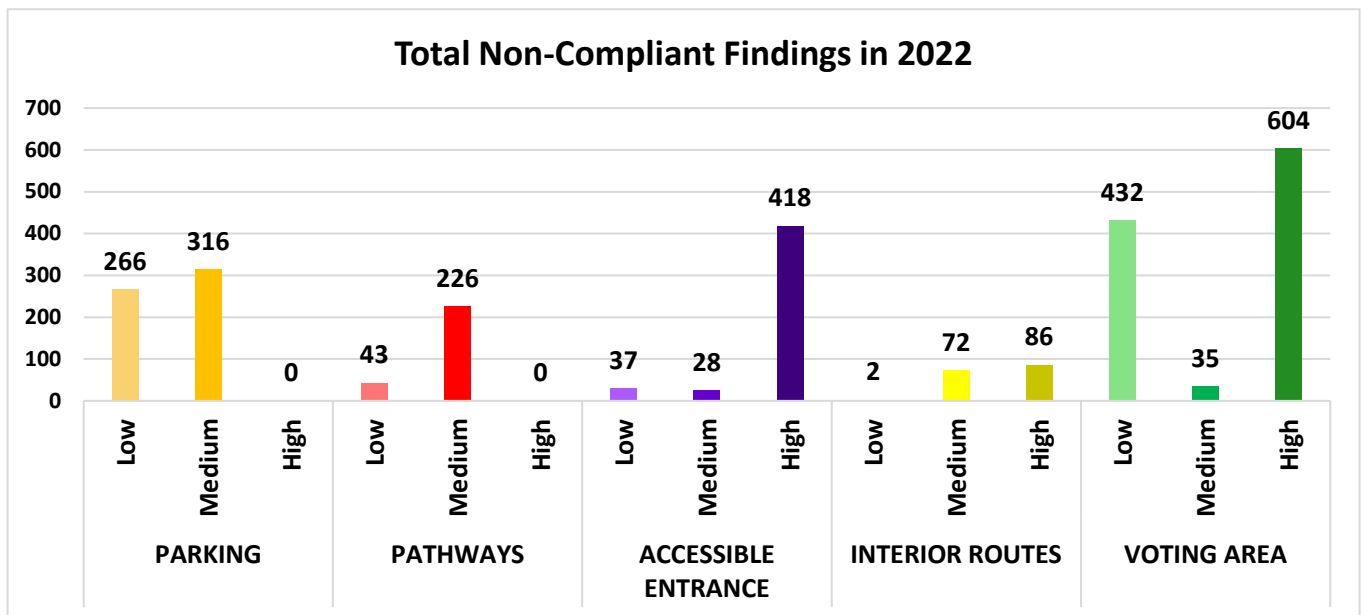


Polling Place Zone and Severity

When sorted by severity and zone 266 of the findings in the parking zone were of low severity and 316 were of medium severity. There are no questions in the parking zone with a high level of severity. 43 of the findings in the pathway zone were of low severity and 226 were of medium severity. There are no questions in the pathways zone with a high level of severity. 37 of the findings in the accessible entrance zone were of low severity, 28 were of medium severity, and 418 were of high severity. 2 of the findings in the interior route zone were of low severity, 72 were of medium severity, and 86 were of high severity. In the voting area zone 432 findings were of low severity, 35 were of medium severity, and 604 were of high severity.

The high number of high severity findings in the accessible entrance zone is due to the most common non-compliant finding: the accessible entrance was not clearly marked at the door. The high number of low severity findings in the voting area are primarily missing election notices and instructions or the required notices and instructions being in less than 18-point size font, which is the fourth most common non-compliant finding. The high number of high severity findings in the voting area can be attributed to problems with the accessible voting equipment.

Table 5.



Accessible voting equipment must meet these standards:

1. Set up at the time of the review (high severity).
2. Powered on at the time of the review (high severity).
3. Functioning properly at the time of the review (high severity).
4. In a location where voters would see it and know it was available when they entered the voting area (medium severity).

5. 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).

The Dominion ImageCast Evolution (ICE) being both a piece of accessible voting equipment and a tabulator make it difficult to satisfy these requirements. 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. Since the tabulator and accessible voting equipment are one machine, it is difficult for voters to identify and know that it is available when they enter the voting area. Reviewers are trained to see if election inspectors are offering the accessible voting equipment to voters as they check in. If election inspectors are offering the ICE to voters, it is considered available. If election inspectors are not offering it, it is considered not available.

Additionally, the dual purpose of the ICE makes privacy a challenge. When it 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 next to the exit. In order to provide privacy for a voter completing an accessible voting session, the ICE must be angled differently or moved. Unless a polling place has an auxiliary screen, tabulating must be paused while the voter completes their ballot. The ICE has a secure compartment for voters to deposit their paper ballots. 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 who completed a paper ballot prefer to wait until the accessible voting session is finished to 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 which further decreases privacy. Polling places that have an auxiliary screen can simultaneously tabulate and run accessible voting sessions, however the issue of privacy considering the placement of the equipment remains.

Conclusion

Reviewing over 450 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. The Supply Program offers accessible entrance signs, which correct the most common problem found in this election cycle, as well as, 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 poll workers to make sure a voter's polling place is as accessible as possible. WEC staff will continue to work with our partners on the Accessibility Advisory Committee as well as our 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.

Appendix A

Table 6: Polling Place Accessibility Survey Questions

Zone Name	Question	Severity	2022 No Count
Parking	The surface of the drop-off zone had a slope greater than 2%.	Medium	2
Parking	The access aisle in the drop-off zone was less than 5' wide or 20' long.	Low	8
Parking	The on-street parking area did not have any marked accessible parking spaces.	Low	27
Parking	The accessible parking sign in the on-street parking area was not posted high enough to be in compliance.	Low	10
Parking	The accessible parking spaces in the on-street parking area were not on level, firm, stable and slip-resistant ground.	Medium	4
Parking	The accessible parking spaces in the on-street parking area were not located nearest to the accessible entrance.	Medium	3
Parking	The curb cut or ramp in the on-street parking area had a slope greater than 8%.	Medium	5
Parking	The van-accessible parking space in the off-street parking area did not have 8'2" of unobstructed vertical clearance.	Medium	14
Parking	The off-street parking area did not have enough van-accessible spaces and accessible spaces for the number of total parking spaces.	Medium	170
Parking	The accessible spaces in off-street parking area were not marked with clearly visible parking signs with the proper symbol of accessibility.	Low	52
Parking	The accessible parking sign in the off-street parking area was not posted high enough.	Low	166
Parking	The accessible parking spaces in the parking area were not on level, firm, stable and slip-resistant ground.	Medium	65
Parking	The off-street accessible parking spaces were not located nearest to the accessible entrance.	Medium	45
Parking	The curb cut or ramp in the off-street parking area had a slope greater than 8%.	Medium	8
Parking	The ramp in the off-street parking area did not have a non-slip surface.	Low	1
Parking	The ramp in the off-street parking area did not have edge protection on each side of the ramp.	Low	2
Pathways	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

Pathways	The accessible pathway was not on level, firm, stable and slip-resistant ground.	Medium	39
Pathways	The accessible pathway had hanging objects (flags, tree branches, banners) between 27" and 80" above the ground.	Medium	17
Pathways	The accessible pathway (including any grating surface) had breaks, cracks or edges where the difference in height was over 1/2".	Medium	64
Pathways	The accessible pathway had a slope greater than 5%.	Medium	45
Pathways	The accessible pathway was not clearly marked by large print signs.	Low	31
Pathways	The accessible pathway did not have adequate lighting throughout Election Day.	Medium	21
Pathways	The accessible pathway was not maintained and kept clear of hazards throughout Election Day.	Medium	16
Pathways	The curb cut on the accessible pathway was less than 36" wide.	Low	1
Pathways	The curb cut on the accessible pathway had a slope greater than 8%.	Medium	11
Pathways	The ramp on the accessible pathway was less than 36" wide.	Low	1
Pathways	The ramp on the accessible pathway had a slope greater than 8%.	Medium	7
Pathways	The ramp on the accessible pathway did not have a non-slip surface.	Low	7
Pathways	The ramp on the accessible pathway did not have a handrail that was mounted between 34" and 38" above the ramp surface.	Medium	4
Pathways	The ramp on the accessible pathway did not have edge protection on each side of the ramp.	Low	3
Accessible Entrance	The accessible entrance was not clearly marked at the door.	High	212
Accessible Entrance	The accessible entrance was locked on Election Day.	High	11
Accessible Entrance	The door handles on the accessible entrance were higher than 48" above the ground.	Low	3
Accessible Entrance	The width of the opening at the accessible entrance door was less than 32".	High	7
Accessible Entrance	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
Accessible Entrance	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

Accessible Entrance	The accessible entrance had door hardware that did not meet Americans with Disabilities Act (ADA) standards.	High	30
Accessible Entrance	The accessible entrance door required more than 8 pounds of force to open.	High	22
Accessible Entrance	The accessible entrance door required more than 8 pounds of force to open.	High	88
Accessible Entrance	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
Accessible Entrance	The ramp at the accessible entrance was less than 36" wide.	Low	1
Accessible Entrance	The ramp at the accessible entrance had a slope greater than 8%.	Medium	12
Accessible Entrance	The ramp at the accessible entrance did not have a non-slip surface.	Low	26
Accessible Entrance	The ramp on the accessible pathway did not have a handrail that was mounted between 34" and 38" above the ramp surface.	Medium	16
Accessible Entrance	The ramp at the accessible entrance did not have edge protection on each side of the ramp.	Low	7
Accessible Entrance	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	6
Interior Routes	The interior routes were not clearly marked by large print signs.	Medium	41
Interior Routes	The corridors along the interior route to the voting area were not properly lit on Election Day.	High	6
Interior Routes	The interior route to the voting area had obstacles such as tables, chairs, boxes, etc.	High	28
Interior Routes	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	7
Interior Routes	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	30
Interior Routes	The corridors had mats or rugs that were not secured or were folded or buckled.	Medium	26
Interior Routes	The corridors had rugs or mats or carpets that had pile higher than 1/2".	Medium	1
Interior Routes	The interior door had a threshold where the difference in height was greater than 1/2".	Medium	3
Interior Routes	The interior door along the route to the voting area had an opening that was less than 32" wide.	High	2

Interior Routes	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
Interior Routes	The door on the interior route had hardware that did not meet Americans with Disabilities Act (ADA) standards.	High	3
Interior Routes	The interior door required more than 5 pounds of force to open.	High	1
Interior Routes	The ramp on the interior route had a slope greater than 8%.	Medium	1
Interior Routes	The ramp on the interior accessible route did not have edge protection on each side of the ramp.	Low	2
Interior Routes	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
Interior Routes	The elevator at this polling place was not functional on Election Day.	High	1
Interior Routes	The controls inside the elevator cab were installed at a non-compliant height.	High	1
Interior Routes	The elevator controls inside the cab inside the building were not marked with raised lettering or Braille.	High	1
Interior Routes	The elevator inside the building did not have audible tones or bells that sound as each floor is passed.	High	3
Voting Area	The Type B Sample Ballot and Voting Instructions Notice was not posted.	Low	23
Voting Area	The Type C Notice of Referendum was not posted.	Low	21
Voting Area	The Type D Polling Place Hours and Location Notice was not posted.	Low	78
Voting Area	There were not two samples of each ballot type posted.	Low	47
Voting Area	The Election Fraud Notice (EL-111) was not posted.	Low	42
Voting Area	The Notice of Crossover Voting (EL-112/EL-112m) was not posted.	Low	20
Voting Area	The Voter Qualification Poster (EL-115) was not posted.	Low	46
Voting Area	The General Information on Voting Rights Under Federal Laws (EL-117) was not posted.	Low	48
Voting Area	The Contact Information (EL-118) was not posted.	Low	47
Voting Area	Required election notices and instructions were not posted in at least 18-point size font.	High	137
Voting Area	Ward maps or street directories were not posted or prominently displayed.	Low	60
Voting Area	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	5

Voting Area	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
Voting Area	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	15
Voting Area	The voting area had no booth or table where a voter using a wheelchair may cast a paper ballot privately and independently.	High	34
Voting Area	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	78
Voting Area	The entrance to the accessible booth or table in the voting area was less than 30" wide.	High	13
Voting Area	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
Voting Area	The knee clearance from the floor to the underside of the booth or table in the voting area was less than 27".	High	15
Voting Area	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	11
Voting Area	At the time of the accessibility audit, the accessible voting equipment was not set up.	High	60
Voting Area	At the time of the accessibility audit, the accessible voting equipment was not powered on.	High	6
Voting Area	At the time of the accessibility audit, the accessible voting equipment was not functioning properly.	High	9
Voting Area	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	30
Voting Area	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
Voting Area	The entrance to the booth or table in the voting area on which the accessible voting equipment rests was less than 30" wide.	High	11
Voting Area	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	18

Voting Area	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	35
Voting Area	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	22
Voting Area	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	31
Voting Area	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	3



Wisconsin Elections Commission

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DATE: February 2, 2023

TO: Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared and presented by:

Brandon Hunzicker Staff Attorney	Sara Linski Technology Director
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SUBJECT: Election Day Registration Post Card Reporting Guidance

Purpose.

This memorandum asks the Commission to consider updating guidance for municipal clerks related to the Election Day registration postcard.

Background.

In the days after an election, local clerks must perform a considerable amount of data entry in the statewide voter registration system. This includes recording each person who registered to vote at the polls. These individuals are known as election day registrations (EDRs). According to Wis. Stat. § 6.56(3), individuals who registered after the close of open registration and at the polling place on Election Day must be audited. The statute begins by describing the mechanics of the audit:

Upon receipt of the list under sub. (1), the municipal clerk or board of election commissioners shall make an audit of all electors registering to vote at the polling place or other registration location under s. 6.55 (2) and all electors registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board of election commissioners receives notice from the elections commission under sub. (7) that the elections commission will perform the audit. The audit shall be made by 1st class postcard. The postcard shall be marked in accordance with postal regulations to ensure that it will be returned to the clerk, board of election commissioners, or elections commission if the elector does not reside at the address given on the postcard

Wis. Stat. § 6.56(3) (excerpt)

WEC and municipal clerks work together to conduct the audit. The Department of Administration's publishing bureau prints and mails verification postcards to voters matching the criteria from § 6.56(1). If undeliverable, the postcards are returned to the appropriate municipal clerk.

Wis. Stat. § 6.56(3) further directs that:

. . . If any postcard is returned undelivered, or if the clerk, board of election commissioners, or elections commission is informed of a different address than the one specified by the elector which was apparently improper on the day of the election, the clerk, board of election commissioners, or elections commission shall change the status of the elector from eligible to ineligible on the registration list, mail the elector a notice of the change in status, and provide the name of the elector to the district attorney for the county where the polling place is located and the elections commission.

Wis. Stat. § 6.56(3) (excerpt)

Therefore, upon receiving an undeliverable postcard, a municipal clerk must: change the voter's registration to ineligible, mail the elector a notice of the change, and provide the individual's name to the district attorney and to the Commission. However, Wis. Stat. § 6.56(6), which was enacted in 1984, adds that: "[t]he municipal clerk may not disqualify an elector under this section except upon the grounds and in accordance with the procedures specified in s. 6.325." Wis. Stat. § 6.325 provides the grounds of a demonstration beyond a reasonable doubt but offers no relevant procedures.

No person may be disqualified as an elector unless the municipal clerk, board of election commissioners or a challenging elector under s. 6.48 demonstrates beyond a reasonable doubt that the person does not qualify as an elector or is not properly registered. If it appears that the challenged elector is registered at a residence in this state other than the one where the elector now resides, the municipal clerk or board of election commissioners shall, before permitting the elector to vote, require the elector to properly register and shall notify the municipal clerk or board of election commissioners at the former residence. The municipal clerk or board of election commissioners may require naturalized applicants to show their naturalization certificates.

Wis. Stat. § 6.325 (emphasis added)

Altogether, these three statutes connected through cross references likely produce the following meaning:

If any postcard is returned undelivered . . . [and if the clerk demonstrates beyond a reasonable doubt that the person does not qualify as an elector or is not properly registered] the clerk . . . shall change the status of the elector from eligible to ineligible on the registration list, mail the elector a notice of the change in status, and provide the name of the elector to the district attorney for the county where the polling place is located and the elections commission.

Under these circumstances if the clerk receives an undeliverable postcard and determines beyond a reasonable doubt that the elector is not properly registered, the clerk should always deactivate the record and report the matter to the district attorney. Left unanswered is whether an undeliverable postcard alone meets the “beyond a reasonable doubt” threshold. There is a possibility that someone who was a properly registered elector on Election Day fell out of that status, for reasons such as death, felony conviction, or simply moving outside the municipality. Thus, ineligibility alone is not evidence of a crime that would ordinarily be reported to the district attorney.

Wis. Stat. § 6.275(1)(f) (enacted under 2013 Wisconsin Act 148) acknowledges this possibility by requiring four separate statistics related to the EDR audit:

1. the total number of postcards sent for the audit
2. the total number of postcards returned “because the elector did not reside at the address given on the postcard,”
3. the total number of electors whose status was changed from eligible to ineligible on the registration list because of the audit, and
4. the number of individuals referred to the DA as a result.

That the statute distinguishes between 2, 3, and 4 suggests that the numbers may not be identical.

For example, there may be a difference between 2. and 3. above because a clerk may independently learn “of a different address than the one specified by the elector which was apparently improper on the day of the election” and deactivate that registration regardless of whether a postcard is returned as undeliverable. However, the fact that 4. is required as a separate statistic suggests that the law anticipates differences between the total number of registrations deactivated and the number of reports made to a district attorney.

The Wisconsin Legislative Council’s memorandum that accompanied 2013 Wisconsin Act 148 explains in part that:

If a postcard is returned undeliverable, or if the clerk or GAB is informed that the address was improper, then the voter’s status is changed from eligible to ineligible on the registration list and the voter’s name is given to the local district attorney.

There exist situations that could present a clerk with difficult decisions. For example, if a voter moved after the election but before the postcard was mailed, thus foiling delivery of the post card. The legislative history shows that this hypothetical was presented by the former Government Accountability Board (GAB) to the Legislature during the legislative hearing before 2013 Wis. Act 148 became law, but the language discussed in this memo did not change after the presentation. GAB director Kevin Kennedy also explained that complications such as this “need to be investigated by the municipal clerk to determine why the confirmation mailing was returned” and that “follow up needs to be done at the local level.”

Ordinarily, a clerk would not report someone to a district attorney unless the clerk believes there is some evidence of fraud or an irregularity (see also Wis. Stat. § 7.15(1)(g), which requires a clerk to “report suspected election frauds, irregularities, or violations of which the clerk has knowledge to the district attorney”).

Other statutes likewise address voters who move but who are not suspected of committing fraud. When a clerk believes that a voter has moved outside of the municipality, the clerk will send a 30-day letter under Wis. Stat. § 6.50(3) and deactivate the registration if the elector does not confirm the address is still correct.

Although several of the examples above are notional, this is a real and ongoing concern for municipal clerks. Clerks commonly contact WEC staff to ask how to reconcile these statutes. They have asked if all individuals associated to an undeliverable postcard from Wis. Stat. § 6.56(3) are required to be reported to the district attorney, regardless of whether there is any reason to suspect that fraud has taken place. Staff do not currently possess adequate direction to provide clerks caught between these statutes.

Following this memo are two documents. The first is the existing guidance in the possession of many municipal clerks. The second is a proposed revision. The revision is restructured, contains additional statutory references, and takes a less directive approach. In summary, the revision:

1. Asks clerks to first check for data entry or post office errors. If an address on a postcard contained an error and was not what was given by the elector on Election Day or if a postcard was not properly mailed by the post office, then the required audit of that registration has not yet taken place and the statistic would not be an accurate reflection of an audit. The statistic of undelivered postcards would only be meaningful information if they have been properly mailed and returned as undeliverable.
2. References the “beyond a reasonable” doubt standard from Wis. Stat. § 6.325.
3. Changes the directive language to a recommendation regarding when to not refer cases to the district attorney, followed by more explicit recommendations of how to proceed.

Recommended Motion:

Adopt the revised Election Day Registration Post Card Reporting Guidance to be sent to Wisconsin’s clerks before the February 21 Spring Primary.

1. Record all EDR postcards returned as undeliverable for any reason in category #1 in WisVote –**EDR Postcards Returned Undeliverable**

2. Review the address on the undeliverable postcard for any missing information or other obvious error. Compare the voter’s address as it appears on the undeliverable postcard to the voter’s paper registration form and look for typographical errors. Correct any obvious errors in WisVote, and email the Elections Help Desk at elections@wi.gov to have a postcard resent to the corrected address. Include the voter’s registration number in the email.

Note: If your municipality does not have postal mail delivery, you must enter a mailing address in WisVote for each of your voters in order for the verification postcard or other mailings to be deliverable. Please enter the mailing address in WisVote if it is missing, and email the Elections Help Desk at elections@wi.gov to have a postcard resent to the corrected address. Include the voter’s registration number in the email.

3. If the address on the undeliverable postcard is complete and correct, and matches what the voter put on their registration form, more investigation needs to be done to determine if the voter deliberately gave an invalid address, or if some other circumstances apply, such as a post office error, the elector moving between Election Day and when the postcard was delivered, a homeless voter or other circumstance where a legitimate address is non-deliverable. If any of these reasons apply, clerks should **not** refer such cases to the District Attorney. If it was a post office error, please see if you can get this corrected by the post office and email the Elections Help Desk at elections@wi.gov to have a postcard resent.

4. If an elector moved between Election Day and when the postcard was delivered, you may mail the voter a 30-day notice letter to confirm their registration. The letter also provides information on how to re-register at a new address. If the voter fails to respond to the 30-day letter or the letter is also returned as undeliverable, inactivate the voter record. Record such inactivations in category #2 in WisVote – **EDR Voters Inactivated**. Clerks should **not** refer such cases to the District Attorney.

If the voter receives the letter and responds confirming their registration, the voter remains active in WisVote and no further action is required.

5. If an Election Day verification postcard is returned as undeliverable and no reasonable explanation exists, Wisconsin Statutes §§ 6.56(3) and 7.15(1)(g) requires municipal clerks to inactivate the voter record, mail the voter a notice of change of status, and notify the District Attorney and the Elections Commission. The postcard and any other materials related to the clerk’s investigation should be forwarded to the District Attorney. Record such inactivations in both the following categories:

- a. Category #2 in WisVote - **EDR Voters Inactivated**
- b. Category #3 in WisVote –**Referred To District Attorney**. Email referrals to the Elections HelpDesk at elections@wi.gov as CC: with any communication to the District Attorney on the matter.

Election Day Registration Postcard Instructions
Redline Revisions – New or reordered text in BOLD

1. Review the address on the undeliverable audit postcard for any missing information or other obvious error of an election official or the post office. Compare the voter’s address as it appears on the undeliverable postcard to the voter’s paper registration form and look for typographical errors. Correct any obvious errors in WisVote, and email the Elections Help Desk at elections@wi.gov to have a postcard sent to the corrected address **in order to properly conduct the audit required by Wis. Stat. § 6.56(3)**. Include the voter’s registration number in the email. **If there was a post office error, please see if the post office can correct the error and email the Elections Help Desk at elections@wi.gov to have a postcard resent in order to conduct the audit.**

Note: If your municipality does not have postal mail delivery, you must enter a mailing address in WisVote for each of your voters in order for the audit postcard or other mailings to be deliverable. Please enter the mailing address in WisVote if it is missing, and email the Elections Help Desk at elections@wi.gov to have a postcard resent to the corrected address. Include the voter’s registration number in the email.

[PREVIOUSLY #1]

2. Record all properly sent EDR audit postcards returned as undeliverable in category #1 in WisVote –*EDR Postcards Returned Undeliverable*

3. **If an EDR audit postcard is returned as undeliverable, Wisconsin Statute § 6.56(3) requires municipal clerks to inactivate the voter record, mail the voter a notice of change of status, and notify the District Attorney and the Elections Commission. However, Wis. Stat. § 6.56(6) states that “[t]he municipal clerk may not disqualify an elector under this section except upon the grounds and in accordance with the procedures specified in s. 6.325.” Wis. Stat. § 6.325 requires a “beyond a reasonable doubt” standard to be met that “the person does not qualify as an elector or is not properly registered” before the person can be disqualified as an elector.**

Thus, if the address on the undeliverable audit postcard is complete and correct, and matches what the voter put on the registration form, ~~more investigation needs to be done to determine~~ the WEC recommends that you investigate if the elector deliberately gave an invalid address, or if some other circumstances apply, such as ~~a post office error~~, the elector moving between Election Day and when the postcard was delivered, **the elector being homeless, the elector making a minor error when filling out the registration, or another circumstance leading to a legitimate address being undeliverable ~~a homeless voter or other circumstance where a legitimate address is non-deliverable~~. If any of these reasons apply, clerks should ~~not~~ refer such cases to the District Attorney. ~~If it was a post office error, please see if you can get this corrected by the post office and email the Elections Help Desk at elections@wi.gov to have a postcard resent.~~ **If you investigate an undeliverable postcard and determine that a circumstance exists such that you do not 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.

If **you do not believe beyond a reasonable doubt that the voter has committed any kind of election fraud but do have reason to believe that** an elector moved between Election Day and when the postcard was delivered, you may mail the voter a 30-day notice letter under Wis. Stat. § 6.50(3) to confirm the registration or update the registration if the elector moved within the municipality. The letter also provides information on how to re-register at a new address. If the voter fails to respond to a 30-day letter, inactivate the voter record. Record such inactivations in category #2 in WisVote – EDR Voters Inactivated. ~~Clerks should not refer such cases to the District Attorney.~~

[FOLLOWING SENTENCE REVISED AND MOVED TO THIRD PARAGRAPH]

~~If an Election Day verification postcard is returned as undeliverable and no reasonable explanation exists, Wisconsin Statutes §§ 6.56(3) and 7.15(1)(g) requires municipal clerks to inactivate the voter record, mail the voter a notice of change of status, and notify the District Attorney and the Elections Commission.~~ **If you do believe beyond a reasonable doubt that that the individual does not qualify as an elector or is not properly registered**, the postcard and any other materials related to the clerk's investigation should be forwarded to the District Attorney. Record such inactivations in both the following categories:

- a. Category #2 in WisVote - EDR Voters Inactivated
- b. Category #3 in WisVote –Referred To District Attorney. If you refer the name of the elector to the District Attorney, email by CC the Elections HelpDesk at elections@wi.gov.



Wisconsin Elections Commission

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DATE: For the February 2, 2023, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator

Prepared by Commission Staff

SUBJECT: Subgrants Updates

Introduction

This memo provides information about three topics: (1) the Election Security .gov Email Domain subgrant program; (2) the 2022 Election Security Subgrant for Municipalities; and (3) a new grant from Wisconsin Emergency Management.

A. Election Security .gov Email Domain Subgrant

In August 2021, the WEC began working with its municipal and county partners to assist their transition to more secure .gov email domains (see August 25, 2021, Clerk Communication, [Elections Security: Trusted Email Address Information](#)).¹ The documentation outlined why a wi.gov or .gov email address is more trustworthy and secure for their locality as well as their constituents. The WEC worked with the Wisconsin Department of Administration to create an interim process for local jurisdictions to establish the wi.gov domains. Additional documentation was provided outlining the steps needed to establish a federal .gov domain if that was preferred.

At the January 11, 2022, Commission meeting, a \$600 per municipality subgrant was authorized to assist municipalities with the costs they were incurring while transitioning to these .gov domains. Those costs included staff time, IT consultant fees and monthly email hosting. The approved subgrant allocation was \$300,000. The subgrant program included reimbursement of allowable costs incurred from August 24, 2021, to August 15, 2022, and the subgrant period closed on August 31, 2022.

The Commission approved extending this subgrant at the September 21, 2022, meeting. Additionally, the Commission authorized a retroactive subgrant eligibility date to the original subgrant authorization in August 2021. The renewal has not yet been announced due to overlapping deadlines with the 2022 Election Security Subgrant and the November General Election. In addition, staff have been working with DOA's Division of Enterprise Technology staff

¹ <https://elections.wi.gov/memo/elections-security-trusted-email-address-information>

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to update and streamline the process by which municipalities request and establish a wi.gov domain.

Initially the WEC assisted municipalities by submitting service requests to DOA/DET on their behalf and troubleshooting IT and email set-up issues with them. A long-term solution may allow municipalities to work directly with DOA/DET and remove the WEC from the technical process.

The WEC will continue to administer the subgrant and assist municipalities as needed. Since the .gov domain subgrant initiative began in August 2021, WEC staff has worked with almost 600 municipalities and counties, assisting them with setting up their wi.gov domain and/or processing their subgrant reimbursements. Many jurisdictions established .gov domains and worked directly with CISA (Cybersecurity and Infrastructure Security Agency) to do so. Many more jurisdictions are still in the process of transitioning. The total funds disbursed to date under this subgrant is \$139,800. Note that many jurisdictions elected to accept less than the maximum \$600 award.

Table 1: Trusted .gov Domain statistics

.gov Domains in use by WI localities	Jan 2022	July 2022	Sept 2022	Jan 2023	Percentage Increase
.wi.gov	139	169	220	233	68%
.gov	80	128	211	264	230%
Total	219	297	431	497	127%

Note: Data derived from wi.gov and .gov domains in WisVote, wi.gov service requests, subgrant requests and DOA/DET reporting.

B. 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 cybersecurity 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 2: 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

Commission staff aggressively promoted the subgrant prior to the application deadline through newsletter announcements, emails, and word of mouth. These efforts appeared to be productive based on the large number of applications received immediately prior to the deadline.

Table 3: Municipal Subgrant Applications Received

As-of Date	Total Applications	Funds Disbursed
November 30, 2022	113	\$129,000
December 31, 2022	415	\$455,807

Approximately half of the allocated funds remain unclaimed. However, municipal demand appears fulfilled, and the Spring Election cycle is now underway. Should the Commission desire to renew the subgrant program, staff propose waiting until summer or early fall.

C. Wisconsin Emergency Management Homeland Security Grant Program Award

On January 9, 2023, Wisconsin Emergency Management (WEM) announced the WEC was awarded \$100,000 through the federal Homeland Security Grant Program (HSGP). The HSGP is a program administered by the Federal Emergency Management Agency and state emergency management agencies. HSGP provides grants to state, local, tribal, and territorial entities to protect, mitigate, respond, and recover from a wide spectrum of threats. Most funds are allocated to local government first responders. The Wisconsin Department of Military Affairs, through WEM, administers Wisconsin’s portion of the grant and determined that \$100,000 would be allocated to election cybersecurity needs.

The funds may be used to enhance election cybersecurity through improved endpoint monitoring, managed device access to elections systems, and e-pollbook network modernization. The funds may not be used for personnel, travel (including training), supplies, or consultants. As a condition of the grant, WEC financial staff must submit quarterly reports and WEC information technology staff must complete a voluntary self-assessment called the National Cybersecurity Review. Funds must be expended by December 31, 2023.

Elections Commission staff recommend applying grant funds to existing cybersecurity expenses instead of pursuing any new initiative. The WEM grant award is limited in scope and must be spent this calendar year. The size of the award is also relatively modest when compared with agency information technology expenses and existing agency subgrant programs to municipalities. Therefore, staff seeks the Commission’s authorization to apply WEM grant funds to the specified (and pre-existing) program areas in the following priority:

1. Endpoint Testing tools to remotely assess the security posture of devices accessing the statewide voter registration and administration system (WisVote). This capability costs the WEC approximately \$60,000 annually.
2. Authentication tools to safeguard user access to WisVote. This capability also costs the WEC approximately \$60,000 annually.
3. Network hardware to enhance the security and reliability of e-pollbooks (if any funds remain available).

D. Proposed 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.



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DATE: For the February 2, 2023 Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by Elections Commission Staff

SUBJECT: Absentee Certificate Envelope Redesign Update

This memorandum provides an update to the Commission on work to redesign the EL-122 Absentee Ballot Application/Certification. The current version of the form can be found here <https://elections.wi.gov/wec-form/official-absentee-ballot-applicationcertification-el-122-122m-fim-b-c-no-fim-s-sp>.

In keeping with the Commission's directives, the WEC staff proposes working towards a new design which will be in effect for the Spring 2024 primary and election. This means that redesign and usability work will need to be completed in the first half of 2023 to ensure enough time for local election officials to procure and implement the new envelopes. Absentee ballot certificate envelopes are used for all by-mail and in-person absentee ballots, meaning more than a million envelopes will likely be needed for the 2024 Presidential Election alone. Clerks and WEC staff alike do not think it is advisable to use a new envelope design for the first time in a general election, meaning it is advised the new design be used in the February, April, August, and November elections for 2024. This will allow both an opportunity to test the new design in smaller elections and more time to train election officials and to educate the public on the new certificate design. To accomplish this goal, the Commission will need to approve a new design by their September 20, 2023 third-quarterly meeting.

Background.

The Wisconsin Elections Commission (WEC) previously directed staff to update the absentee certificate envelope to ensure statutory compliance and to make the envelope as usable as possible for both voters and election officials. Achieving these objectives should reduce the number of otherwise valid ballots that may be rejected for an insufficient certificate envelope. Staff are working toward a new design that will make completing the certificate envelope as intuitive as possible while ensuring that the new design meets all statutory requirements.

The redesign project directly addresses several recommendations from the 2021 legislative audit of the WEC. The Legislative Audit Bureau (LAB) report devoted considerable attention to the absentee ballot process and issued several recommendations regarding certificate design and associated clerk training. As detailed in the LAB final Report 21-19 issued in October 2021, Wis. Stat. §6.87(2) states that a

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witness provide their printed name in addition to their signature and address for the certificate to be valid. Based on the Legislative Audit recommendations, at the December 1, 2021 meeting, the Commission asked staff to prepare a redesigned envelope for their review at a future meeting and to ensure that the redesigned envelope contain a space for the witness to provide their printed name. The 2020 prototype that the Commission tabled, does include a space for a witness to print their name.

The proposed design predates the legislative audit and is based on a prototype certificate envelope first developed in 2020. A mockup is attached as Appendix A. After a campaign focused on gathering data from voters and clerks through usability testing, the design was brought to the Commission for consideration at its May 27, 2020 meeting. At that time, the Commission directed staff to not pursue the redesign of the absentee certificate envelope and to issue best practices to local election officials on how to maximize the usability of the current envelope design in a 6-0 vote.

The next round of testing will be based on moderated usability sessions using printed versions of the mockup obtained from the Department of Administration. These test envelopes have been reviewed and vetted by both the United States Postal Service mail design analysts and the Center for Civic Design, a non-partisan third-party organization with a strong background in usability. Staff will also focus heavily on statutory compliance.

Statutory Compliance

At a future meeting, the WEC staff will provide the Commission with a chart that outlines each statutory requirement (or court decision) related to the certificate envelope and map those requirements to the elements of the certificate that accomplish the requirement. This will allow the Commission to easily consider each requirement and if the language/design of the new certificate meets each requirement.

Usability Testing – First Round

The first rounds of these usability sessions are scheduled to take place between the Spring Primary and Spring Election. Staff will gather data from participants in both virtual and in-person usability testing sessions and will debrief after each session to break down the data as to what worked well, what did not, and what improvements can be made. This round will initially focus on voters. Election officials will participate in additional sessions to ensure envelope sections with which they must interact are also intuitive. Ideally, the participant pool will be a mix of voters who have a varying range of familiarity with the absentee voting process. While feedback from voters who typically vote absentee and are familiar with the current certificate envelope is certainly valuable, seeing how participants who have not used the existing envelope interact with the redesigned version will be a more robust test of the redesign.

In late April, following the Spring Election, staff will review the feedback and participant information from the first round of usability sessions, revisit the current mockup to identify any sections that may cause issues or complications for participants, and, if necessary, make updates. Following any updates - to ensure that the redesigned certificate is both usable and accessible for members of the disability community - staff will be conducting a round of testing with members of the Accessibility Advisory Committee. The Accessibility Advisory Committee (AAC) has assisted WEC staff in the past with usability as they are a unique group of citizens and voting advocates who can provide input to ensure

that our materials are accessible to voters of all different abilities. Additionally, the AAC represents many different parts of the state.

Usability Testing – Second Round

Pending any additional mockup updates following Accessibility Advisory Committee member testing, final rounds of usability testing will take place in early May. These sessions will mirror the first round as staff will seek voters who are both familiar and unfamiliar with absentee voting. Following USPS compliance review, staff will offer certain participants the option of having a test certificate envelope mailed to them to test the design performance in the mail stream. This will ensure that the redesigned envelope does not run into issues between our office and their address.

Sessions will be held concurrently with municipal and county clerks, as well as other election officials who work in polling places and central count sites. While these sessions will include a discussion of common issues encountered with returned certificate envelopes – things like required information voters typically omit such as a signature or address for a witness - they will also focus heavily on certificate sections that are only used by clerks or election inspectors.

The value of usability testing is that it is a data driven process and the goal is to have a finished product that is acceptable to voters and election officials by the end of these final rounds of testing. If, at this time, the data supports that the redesign performs satisfactorily, final versions of both the absentee certificate and carrier envelopes will be submitted to the USPS for review. After ensuring both are still compliant with mail standards, the final versions will be presented to the Commission for review and approval at the September 20, 2023 meeting.

Review Timeline.

It is imperative that the redesigned envelopes be approved for use as soon as possible to maximize the time clerks will have to secure adequate stock in advance of the 2024 election cycle. Following Commission approval, staff will advise municipal and county clerks of the updated envelopes and will discuss implementation plans for the coming year. Staff will also seek clarification at the September 20, 2023 meeting as to whether clerks will be allowed to deplete existing stock of current absentee envelopes prior to implementation of the updated versions. Many jurisdictions purchase enough envelopes for multiple election cycles. and staff have received several questions from clerks as to how they are to proceed with their existing materials upon approval of new envelopes. This decision is at the discretion of the Commission.

WEC staff will also continue to advise the Commission on the progress of the project and will report back to the Commission at the April 28, 2023, meeting. At this meeting the statutory comparison of the design being used in the usability study will also be presented to the Commission for consideration.

Table 1 (Timeline).

February – March 2023	Initial rounds of usability testing with voters and election officials
Late April 2023	Testing with members of the Accessibility Advisory Committee

Early May 2023	Pending any design updates, second and final round of usability testing with voters and election officials
Late May 2023	Submit final mockup to USPS for review
September 20, 2023	Present to Commission for review and approval
Late September 2023	Communication to county and municipal clerks on redesign and implementation

Recommended motion: Direct staff to move forward with the timeline above and to present final versions of the certificate and mailer envelope to the Commission at their September 20, 2023 meeting for approval.

Official Absentee Ballot Certification Envelope

Voter Information _____ Date of Election (mm/dd/yyyy)

City Village Town
Municipality check type and list name

Voter Name (last, first, middle) _____

Street Address _____

County _____ City _____

WI _____ Zip _____ Ward Ald.
State _____ District

Certification of Voter
(required)

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

- I am a resident of the ward 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 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 later than 10 days before the election.
- I exhibited the enclosed ballot, unmarked, to the witness.
- 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 requested assistance, could know how I voted

X voter signature _____

date of birth (military voters and overseas voters only) _____

Certification of Assistant (if applicable)

If assistant is also serving as witness, please sign in both fields

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

X assistant signature _____

Certification of Witness
(required)

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

X witness printed name _____

X witness signature _____

X witness address (number, street name, municipality) _____

official use only _____ Special Voting Deputy 2 (printed name, signature, address)

Voter exempt from or has met POI requirement		Voted in clerk's office	
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Return Envelope
#12 standard
4.75" by 11"



City Clerk
210 Martin Luther King Jr Blvd, Room 210
Madison, WI 53703

Absentee Ballot Return Envelope

Ballot must arrive by 8 p.m. on Election Day

Outgoing Carrier Envelope
#14 standard
5" by 11.5"



Ima Voter
123 W Main St
Madison, WI 53703

Official Absentee Balloting Material

First-Class Mail



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DATE: For the February 2, 2023 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Brandon Hunzicker, Staff Attorney

SUBJECT: Scope Statement Approval

Introduction:

This memo discusses Scope Statement 089–22 concerning the Conduct, Regulation, and Accommodation of Election Inspectors, which the Commission directed staff to send to the Governor during the September 21, 2022 Commission meeting. During that meeting, the Commission also approved holding a preliminary public hearing and comment period to gather viewpoints from interested parties concerning the Scope Statement and contemplated rule.

Discussion:

Following the September 21 Commission meeting, staff submitted the Scope Statement to the Governor, who approved it on October 20, 2022. On November 30, 2022, the Commission approved the notice for the preliminary hearing and public comment period to be held via Zoom from 1:00 p.m. to 3:00 p.m. on January 17, 2023, with written comments being accepted on the Scope Statement until 4:30 p.m. that day. Five individuals provided comments during the hearing, and the Commission also received 21 written comments, though some were from the same individuals.

Before the Commission can make the first recommended motion at the close of this memo, Commissioners must “review any public comments and feedback” received as part of the preliminary public hearing and comment period. Summaries of all verbal comments follow this memo in item J.1, and written comments follow as item J.2. Item J.3 is the Scope Statement that was approved by the Governor.

During previous Commission meetings, the possibility of using either the advisory committee process or the informal consultation process as allowed by Wis. Stat. § 227.13 has been briefly raised. Staff examined these options and recommend using the more formal advisory committee process. There are several key differences between the formal advisory committee and the informal consultations. The first is greater public access and awareness. Meetings of such a committee would need to be noticed and open to the public. Also, the formal advisory committee would have set members who meet all at once, which should result in fewer individual meetings to schedule and coordinate; a clear demarcation between those who are members of the committee and those who are merely attending as members of the public; and an ability to schedule meetings in advance to

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Administrator
Meagan Wolfe

meet the deadlines of the promulgation process. Finally, using the formal process during the rule drafting process is a common practice among other government agencies.

Staff suggest a general plan for forming an advisory committee and planning meetings, and the second recommended motion would be the first step to put that plan into action. The key elements moving forward are as follows:

1. Determine the members of the advisory committee and send the list of members to the Joint Committee for the Review of Administrative Rules. Several organizations and clerks have already reached out to staff to ask to be on an advisory committee. At a previous meeting, the following individuals and groups were mentioned as possible members of such a committee:
 - a representative of each party with ballot access in Wisconsin,
 - a representative sample of municipal clerks,
 - a representative from the League of Women Voters,
 - a representative from Disability Rights Wisconsin,
 - a representative sample of poll workers, and
 - a representative sample of individuals with experience as election observers.
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.
5. If requested by two or more Commissioners, bring the minutes to a Commission meeting for discussion on initial drafting of the rules.
6. Staff use all materials collected so far to perform an initial draft of the rule language.
7. Schedule a second meeting of the advisory committee to discuss the initial draft text and record minutes of the discussion.
8. Staff revise the initial text based on the discussion at the advisory committee meeting. Send the minutes and revised text to each Commissioner.
9. Schedule a full Commission meeting to discuss the revised text.
10. Schedule additional advisory committee meetings and Commission meetings as necessary.

Recommended Motions:

1. 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.
2. Pursuant to Wis. Stat. § 227.13, staff shall contact the following organizations to ask them to nominate specific organizations or individuals to be a member of the advisory committee: _____. Staff shall further contact the following individuals to ask if they are willing to be part of the advisory committee:

_____. Names of all individuals agreeing to be part of the advisory committee within one week of being asked by staff shall be compiled and sent to the Joint Committee for the Review of Administrative Rules by February 17. After the list is received by the JCRAR, staff shall work with the members to schedule the first meeting of the advisory committee and form an agenda for the meeting. Staff shall then follow the bullet pointed list outlined above or shall proceed as otherwise directed by 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

Public Hearing Concerning Admin. Rule Statement of Scope SS 089–22
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
1:00 p.m. January 17, 2023

Minutes for the Preliminary Public Hearing on Administrative Rules

Present: Commissioners Ann Jacobs and Robert Spindell Jr., by teleconference.

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

The hearing began at 1:00 p.m. Staff Attorney Brandon Hunzicker appeared and gave attendees a minute to enter the meeting. At 1:02, he welcomed attendees to the public hearing and acknowledged the attendance of Commissioner Spindell. He noted that more Commissioners may attend and that the hearing was noticed for a possible quorum.

Attorney Hunzicker noted that the comments collected at the hearing would be presented via minutes to the Commissioners at the February 2 Commission meeting along with any submitted written comments. He provided instructions to attendees for how to raise their hand in Zoom and how to submit written comment. He explained that anyone wishing to present comment to a quorum of the Commission could submit a request to do so in writing during the hearing. He noted that written comments would be accepted to his email until 4:30 p.m. that day. He then presented the procedural rules and background for the public hearing.

Sandy Juno

Sandy Juno of 616 Dauphin St, Green Bay WI appeared on behalf of the Wisconsin Election Integrity Movement, who were active in getting observers for the elections in 2022. She provided comment generalizing the issues her organization faced across the state. Her comments are summarized below:

- Some observers were not able to see or hear even as close as three feet
- Observers should be able to be present at absentee ballot counting area, area where ballots are distributed, where voters are registered, and where the tabulator is
- In the past, from memory, political parties could have an observer seated at the table, not sure what happened with that, but something to consider for the future because it would allow people to see and hear better
- There needs to be access to restrooms and chairs for people that have disabilities and can't stand for long periods of time, pretty simple things to provide for observers
- One of the most troubling things is access to observing especially during the early voting period
 - o In Green Bay, observers were restricted in a number of ways, preventing observers from observing the voting process

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

- There need to be more stringent rules that allow people to see the full process of casting a ballot for early voting. Observers should not be locked out of offices
- For the most part, observers had good experiences, but some poll workers were not appreciative of observers being in the polling location and had a negative attitude towards them
- One thing clerks should emphasize is seeing observers as an asset to helping the election process and understanding what's going on at the polling location
- The people we have trained to be observers were given the expectation of good behavior and to add in a positive way to the voting process

Commissioner Spindell asked what Ms. Juno meant when she said observers were locked out of the office.

- Ms. Juno answered that observers experienced problems in City of Green Bay, where they were not let into areas where voters were casting ballots, an issue which was resolved in court. On election day, central count was occurring on fourth floor of the building and police officers were preventing anyone from being on the first floor to observe any absentee ballots being returned to the clerk's office. Additionally, the doors to the building were locked after 4 p.m. and the only way to access the building was through a police officer or the attorney for the City of Green Bay. She said there was not free access to a public building on election day where ballots were being processed.

Commissioner Spindell asked how observers got in after 4 p.m., to either vote or observe.

- Ms. Juno answered that they had to be let in by the police officer or the attorney that was posted in the area where the doors were.

Commissioner Spindell asked if voters were allowed in.

- Ms. Juno answered that on election day no voting happened at that location, but central count was on the fourth floor of the building. She stated that in order to get in they had to have a purpose and it was the first time they had experienced being locked out of a building on election day where election results were being tabulated.

Commissioner Spindell asked if she was satisfied on Election Day for the observing of the voting after the court order came down to the Green Bay clerk.

- Ms. Juno answered that she was not. She stated that the clerk allowed them to be in the hallway but had rigid restrictions as to where they could stand and could not move from that location without the clerk's approval. She stated that they were able to be in the hall, but visibility or hearing were not available for most people depending on where the voters were. The clerk was in her office rather than in the hallway and was therefore unavailable to approve observers moving from that location.

Commissioner Spindell sought to clarify that the clerk was not observer-friendly.

- Ms. Juno said that was true and clarified that was strictly in regard to City of Green Bay and that observers in the other 23 municipalities in Brown County did not encounter such experiences.

Commissioner Spindell sought to clarify that Ms. Juno's comments only pertained to City of Green Bay and the clerk there.

- Ms. Juno said yes, they had issues in City of Green Bay with the locked building and early voting.

Julie Seegers

Julie Seegers appeared and provided comment summarizing feedback and experiences through her work recruiting and training observers in Kenosha and Racine Counties for the RNC. Her comments are summarized below:

- This is an important issue to clarify because the statutes are not clear and caused confusion and frustration for clerks and observers
- Ditto to everything Sandy Juno said, especially regarding the 3–8-foot rule, which was the biggest complaint with observers
 - o Observers could be three feet away but were positioned in a way that wasn't conducive to observing all aspects of the voting process as written in statute
- In Racine, most locations put observers in a boxed in area
- A lot of observers recruited/trained for Kenosha and Racine Counties for the RNC complained that even though they were put in the box, the front of the box was eight feet away from the nearest table, but the back of the box was twenty feet away
- Observers were not able to leave the box to observe all aspects of the voting process, almost like why bother for the observers to be there if they're not allowed to leave
 - o Even if they requested to leave to look at something, the chief inspectors wouldn't allow it
 - o Would like to see that clarified
 - o In Kenosha County, in most places, if not all, observers were able to wander around and Ms. Seegers did not receive any complaints about observers breaking the rules or being disrespectful
- The bathroom situation was a big deal for observers in Racine County
 - o Two locations that wouldn't let 80 and 85-year-olds go to the bathroom
 - o One observer had a health issue that the poll workers didn't care about
- The principals at two polling locations which were schools offered chairs and the chief election inspectors at both locations said no
- Observers were not able to leave the boxed in area
- People from the Department of Justice came into several polling locations in Racine and asked several observers for their names and how they affiliated
 - o They asked observers from both the Republican and Democratic parties
 - o It was confusing as to why they had to do that and was intimidating to most observers
 - o This should be addressed in the rule
- At central count in both Racine and Kenosha, observers were not able to look at the certificates
 - o There is not much to observe at central count and observers should be able to see the certificates and how they're being processed, which is not currently being done in Kenosha or Racine County
 - o Observers should be able to see the certificates and every aspect in central count as it is an important area for observers to be able to leave their boxed in area
 - o This should be addressed in the rule
- Observers should be able to leave the boxed in area of the polling location
- Observers are trained, they know what the rules are and to talk to the chief election inspector, and they need to be respected as much as any other person in the election process

Commissioner Spindell asked what Ms. Seegers meant by “boxed in.”

- Ms. Seegers answered that either the chief election inspector or city clerks put tape on the floor and told the observers they had to stay there. She stated there were quite a few places in City of Racine where the boxes were way too far away. She noted it would be nice if observers could come in ahead of time and challenge the placement of the boxes, if they're going to be boxed in, since lots of boxes were too far away.

Commissioner Spindell sought to clarify that the box was something on the floor that observers couldn't move outside of.

- Ms. Seegers affirmed that it was a taped in area.

Commissioner Spindell asked if the observers had chairs in the boxed in areas.

- Ms. Seegers answered that two locations did not allow observers to have chairs, though some observers were there all day and a lot of them are older. She stated that observers who are older and want to participate are smart, trained, and want to participate in this part of the election process but can't when they know they can't sit down or use the restroom.

Commissioner Spindell asked if the polling locations were small rooms.

- Ms. Seegers answered no, the locations were gymnasiums.

Commissioner Spindell asked if all the observers, regardless of affiliation, were in one box and could not sit.

- Ms. Seegers answered yes.

Commissioner Spindell sought to clarify that the principal came in with chairs and the chief election inspector said no.

- Mrs. Seegers answered yes and noted that some observers filed complaints and submitted affidavits but are not technical and do not know how to do Zoom meetings or have printers to print the forms. She stated that she was speaking for people that sent in complaints to the RNC and that some of the complaints did go to WEC, maybe they were just affidavits, and asked if they have to send in affidavits again for the February meeting to be seen.

Commissioner Spindell sought to clarify whether observers could go to the bathroom in the school.

- Ms. Seegers answered that there were designated bathrooms set up for election workers and that observers were not considered election workers because, according to one of the chief election inspectors, they were not paid staff and therefore not allowed to use the restrooms. The principal said that observers could use the restrooms but at two polling locations, poll workers said no, they were not allowed to go to the restrooms.

Commissioner Spindell commented that he has been going around to polling locations for twenty years and has never seen such a thing.

Ms. Seegers asked if individuals had to resubmit the complaint concerning election observers. She noted that she submitted an open records request to know the names of the poll workers, that had not yet been fulfilled by Racine County, so the complaint could not be updated yet. She wanted to know if the complaints should be resubmitted for the February meeting.

- Attorney Hunzicker answered that any complaint can be resubmitted if it was returned to the complainant and that he couldn't explain much further than that in this hearing, but if anyone wanted to submit comments that they submitted as a complaint, all they need to do is let him know that what they submitted as an affidavit, they would like to be submitted as comments for the election observer rule.

Commissioner Spindell said that the WEC legal staff is very accommodating and if Ms. Seegers wished to reach out, Attorney Hunzicker or someone else on staff would help her.

Beth

Beth echoed statements made by previous speakers and recounted an experience she had as an election observer in City of South Milwaukee. Her comments are summarized below:

- Echo statements previously made
- Similar experience having to stay within the taped in area, 5-15 feet of any of the election workers

- Was there as an observer on her own behalf, not affiliated with anyone
 - o After an hour of being there, the supervisor of the site taped off an area on the opposite side of the gymnasium for a young man who was clearly watching her
 - o Beth took notes, including a rough count of how many people showed ID
 - o After 20 minutes, the young man approached her and asked who she was affiliated with
 - o Beth answered that she was there on her own behalf and the young man told her she had to fill out on the sign in form if she was affiliated with anyone and must be truthful because if she were lying, she would be found out
 - o Beth stated that he was very intimidating in that regard
 - o After two or three comments from him, Beth told him that her understanding was that poll observers shouldn't talk to each other so much
 - o Beth speculated that the young man was a law student and that he was trying to intimidate her
 - o Later, the woman running the election site gave Beth the sign-in sheet she had filled out when she arrived and instructed her to write down her affiliation if she had one
 - o Beth wrote down electionintegrity.com, which she said is a non-partisan website
 - o This experience gave Beth a bad feeling about what was going on at that location

Commissioner Spindell asked which municipality this occurred in.

- Beth answered that she was from Oak Creek but that this incident occurred at a polling site in City of South Milwaukee.

Scott Woiak

Scott Woiak appeared and shared experiences and feedback based on his time as an election observer. His comments are summarized below:

- Was an observer at the Tyler Domer Community Center in City of Racine
- Initially when he arrived, the tables were set along one side of the wall of the gymnasium and observers were at the far end of the room
 - o The room was L-shaped, with poll workers on the long end and observers on the short end, probably 30 feet from the closest table to the door
 - o He brought it up to the chief, who told the clerk, and the clerk came and made the tape box in front of the tables without being able to see the people that were voting, as they now had their backs to the observers and couldn't hear them well from eight feet away
 - o The polling location was a gymnasium and people have to say things loud enough to be heard which results in a whole bunch of racket
- In the past, the observers were always behind the tables
 - o Mr. Woiak has been an observer for fifteen years, and is a Racine County resident but has observed in Milwaukee, Oak Creek, and Waukesha but had never been on the opposite side of the tables
 - o When observing, he wants to see their reactions when they're being asked questions and hear their answers properly
- Mr. Woiak is 70 years old and says his hearing is not the best but adequate in most situations, was told by poll workers that if he couldn't hear, that's his problem
 - o Questioned how many people who want to observe elections are older
 - o Thought that was a flippant answer for the poll worker to give
- He has talked to the clerk of City of Racine who insists that if the table/box is within eight feet then that's fine and the observers can't be closer than eight feet, but his understanding of the statute is 3-8 feet away

- If you're three feet away then you can hear and see things, but if you're eight feet away from someone that's facing someone else, how are you supposed to hear them?
- Can't understand why they're not behind the pollworker tables where they've always been, never had this issue before a year or two ago
- Had issues about six years ago when clerk had to be brought in at Jefferson Lighthouse where the clerk corrected the situation, putting the observers behind the poll workers where they could see and hear everything
- The City of Racine clerk's interpretation is a way of defeating the spirit of the law, it's technically correct, but doesn't align with the spirit of the law in his opinion

Commissioner Spindell asked how far behind the election workers he sat in the past and had that ever been the case in Racine.

- Mr. Woiak answered that six years ago at Jefferson Lighthouse, the observers were set aside until he brought it up to the chief at the site. The chief said she would call the clerk in after telling me if he didn't sit down she would have me arrested, and the cops got the clerk down there who then corrected the situation and moved the tables 3-4 feet behind the poll workers. In that situation, the clerk complied with the spirit of the law.

Commissioner Spindell sought to clarify whether Mr. Woiak had been behind the tables at polling locations in other municipalities.

- Mr. Woiak answered yes, he had observed in Milwaukee, Oak Creek, and Greenfield, and they had always been behind the tables and it had always been an amicable situation. He stated that the stuff with Racine seems to be out of hand for some reason.

Commissioner Spindell asked if he had issues accessing the bathrooms at his location.

- Mr. Woiak said no.

Judy Schmitz

Judy Schmitz from La Crosse appeared and had a question for Ms. Seegers, who said in her public comment that observers were not allowed to use the bathroom in Racine County. She asked if Ms. Seegers was still there.

- Attorney Hunzicker clarified that Ms. Seegers wasn't able to answer, but if Ms. Schmitz wanted to address a previous speaker in her comment, she could do that.

Ms. Schmitz asked how can they deny someone the right to go to the bathroom.

- Attorney Hunzicker asked if she had a particular comment along that line, and reminded her that this was her opportunity to tell the Commission her thoughts and explain what she thinks the Commission should state in this rule.
- Ms. Schmitz said that would be denying someone their civil rights and should be addressed.

Commissioner Spindell asked if she had any similar problems in La Crosse.

- Ms. Schmitz responded that she is not a poll observer and couldn't speak to that.

Attorney Hunzicker asked if she had any other comments.

- Ms. Schmitz said no, she just had that question.

At 1:43 pm, Deputy Administrator Kehoe confirmed there was nobody left in the queue to speak.

Attorney Hunzicker waited a minute to confirm no one else wanted to speak. He asked how many people were in attendance and Deputy Administrator Kehoe responded that there were 46, including media. Commissioner Spindell and Staff Attorney Hunzicker thanked the attendees for being there and reiterated they could submit written public comment until 4:30 p.m.

The hearing concluded at 1:48 p.m. A slide remained in the Zoom meeting, reading:

Thank you!
Your feedback is appreciated!
Written comments can be submitted to
Brandon.Hunzicker@wisconsin.gov until 4:30 p.m. today, Jan. 17
For further information, contact WEC.
PH: 608-266-8005 Email: elections@wi.gov

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January 17, 2023 Wisconsin Election Commission public hearing minutes prepared by:



Anna Langdon, Help Desk Staff

January 18, 2023

From: [Christopher Schneider](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: Poll observer meeting
Date: Tuesday, January 17, 2023 12:00:37 PM

CAUTION: This email originated from outside the organization.
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WEC,

My name is Chris Schneider. I live in La Crosse Wisconsin. My role in all four elections that took place in 2022 was that of a poll official.

As a tax paying voter, I think it is important that poll observation be continued.

The poll chief that I worked with outlined the conditions of qualification and notification to be a poll observer. We also knew the procedures to follow if poll observers were not abiding by regulations.

Wisconsin voters should expect to have the ability to observe the voting process or the expectation and right of transparency will vanish.

Chris Schneider
411 La Crosse St.
La Crosse, Wi 54601
(608) 780-6524

Sent from my iPhone

From: [Dean Jeffery](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: Preliminary Rules Hearing
Date: Monday, January 16, 2023 3:57:28 PM

**CAUTION: This email originated from outside the organization.
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Good Afternoon Brandon,

I am an Election Inspector in Oshkosh WI.

This may be outside the scope but one area I see that needs clarification is the observation of Absentee Ballots opening and processing through the ballot tabulator that appears to require an observation area per 7.41 (1) highlighted below. At the Polling location where I work at, this area is not near the tables for Registration and where Electors announce their name and address to be issued a voter number described below in 7.41 (2). We did not have an area marked off 3-8 feet from this absentee ballot opening and machine tabulation area because this was not an observation area included in 7.41 (2) highlighted in yellow below that identified a specific distance for observation (ie 3-8 feet). If an observation area of the absentee ballot handling is to be observable at a polling location, it should be described in more detail via 7.41 (2) in the same manner as the registration and voter identification tables.

7.41 Public's right to access.

(1) Any member of the public may be present at any polling place, in the office of any municipal clerk whose office is located in a public building on any day that absentee ballots may be cast in that office, or at an alternate site under s. [6.855](#) on any day that absentee ballots may be cast at that site for the purpose of observation of an election and the absentee ballot voting process, except a candidate whose name appears on the ballot at the polling place or on an absentee ballot to be cast at the clerk's office or alternate site at that election. The chief inspector or municipal clerk may reasonably limit the number of persons representing the same organization who are permitted to observe under this subsection at the same time. Each person permitted to observe under this subsection shall print his or her name in and sign and date a log maintained by the chief inspector or municipal clerk for that polling place, office, or alternate site.

(2) The chief inspector or municipal clerk may restrict the location of any individual exercising the right under sub. (1) to certain areas within a polling place, the clerk's office, or alternate site under s. [6.855](#). The chief inspector or municipal clerk shall clearly designate observation areas for election observers under sub. (1). 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. The observation areas shall be so positioned to permit any election observer to readily observe all public aspects of the voting process.

Lastly, regarding how many people can observe, the language in 7.41 (1) states "The chief inspector may reasonably limit the number of persons representing the same organization who are permitted to observe under this subsection at the same time". There needs to be a definition of an organization. For example, what organization do you belong to if you are a citizen not affiliated with a group or party that wants to observe?

Regards,

Dean Jeffery

Election Inspector in Oshkosh (Winnebago County)

(920) 267-0890

From: [Deb Hadley](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: Election observers
Date: Tuesday, January 17, 2023 2:40:31 PM

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My name is Deb Hadley and I am an Election Chief in Marathon County
I have had multiple concerns regarding Poll
Observers and their behavior at the polls
First concern : phone usage, they appear to report Poll activity which immediately drives
By neighborhood more people showing up at the polls. They watch the flow in the morning
As it progresses and the the calls begin. If this
Is allowable than both parties should be aware of that opportunity. I have only seen the Democrats making calls.
They are not allowed to do it in the polls, but seldom do they move far from the polls to place the calls.
Badger Books are not protected what can
Phone access Do to impact that connection ?don't know just wondering Ban all phones, request they leave the
building if they need
To use the phone. I had an observer that
Followed people out of the polls, if they were
Not allowed to vote ? Everyone was refused for a legitimate reason and they should not have to explain their
situation. If they have a question they should ask the chief inspectors,
We would be more than happy to explain.
You need clear definitive rules that are not debatable. Something we can present and expect to be followed. We
have lots to do
At the polls, the goal should be to make voting easy , and accurate it's that simple.
Thank you
Deb Hadley

Sent from my iPhone

From: [Glen Hogan](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: Scope SS Election observer rules.
Date: Tuesday, January 17, 2023 2:37:38 PM

CAUTION: This email originated from outside the organization.
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Brandon,

My comment to today's zoom meeting(couldn't get your highlighted email address to pop up to do this email in the Zoom screen), is that honoring the written legislative intent of current State statutes is a different animal when in practice at polling places ,Election Day locales vs. clerk's offices for early voting. . That animal is the decision limitations due to the physical space in conducting the voting process in those clerk's offices.

As an observer I attended the first day of early voting 2022 and observers were made to sit outside in hallway behind glass wall while voting was taking place in office. I'm going to guess our seats made the statutory requirement of 8 ft. But there was an accommodation to be made that was suggested to a councilman that day that was implemented the following day after what was supposedly discussed with city legal staff, that was a small taped off square in interior office for a observer to Stand in to hear and see the process when needed. Again the limitation here is physical space constraints with the statutory 3 to 8 foot guidance. This accommodation became ineffective when the voter filling out their ballot was moved to hallway while rest of processes were donee in inner office.

The clerk's office also has the limitation that it isn't dedicated to the process of early voting but also to the other daily functions of the clerk's office.

I think common sense decisions that assuage the clerk's needs plus the intent of the statutes is what's important in early voting. Maybe , besides a 3 to 8 foot guidance , maybe a square footage requirement (per entity population) for the conduction of early voting is needed if clerk's encounter difficulties in observing the written statutes.

With more early voting hours, more returning of early voting absentee ballots and less trust in other ways of delivering those ballots grow a guidance should aid the DISCRETION of our clerks' in meeting guidance given by statute to the conduct of election observation.

Glen Hogan
2740 Englewood Rd.
Green Bay Wi

Did observations for EIN.

Sent from my iPhone

From: [Joseph LaMothe](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: Need for Poll Workers
Date: Tuesday, January 17, 2023 2:49:37 PM

**CAUTION: This email originated from outside the organization.
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Many Wisconsin voters question the integrity and validity of the election process in this state. Numerous irregularities have occurred in this state that support their skepticism. Poll Observers help make the voting process more transparent, more controlled and ultimately, more lawful. Poll Observers help ensure that each election process is valid, accurate and in accordance with Wisconsin State Law. No open, honest Wisconsin polling place should object to the presence of Poll Observers. No polling place conducting their business in compliance with the law should object to organized, lawful scrutiny. In my opinion, there should be more Poll Observers. We should strive to recruit and deploy as many of these individuals as is practical, considering the importance of their mission.

Joe La Mothe
LaCrosse, WI 54601

From: [Kathy Burgert](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Cc: [Pam VanHandel](#)
Subject: WEC 089-22
Date: Tuesday, January 17, 2023 3:09:08 PM

**CAUTION: This email originated from outside the organization.
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As the Election Integrity Chair for the Republican County of Outagamie, I would like to add a few comments to those who spoke on the Zoom call today.

While the issues encountered by our observers were not as glaring as others mentioned, there are a few issues I would like to add to the comments.

1. Not all observers were allowed to stay after the polls closed to observe the day end processes.
2. Not all observers were allowed to see the zero-machine tape at the start of the day.
3. Except for one voting location deemed a Central Count, all others processed absentee ballots at the various polling location. Not all Chief Inspectors handled that process consistent within the guidelines provided by WEC.

It became clear from these and other observer comments that as with process differences between clerks, there is a process difference between Chief Inspectors.

This is appearing to be a training issue. Perhaps the training requirements for Clerks and Chief Inspectors could be reviewed with the emphasis on clear standards and requirements, including any changes that will be addressed in SS 089-22.

Respectfully submitted,

Kathy Burgert
Election Integrity Chair
Republican Party of Outagamie County

From: [Lynn Spicer](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: Election Integrity
Date: Tuesday, January 17, 2023 1:56:58 PM

**CAUTION: This email originated from outside the organization.
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Dear Brandon:

I listened to the comments today and it sure seems as if we need to keep our election observers from being intimidated in any way. I have had two good experience so far this year as an election observer in the La Crosse area and I don't want that to change.

We have been able to be three feet away, sit in a chair and there was no line of demarcation for us. What I heard today should not be going on.

Please update those of us that really had nothing to say, but want to make sure that we respect all poll workers, observers, election chiefs and everyone.

Kind regards,
Lynn Maher

From: [Margery](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: election observer
Date: Tuesday, January 17, 2023 12:39:58 PM

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I have been an election worker for La Crosse 7th district for the past year. I have seen poll observers from both parties present during the election day process. I sense their presence provides additional assurance of election integrity and an additional check on any election misconduct. I have never seen any observers interfere or disrupt the process. I see no reason to add additional restrictions on their ability to effectively observe activities on election day.

We need election transparency. Poll observers can strengthen that objective. Again, I have seen no reason to add more restrictions on their freedom to do that.

I thank you for your sincere consideration in this matter.
Margery Graybar

From: [Marvin Van Every](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: Poll observers
Date: Tuesday, January 17, 2023 10:20:07 AM

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Brandon,

Please write the new rules so poll observers can actually observe the polls. This obviously requires them to be in the rooms where the voting occurs and without obstruction to the process. They need to be able see and hear what is taking place!

Thank you,

Marvin Van Every
La Crosse

Sent from my iPad

From: dmjbb@charter.net
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: Election Observers Zoom Meeting
Date: Tuesday, January 17, 2023 4:31:49 PM

**CAUTION: This email originated from outside the organization.
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Brandon, In my recent observer experiences, I have not had any issues. However, in general and from past experiences being able to see and hear have been problematic. Being able to see and hear absentee ballots being counted has been an issue. I observe in Washington County. I do feel that observers should be close enough to see and hear. My preference would be to be able to move about the voting area without disrupting the voting process. And, adhering to the other observer rules such as not talking to voters, etc. I object to same day registration and think those ballots should be put in provisional ballots until their information can be verified. Mary Jo Thompson

Sent from my LG V40 ThinQ, an AT&T 5G Evolution capable smartphone

From: [Mary LaMothe](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: Need for Poll Workers in Wisconsin
Date: Tuesday, January 17, 2023 3:10:39 PM

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I am a Poll Worker in the great state of Wisconsin. I have observed and heard many voters questioning the integrity and validity of the election process in this state. As we have all heard, numerous irregularities have occurred in this state that support their skepticism. Poll Observers help make the voting process more transparent, more controlled and ultimately, more lawful. Poll Observers help ensure that each election process is valid, accurate and in accordance with Wisconsin State Constitution and Wisconsin State Law. No open, honest Wisconsin polling place should ever object to the presence of Poll Observers. No polling place conducting their business in compliance with the law should object to organized, lawful scrutiny. Poll Observers should not be relegated to the back of the room, but should be able to move freely to observe each process, and they should be at the polling place the entire time it is open. In my opinion, there should be MORE Poll Observers. We should strive to recruit and deploy as many of these people as is practical, considering the importance of their mission and the security of our voting process.

Mary LaMothe
La Crosse, WI

From: [Pam Rodgers](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: WE NEED ELECTION OBSERVERS!
Date: Tuesday, January 17, 2023 11:37:31 AM

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear WEC Members:

I am a voter, poll worker and poll observer in La Crosse County. I want you to know that I believe poll observers are a very valuable addition to folks working at the polls. If we are to ensure free and fair elections, we must have many eyes and ears at the polls during elections. And as well for early voting.

These observers dedicate their time and effort to observe what goes on at the polling place. Most of the time when I am working as an Election Inspector (poll worker) I do not even notice them! They are quiet, professional, not obstructive at all and just kind of blend into the background at the polls. Yet, they are a vital piece of the complex machinations that occur on each election day!

I wish they were sitting closer to the intake area at the polling location to be certain all proper protocol is being followed, simply because things get extremely busy at times. And it would also be a blessing to have a few more poll observers than we currently have at each polling location.

Thank you,
Pam Rodgers

From: [P. Hugasian](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: Comments regarding WEC meeting
Date: Tuesday, January 17, 2023 2:57:48 PM

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Brandon,

I wanted to pass along some comments after hearing about a meeting that WEC held to discuss regulations for poll observers. I submitted an affidavit last month, but it was rejected because I could not name a specific respondent. So, I am submitting the following as comments that I hope will be taken into consideration:

I was a volunteer poll observer in the city of Racine at one of the public school locations. Observers were instructed to sit within a "box shaped area" of the gym floor, which was outlined with blue tape. The front edge of this "boxed area" was 8 feet away from the front edge of the registration table. Although this may have met the "letter of the law" being 8 feet away, observers faced the voter's back. From that vantage point, the voter's voice projected away from the observers. This made it quite difficult, if not impossible, to see anything or hear the voter state their name and address. (statute 7.41 Public's Right to Access). Being unable to perform the observer's role, the placement of this designated area was questioned. The Chief Election Inspector replied that "the city of Racine was responsible for the arrangement". After respectfully expressing concerns multiple times, and after a lawyer arrived at the polling location, observers were granted permission to sit in a chair off to the side of the registration table. It took time and determination to resolve the issue of not being in a position to properly observe. .

An observer should not have to contend this type of issue. I do not blame the Chief Election Inspector at the polling location. However, this issue did exist at the poll location. Instructions for boxing-in the observers came from somewhere or someone within the city. It seems the intent to outline "boxes" on the floor was to make the observer's job as difficult and inconvenient as possible. My intent was to observe the voting process to ensure election integrity. The city of Racine and the state of Wisconsin should have the same goal.

I hope my comments pertaining to this matter are taken into consideration as regulations are discussed by WEC.

Regards,
Patricia Hugasian
Racine, WI

Also signing, with her permission
Cheryl Sands
Racine, WI

(Cheryl and I, Patricia Hugasian, were both poll observers at the same location)

From: [paula havisto](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: WEC election observers
Date: Tuesday, January 17, 2023 10:58:02 AM

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I am unable to attend the meeting on Thursday. I am a poll worker in La Crosse county. We have had no issues or concerns with poll watchers and welcome them to our facility. There is no need to change any rules and I encourage you to abandon the changing of rules.

Paula Havisto
La Crosse county poll worker.

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

January 17, 2023

Dear Brandon Hunzicker,

I am submitting my written comments about Election Observers. I would like to stress a few issues surrounding Election Observers at Polling and Ballot Counting Centers:

1. An election observer should be physically able to be close enough to see all critical aspects of the voting process. I believe the observer should be able to be within 8' at all times to any of the voting processes; within 3' to see any ballot adjudication.
2. Poll observers should be able, not only to see, but to hear all aspects of the voting process.

The first time I was an observer at my polling place, I was told I could sit in the corner of the room. I was about 10' from the voter registration, 15' from where the voter picked up the ballot, 10 to 15 feet from the voting machine, at least 12' from where the machine scanned the ballot. At the end of the day, I was about 20 feet away from where the election workers were scrutinizing the voting machine tabulations and counting the ballots. Once that was completed they did allow me to stand about 6 feet away from the table where they were recording, by hand, their votes on a (paper) chart. The clerk used this sheet of paper to call in the election results to the county. In the corner, I was right beside the furnace so I couldn't hear most of what was being said. Now they have a quieter furnace but still find it hard to hear sometimes. In warm weather the window air conditioner could be running. I understand that noise is a concern for all in the room, but I don't think it is fair to stick the election observer in the noisiest part of the room.

3. I think that an election observer should be able to move around the polling room and the central counting center's room as long as the observer is respectful, polite, doesn't get in the way of the voter, doesn't intimidate the voter in anyway and are inconspicuous; that they remain at least 3 feet away from all aspects of the voting process.
4. Poll observers should be allowed access to any early ballot processing and that they should be close enough to see and hear what is going on.
5. This was not a problem in our local polling place, but throughout Wisconsin, poll observers should be provided chairs and access to rest rooms.
6. Clerks should not see poll observers as threats but respect them. The observers make the process more transparent and should enhance public confidence. Poll observers should be very respectful in return.
7. Ballot processing centers should be open to the public for as long as there is ballot counting and processing going on.

Sincerely,

JoAnn Utphall
N11742 State Road 79
Boyceville WI 54725
715.643.5681

PUBLIC COMMENT (written) from Marathon County RE:

Statement of scope, SS089-22, concerning the conduct,
Regulation, and accommodation of election observers.

From Joanne Leonard, Republican Party of Marathon County

jleonard@pcpros.net

715-573-6918

January 17, 2023

1. Number of observers at a polling location: One location in Marathon County, observers were told by chief inspector, there could **ONLY BE ONE** from each party as observers at the polls.
2. Training: Clerks and Chief Election Inspectors need to be **TRAINED** on the rules for observers.
3. Observer contacts of voters: At Central Count in Wausau, observers from one party were given a list of names of individuals who had incomplete AB envelopes and needed to have the envelopes cured by the voter. When the other party asked **WHY** they weren't given the same list, they were told "because you didn't ask for it." Can the clerks give observers lists of people to be contacted to complete the absentee ballot process correctly before the close of the polls? This issue needs clarification in the rules.
4. Observer party affiliation - observers told they must declare a party affiliation when they check in.
5. Unaffiliated: - Do observers need to be members of either Republican or Democratic Party or can they be unaffiliated? It appears, during the voter canvas, any member of the public can be an observer.
6. Notification to Clerks: Do clerks need notification of observers at each of the polling sites prior to elections?

Dear WEC Board Members,

Major changes to the WI Election Laws related to Observers need to be made. The law that indicates the distance an Observer is allowed to be from the Election Poll Worker's workstation must be changed to "within 2 feet of unobstructed view. Poll Workers must be allowed to stand behind Poll Workers as ballots are opened and processed. The manner in which Observers in the City of Racine now are allowed to observe, prevents any actual visual view of ballots as the ballots are processed and tabulated.

While Observing during the November 2022 election cycle, I was involved in situations that I feel are detrimental for Election Observers to perform their sacred civic duty, simply because Observers are located at a distance that does not allow for any visual site of the writing on election envelopes.

During this time I volunteered to observe at the City of Racine Clerk's Mobil Voting Vehicle sites. At first it was impossible to Observe from the 2 x 2.5 foot area marked off for Observers. We were required to view the voting process from an area the City of Racine Poll Workers laid out and placed a portable pillar made of signs between the Observer's area and the Poll worker's work station. When I stepped into the aisle to look around the pillar, I was told I have to keep my feet behind the line. The pillar completely blocked my view. I do have pictures.

On the 3rd day, I continued my objections. I placed a call to the Racine Police to make a formal complaint. Within an hour of making the complaint, the Racine City Clerk came to the voting site and removed the manmade obstruction. This allowed Observers to view the Poll Worker's workstation from a 4 foot distance. I have very good vision, but I am not able to read handwriting from 4 feet away... So what was I able to observe as ballots were processed???? NOTHING!!!!

This still did not allow Poll Observers viewing anything of importance because the Observation area was 4 to 5 feet from the front of the workstation table; which meant that all papers are upside down from the view of the Observer. If an Observer would like to view a voter signature, the Observer would view it 4 to 5 feet away and upside. This makes it impossible to actually observe anything.

While Observing at Central Count in the city of Racine on Election Day 2022, I, and all Election Observers experienced the same issue trying to observe ballots being processed. Poll Worker's work station was located 7 feet away from the Observer's observation area. This area was located in the center of the room. Poll Worker's workstation was positioned so that Observers had to view ballot related materials from a position that required the Observer to read the ballot upside down and from 7 feet away. Again, making it impossible to actually observe anything related to the writing on the ballot.

Ballots that are processed on Election Day at Central Count are stored in clear plastic bags and brought into the room Central Count was located. The bags are identified with voter's location. The plastic bags of ballots are staged on a table behind the Poll Worker's workstation waiting to be processed. These are the ballots the City Clerk receives from the Post Office or are dropped off at the Clerk's office by the voter or a person that is legally allowed to drop off a ballot for an individual.

The problem is that during the entire time ballots are collected at the Clerk's Office,(two weeks) NOT ONE Election Observer is present to insure the delivery process of the ballot is safe and secure. Ballots received are sorted into the correct bag according to correct precinct that corresponds to the address on the envelope. What is the Chain of Custody for ballots received? Where are ballot bags stored? Who has access to the area gags filled with ballots to process on Election Day are stored?

What is the process to insure fraudulent ballots are not placed into these plastic bags after Clerk's Office hours?

To resolve the issue of Observers not being able to see anything, Observers must be allowed to stand behind the Poll Worker within a 2 foot distance so each ballot can be inspected from a distance that the writing on the envelop can be clear to read by the Observer. Simple solution!

A process for securing ballots received by the Clerk's office prior to processing to meet any quality Chain of Custody process would have to include a secure area, sign in and out form, and a running total of ballots collected daily. This would insure no ballots were added illegally.

Finally, the law that prohibits pictures from being taken within voting areas has to be reviewed to insure illegal conduct within the polling area can be documented with photos or videos.

Sincerely,

John Harry Landwehr
5599 Whirlaway Lane
Caledonia, WI

262 497 7670

The question I have is this: On what legal grounds was the Federal DOJ permitted (by the municipality of Racine) or on their own, impelled, to send DOJ monitors/OPM staff to randomly monitor election places in Racine?

I have done what I could to research Wisconsin statutes as well as the relevant Federal law. WI statutes 5.35(4); 7.14; and the Voting Rights Act of 1965 Reauthorization and Amendments Act (2006)- specifically, the amendments to the original Section 8(a).

Realizing that by a 1965 Voting Rights Act Reauthorization and Amendments Act of 2006, and subsequent to the Shelby Decision by the Supreme Court of the USA, the US Attorney-General has a great deal of latitude in deciding if/where to send monitors....Still, the wording of the Section 8(a) amendment is that there needs to be credible, "...written, meritorious complaints.." by either "...residents, elected officials, or civic participation organizations..." before the DOJ can authorize the deployment of the Justice Dept. monitors.

Where are the reports of incidents of voter suppression, intimidation, or threats that would be considered jeopardizing the right to vote or the guarantees of the 14th and 15th amendments? From the 2020 election? Or in the run-up to the 2022 elections? Where are the threats to election officials?

Civic groups - the NAACP for example - can request the need for monitors (my understanding is that the NAACP did that). But, again, were there actual reports of threats, suppression, intimidation, directed toward minority groups? Or toward election officials? In Racine? In 2020? In 2022?

Isn't this a legal issue? A federal overreach issue? An abuse of power issue?

I could just as well, as a citizen of Racine, claim that my rights were violated when, as a poll-watcher for the Republican Party in 2020, there was an attempt to intimidate me when I protested not being able to observe anything from my observer "station"; I could as well claim that my rights were infringed upon when, as I was poll-watching in November, 2022, a Dept of Civil Rights "deputy" - not a lawyer by the way - came up to me and asked for my name. (Apparently, the "deputies" asked all of the observers their names.)

My interest in this larger issue was spurred by that federal "deputy" asking for my name. As a citizen, I am fine with fair-minded, judicious, non-partisan, non politically-motivated use of federal authority where necessary and appropriate. But none other than this.

To assign federal DOJ election monitors to a locality based upon "...written, meritorious complaints (of intimidation / threats / voter suppression, etc) is one thing. To do so based upon

spurious, politically-motivated commentary or biased, vague, unsubstantiated reports or even rumors is another thing. And calling election integrity efforts “voter suppression” is nonsense.

TO WEC 1/17/23: (originally sent to: To Racine Common Council Members; to the Mayor; to the City Attorney:)

This narrative is in support of Mr. Ken Brown's comments to the August 16, 2022 Racine City Council meeting re: Election Poll Observers. To this end, I will relay what I experienced in November of 2020:

I was a first-time poll observer - Republican - at Festival Hall in November of 2020. Poll observers of both political parties were herded into one of two taped-off "pens", (my word) - each "pen" app. 25 sq. feet in area. From the vantage point of my "pen", it was clear right away that no one barring Superman could observe what was happening at the eight or ten voting/processing tables, spread out in a vast semi-circle in the vast space of Festival Hall. The "pen" I was confined to was approximately eight feet from the first of these processing tables, but the problem was that there were many, many more tables, and it was, of course, impossible to observe or hear anything occurring at those tables! And then, there was the absentee ballot processing table at the extreme farthest corner of the arena. No observer at all was allowed anywhere near that table.

And by the way, COVID had nothing to do with it: as I said, the "pens," where the observers were obliged to stay, comprised very small areas - app. 25 sq feet each - and so two or three observers were quite crammed together. There was no possibility of "social distancing"!!! Just as there was no possibility for meaningful observation of what was going on at all those tables.

Two fellow observers, one, a Democrat, and one, who happened to be an attorney herself and sent from a non-partisan organization, both agreed that the situation was ridiculous and a farce. The non-partisan observer even suggested at one point that she was going to secure a local judge right away to rectify or stop the proceedings! So, this is a non-partisan issue! All of us observers - Republican, Democrat, and non-partisan alike - were virtually aghast at the situation - observers who were not allowed to meaningfully observe anything.

Besides all this, the City Clerk, Tara Coolidge, was extremely rude and treated poll observers as if we were trespassers. Her attitude was contemptuous and unhelpful. And I was not the only one to note this!!

For twice vigorously protesting the absurd arrangement - observers not permitted to observe - I was ultimately ejected from Festival Hall.

A complaint was reported and duly responded to. My understanding is that a couple of hours later, having been apprised of the situation, attorneys did arrive on the scene, and confirmed what I and others had been protesting. And the arrangement of tables and observation posts was, to some degree, rearranged and improved. In other words, it took the intervention of lawyers to force the election officials at Festival Hall to do the right and legal thing.

I was outraged. As a 70-year old voter, a retired history and civics teacher (40 years of service), and a first-time poll observer performing a civic, patriotic duty, I did not expect to be treated as a criminal trespasser.

The intent of the law is for two persons of the two major political parties to be able to see and hear what's going on at the registration, voter check-in, and ballot processing tables. The law says observers are allowed to be three to eight feet away from the processing tables. (To be more specific, observers are to be no closer than 3 feet and no farther than 8 feet away from the voter tables, and be able to observe any and all election-related activity.) Common sense says that this means allowing observers to be three to eight feet away from every table, every station, where the voting process is occurring. That law is reasonable. Its intent is clear and democratic: election fairness and integrity. It's as simple as that. To prevent cheating, observers need to be able to meaningfully see and hear what's going on.

There is an important election coming up in November, 2022. I urge the City Council members to heed Mr. Brown's comments.. And then to make it their business to direct the City Clerk and all election officials to follow the instructions as well as the intent of the law governing election observers. Both absolute election integrity and the perception of election integrity are vital for the city of Racine and for the nation.

Martin Prujansky
1635 College Ave.
Racine, WI 53403
mprujansky@gmail.com
262-672-0301
August 20, 2022

Affidavit

UNDER OATH, I STATE THE FOLLOWING:

I, Scott Woiaak (DOB) 12 21 1952
 Name Age
8537 Hwy V CALEDONIA WI 53108-9574
 Address town, village or city Zip

- I am an adult resident of the State of Wisconsin.
- I am in sound mind and health.
- I am under no duress to sign this affidavit.

I make this statement of my own free will and it is the truth to the best of my knowledge. I have not been promised anything or threatened in any way. I understand that anything I write may be used in a court of law

STATEMENT OF AFFIANT:

I WOULD LIKE TO INFORM THE COMMISSION OF WHAT I BELIEVE IS A VIOLATION OF WISC STATUTE 7.41 ON NOVEMBER 8 I CHECKED IN AT ABOUT 7:45 AM AT TYLER DOMER COMMUNITY CENTER IN RACINE & TOLD THE CHEIF BONNIE THAT I WAS THERE TO OBSERVE. SHE DIRECTED ME TO AN OBSERVER POSITION AS ~~THE~~ SAWA. THE CLOSEST I WAS WAS TABLES FOR POLL WORKERS. MAYBE 8 FEET AWAY FROM THE CLOSEST TABLE & 30+ FEET FROM THE FARTHEST TABLE. I CALLED THE REPUBLICAN PARTY WHO SENT SOMEONE TO QUESTION THIS LAYOUT. THE CORRECTED LAYOUT

WAS THIS:

OBSERVING
AREA

VOTERS

POLL WORKERS

THE FORWARD TAPE LINE
WAS STILL 7 1/2 FEET
AWAY FROM THE TABLE.

FROM THERE YOU COULD NOT SEE OR HEAR ANYTHING.
I'VE OBSERVED FOR OVER 10 YEARS AND HAVE
ALWAYS BEEN 3 TO 8 FEET BEHIND THE TABLES
THIS IS DEFEATING THE SPIRIT OF THE LAW

Scott Worak

Signature of Affiant

Dec 9 2022

Date

State of Wisconsin

County of Milwaukee

Subscribed and sworn to me on 12/9/2022

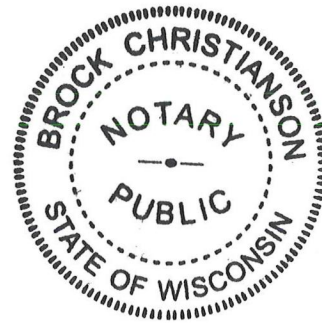
Brock Christianson

Notary Public/ Court Official

Brock Christianson

Name Printed or Typed

My commission expires June 13, 2026



From: [Scott Woiak](#)
To: [Hunzicker, Brandon L - ELECTIONS](#)
Subject: observer rules
Date: Tuesday, January 17, 2023 4:30:09 PM

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

This is Scott Woiak I spoke at this afternoons meeting. I would further like to inform you of an incident that happened at Festival Hall in Racine during the spring election, I had arrived at 7:05 am and checked in with the Chief Election Inspector. I noticed tape lines on the floor for areas for observers, I thought they were too far away and not compliant with previous set ups i had seen before and mentioned that to the Chief. She said she would call the boss ... the city clerk ... who promptly came down and with virtually no discussion called Racine Police to have me removed. Three Squads and four officers !!! I wasn't unruly or loud but the clerk Tara Coolidge told me i was being banned from ever observing in her jurisdiction !!! How can she do that ? I subsequently went to several other sites in Racine and none were set up the way i had seen in the past ... which means behind the poll worker tables. Several of these sites had floor plans showing observers behind the tables. Why weren't these floor plans followed ?? Clerks in the past had followed those floor plans Why not now ? When I can't see or hear what is going on I have to think that there is a reason for this ... It sure doesn't make me trust this process And isn't that the whole purpose of having observers?

January 17, 2023

Dear Brandon Hunzicker,

I am submitting my written comments about Election Observers. I would like to stress a few issues surrounding Election Observers at Polling and Ballot Counting Centers:

1. An election observer should be physically able to be close enough to see all critical aspects of the voting process. I believe the observer should be able to be within 8' at all times to any of the voting processes; within 3' to see any ballot adjudication.
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Sincerely,

JoAnn Utphall
N11742 State Road 79
Boyceville WI 54725
715.643.5681

PUBLIC COMMENT (written) from Marathon County RE:

Statement of scope, SS089-22, concerning the conduct,
Regulation, and accommodation of election observers.

From Joanne Leonard, Republican Party of Marathon County

jleonard@pcpros.net

715-573-6918

January 17, 2023

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On the 3rd day, I continued my objections. I placed a call to the Racine Police to make a formal complaint. Within an hour of making the complaint, the Racine City Clerk came to the voting site and removed the manmade obstruction. This allowed Observers to view the Poll Worker's workstation from a 4 foot distance. I have very good vision, but I am not able to read handwriting from 4 feet away... So what was I able to observe as ballots were processed???? NOTHING!!!!

This still did not allow Poll Observers viewing anything of importance because the Observation area was 4 to 5 feet from the front of the workstation table; which meant that all papers are upside down from the view of the Observer. If an Observer would like to view a voter signature, the Observer would view it 4 to 5 feet away and upside. This makes it impossible to actually observe anything.

While Observing at Central Count in the city of Racine on Election Day 2022, I, and all Election Observers experienced the same issue trying to observe ballots being processed. Poll Worker's work station was located 7 feet away from the Observer's observation area. This area was located in the center of the room. Poll Worker's workstation was positioned so that Observers had to view ballot related materials from a position that required the Observer to read the ballot upside down and from 7 feet away. Again, making it impossible to actually observe anything related to the writing on the ballot.

Ballots that are processed on Election Day at Central Count are stored in clear plastic bags and brought into the room Central Count was located. The bags are identified with voter's location. The plastic bags of ballots are staged on a table behind the Poll Worker's workstation waiting to be processed. These are the ballots the City Clerk receives from the Post Office or are dropped off at the Clerk's office by the voter or a person that is legally allowed to drop off a ballot for an individual.

The problem is that during the entire time ballots are collected at the Clerk's Office,(two weeks) NOT ONE Election Observer is present to insure the delivery process of the ballot is safe and secure. Ballots received are sorted into the correct bag according to correct precinct that corresponds to the address on the envelope. What is the Chain of Custody for ballots received? Where are ballot bags stored? Who has access to the area gags filled with ballots to process on Election Day are stored?

What is the process to insure fraudulent ballots are not placed into these plastic bags after Clerk's Office hours?

To resolve the issue of Observers not being able to see anything, Observers must be allowed to stand behind the Poll Worker within a 2 foot distance so each ballot can be inspected from a distance that the writing on the envelop can be clear to read by the Observer. Simple solution!

A process for securing ballots received by the Clerk's office prior to processing to meet any quality Chain of Custody process would have to include a secure area, sign in and out form, and a running total of ballots collected daily. This would insure no ballots were added illegally.

Finally, the law that prohibits pictures from being taken within voting areas has to be reviewed to insure illegal conduct within the polling area can be documented with photos or videos.

Sincerely,

John Harry Landwehr
5599 Whirlaway Lane
Caledonia, WI

262 497 7670

The question I have is this: On what legal grounds was the Federal DOJ permitted (by the municipality of Racine) or on their own, impelled, to send DOJ monitors/OPM staff to randomly monitor election places in Racine?

I have done what I could to research Wisconsin statutes as well as the relevant Federal law. WI statutes 5.35(4); 7.14; and the Voting Rights Act of 1965 Reauthorization and Amendments Act (2006)- specifically, the amendments to the original Section 8(a).

Realizing that by a 1965 Voting Rights Act Reauthorization and Amendments Act of 2006, and subsequent to the Shelby Decision by the Supreme Court of the USA, the US Attorney-General has a great deal of latitude in deciding if/where to send monitors....Still, the wording of the Section 8(a) amendment is that there needs to be credible, "...written, meritorious complaints.." by either "...residents, elected officials, or civic participation organizations..." before the DOJ can authorize the deployment of the Justice Dept. monitors.

Where are the reports of incidents of voter suppression, intimidation, or threats that would be considered jeopardizing the right to vote or the guarantees of the 14th and 15th amendments? From the 2020 election? Or in the run-up to the 2022 elections? Where are the threats to election officials?

Civic groups - the NAACP for example - can request the need for monitors (my understanding is that the NAACP did that). But, again, were there actual reports of threats, suppression, intimidation, directed toward minority groups? Or toward election officials? In Racine? In 2020? In 2022?

Isn't this a legal issue? A federal overreach issue? An abuse of power issue?

I could just as well, as a citizen of Racine, claim that my rights were violated when, as a poll-watcher for the Republican Party in 2020, there was an attempt to intimidate me when I protested not being able to observe anything from my observer "station"; I could as well claim that my rights were infringed upon when, as I was poll-watching in November, 2022, a Dept of Civil Rights "deputy" - not a lawyer by the way - came up to me and asked for my name. (Apparently, the "deputies" asked all of the observers their names.)

My interest in this larger issue was spurred by that federal "deputy" asking for my name. As a citizen, I am fine with fair-minded, judicious, non-partisan, non politically-motivated use of federal authority where necessary and appropriate. But none other than this.

To assign federal DOJ election monitors to a locality based upon "...written, meritorious complaints (of intimidation / threats / voter suppression, etc) is one thing. To do so based upon

spurious, politically-motivated commentary or biased, vague, unsubstantiated reports or even rumors is another thing. And calling election integrity efforts “voter suppression” is nonsense.

TO WEC 1/17/23: (originally sent to: To Racine Common Council Members; to the Mayor; to the City Attorney:)

This narrative is in support of Mr. Ken Brown's comments to the August 16, 2022 Racine City Council meeting re: Election Poll Observers. To this end, I will relay what I experienced in November of 2020:

I was a first-time poll observer - Republican - at Festival Hall in November of 2020. Poll observers of both political parties were herded into one of two taped-off "pens", (my word) - each "pen" app. 25 sq. feet in area. From the vantage point of my "pen", it was clear right away that no one barring Superman could observe what was happening at the eight or ten voting/processing tables, spread out in a vast semi-circle in the vast space of Festival Hall. The "pen" I was confined to was approximately eight feet from the first of these processing tables, but the problem was that there were many, many more tables, and it was, of course, impossible to observe or hear anything occurring at those tables! And then, there was the absentee ballot processing table at the extreme farthest corner of the arena. No observer at all was allowed anywhere near that table.

And by the way, COVID had nothing to do with it: as I said, the "pens," where the observers were obliged to stay, comprised very small areas - app. 25 sq feet each - and so two or three observers were quite crammed together. There was no possibility of "social distancing"!!! Just as there was no possibility for meaningful observation of what was going on at all those tables.

Two fellow observers, one, a Democrat, and one, who happened to be an attorney herself and sent from a non-partisan organization, both agreed that the situation was ridiculous and a farce. The non-partisan observer even suggested at one point that she was going to secure a local judge right away to rectify or stop the proceedings! So, this is a non-partisan issue! All of us observers - Republican, Democrat, and non-partisan alike - were virtually aghast at the situation - observers who were not allowed to meaningfully observe anything.

Besides all this, the City Clerk, Tara Coolidge, was extremely rude and treated poll observers as if we were trespassers. Her attitude was contemptuous and unhelpful. And I was not the only one to note this!!

For twice vigorously protesting the absurd arrangement - observers not permitted to observe - I was ultimately ejected from Festival Hall.

A complaint was reported and duly responded to. My understanding is that a couple of hours later, having been apprised of the situation, attorneys did arrive on the scene, and confirmed what I and others had been protesting. And the arrangement of tables and observation posts was, to some degree, rearranged and improved. In other words, it took the intervention of lawyers to force the election officials at Festival Hall to do the right and legal thing.

I was outraged. As a 70-year old voter, a retired history and civics teacher (40 years of service), and a first-time poll observer performing a civic, patriotic duty, I did not expect to be treated as a criminal trespasser.

The intent of the law is for two persons of the two major political parties to be able to see and hear what's going on at the registration, voter check-in, and ballot processing tables. The law says observers are allowed to be three to eight feet away from the processing tables. (To be more specific, observers are to be no closer than 3 feet and no farther than 8 feet away from the voter tables, and be able to observe any and all election-related activity.) Common sense says that this means allowing observers to be three to eight feet away from every table, every station, where the voting process is occurring. That law is reasonable. Its intent is clear and democratic: election fairness and integrity. It's as simple as that. To prevent cheating, observers need to be able to meaningfully see and hear what's going on.

There is an important election coming up in November, 2022. I urge the City Council members to heed Mr. Brown's comments.. And then to make it their business to direct the City Clerk and all election officials to follow the instructions as well as the intent of the law governing election observers. Both absolute election integrity and the perception of election integrity are vital for the city of Racine and for the nation.

Martin Prujansky
1635 College Ave.
Racine, WI 53403
mprujansky@gmail.com
262-672-0301
August 20, 2022

Affidavit

UNDER OATH, I STATE THE FOLLOWING:

I, Scott Woiaak (DOB) 12 21 1952
 Name Age
8537 Hwy V CALEDONIA WI 53108-9574
 Address town, village or city Zip

- I am an adult resident of the State of Wisconsin.
- I am in sound mind and health.
- I am under no duress to sign this affidavit.

I make this statement of my own free will and it is the truth to the best of my knowledge. I have not been promised anything or threatened in any way. I understand that anything I write may be used in a court of law

STATEMENT OF AFFIANT:

I WOULD LIKE TO INFORM THE COMMISSION OF WHAT I BELIEVE IS A VIOLATION OF WISC STATUTE 7.41 ON NOVEMBER 8 I CHECKED IN AT ABOUT 7:45 AM AT TYLER DOMER COMMUNITY CENTER IN RACINE & TOLD THE CHEIF BONNIE THAT I WAS THERE TO OBSERVE. SHE DIRECTED ME TO AN OBSERVER POSITION AS ~~THE~~ SAWA. THE CLOSEST I WAS WAS TABLES FOR POLL WORKERS. MAYBE 8 FEET AWAY FROM THE CLOSEST TABLE & 30+ FEET FROM THE FARTHEST TABLE. I CALLED THE REPUBLICAN PARTY WHO SENT SOMEONE TO QUESTION THIS LAYOUT. THE CORRECTED LAYOUT

WAS THIS:

OBSERVING
AREA

VOTERS

POLL WORKERS

THE FORWARD TAPE LINE

WAS STILL 7 1/2 FEET

AWAY FROM THE TABLE.

FROM THERE YOU COULD NOT SEE OR HEAR ANYTHING.

I'VE OBSERVED FOR OVER 10 YEARS AND HAVE

ALWAYS BEEN 3 TO 8 FEET BEHIND THE TABLES

THIS IS DEFEATING THE SPIRIT OF THE LAW

Scott Worak

Signature of Affiant

Dec 9 2022

Date

State of Wisconsin

County of Milwaukee

Subscribed and sworn to me on 12/9/2022

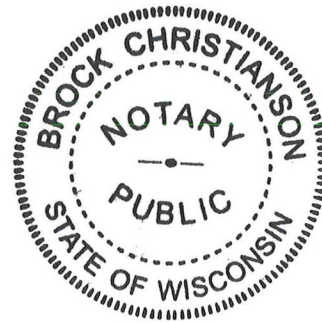
Brock Christianson

Notary Public/ Court Official

Brock Christianson

Name Printed or Typed

My commission expires June 13, 2026



STATEMENT OF SCOPE
Pursuant to Wis. Stat. § 227.135
WISCONSIN ELECTIONS COMMISSION

Rule No.: EL Ch. 4 Election Observers

Relating to: Conduct, Regulation, and Accommodation of Election Observers

Rule Type: Permanent

FINDING OF EMERGENCY:

N/A

RULE ANALYSIS:

1. A description of the objective of the proposed rule.

The Wisconsin Elections Commission (“Commission”) proposes to create Wis. Admin. Code EL Ch. 4 (“EL Ch. 4”), pertaining to the conduct, regulation, and accommodation of Election Observers. The Commission seeks to promulgate rules that set forth standards of conduct applicable to persons who are present at a polling place, or elsewhere, for the purpose of observing all public aspects of an election.

2. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives.

Existing Policy:

The Commission currently advises election officials, observer groups, and individuals on observer conduct using an expired version of emergency rules that were in place under the former Government Accountability Board. The Commission advises that the expired rules are the Commission’s interpretation of the public’s right to access under Wis. Stat. § 7.41.

Proposed Policy:

The Commission proposes to codify a permanent rule as required by Wis. Stat. § 7.41(5). The rule will expand upon items addressed in the statute that need clarification, such as: what interactions are permissible between observers, voters, and election officials; how a chief inspector may restrict which areas are open to observers; and what may count as disruptive behavior.

Alternatives:

If the Commission does not create EL Ch. 4, the current advice provided to local election officials, observer groups and individuals will remain, without the force and effect of an underlying administrative rule.

3. Detailed explanation of statutory authority for the rule (including the statutory citation and language).

Wis. Stat. § 7.41(5) states that the Commission “shall promulgate rules that are consistent with the requirements of sub. (2) regarding the proper conduct of individuals exercising the right under sub. (1), including the interaction of those individuals with inspectors and other election officials.”

Wis. Stat. § 5.05(1) states that the Commission “shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing.” Pursuant to such responsibility, the Elections Commission may “[p]romulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than campaign financing, or ensuring their proper administration.” Wis. Stat. § 5.05(1)(f).

Wis. Stat. § 7.08(3) states that the Commission shall “[p]repare and publish separate from the election laws an election manual written so as to be easily understood by the general public explaining the duties of the election officials, together with notes and references to the statutes as the commission considers advisable.”

Wis. Stats. § 227.11(2)(a) states that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

4. An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed to develop the rule.

WEC staff estimates that it would take approximately 80 to 100 staff hours to promulgate the administrative rule.

5. A description of all of the entities that may be affected by the proposed rule.

The proposed rule will affect and is likely to provide procedural clarity, authority, and security to municipal clerks, other local election officials, media, accessibility advocates, local election inspectors, and all organizations and individuals that wish to observe elections in Wisconsin by maintaining a presence at polling places. To a significant degree, the proposed rule will codify existing practices, and thus will require only moderate compliance outreach to observers, media, accessibility advocates, and the public as well as training to clerks and local election officials. The effect of the proposed rule, and subsequent processes, will have little to no impact on small businesses.

6. A summary and preliminary comparison of any existing or proposed federal regulation that addresses or is intended to address the activities to be regulated by the proposed rule.

There are no existing federal laws that attempt to regulate the right of citizens to observe elections at polling places or attempt to regulate the conduct of persons who act as observers at polling places.

Agency Contact Person: Kelly McCormick, Staff Attorney
(608) 266-3061; kelly.mccormick@wisconsin.gov



Megan Wolfe
Administrator, Wisconsin Elections Commission
September 29, 2022
Date Submitted



Wisconsin Elections Commission

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

DATE: For the February 2, 2023, Meeting of the Wisconsin Elections Commission

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

SUBJECT: Seeking Commission Direction for Legislative Agenda

Historically the Wisconsin Elections Commission has considered if it wishes to adopt a legislative agenda for each legislative session. As in previous years, the process starts by asking Commissioners to direct staff on what items and issues to research and later present it to the Commission for consideration regarding a potential legislative agenda. If so directed, the staff will research areas where technical changes to the law may be needed for the Commission's consideration at a future meeting as called by the Commission Chair. Previous Commission legislative agendas (attached) may be useful in establishing items that need more or updated research. Individual Commissioners may also wish to present their own items for consideration at a future public meeting noticed for that purpose. The Commission may also ask staff to solicit ideas for their agenda from municipal and county clerks.

In 2018 and 2019 the Commission adopted a series of recommendations for the Legislature. These recommendations have resulted in several bills that were drafted and considered in the 2020 session. You can find the previous legislative agenda and supporting materials on the WEC website at <https://elections.wi.gov/event/wec-march-2021-meeting>. The materials and supporting memos are voluminous, and are not being included as attachments to this memo. The WEC administrator provided testimony to the legislature at hearings related to bills resulting from the Commission's legislative agenda which can be found here <https://elections.wi.gov/resources/testimony/wec-testimony-ab-168-and-64>.

In 2021 the Commission adopted additional items as part of their legislative agenda at its March 2, 2021 meeting <https://elections.wi.gov/event/wec-march-2021-meeting>. The March 2, 2021 memo is attached. The Commission unanimously adopted the additions of three legislative agenda items from this memo 1) Federal and State Absentee Ballot Deadline Issues (A/B Ballots) 2. Special Elections – U.S. Senator and Representative in Congress and 3) Canvass and Certification Timeframes. The Commission did not include item 4) Special Voting Deputies.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

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The Commission's legislative agenda serves the important purpose of identifying areas in the law that cause practical issues or concerns in administering elections. When the Commission adopts a legislative agenda, it means those changes have bipartisan Commission support, which makes them more likely to be considered by the Legislature. When the Commission adopts a legislative agenda, it also allows staff to advocate for the Commission's agenda by providing testimony in support of bills that adopt the Commission's recommendations. Without the Commission's approval (by 2/3 vote) the staff can only provide technical testimony for information only.

Options for Recommended Motions

While not a comprehensive list, here are two options the Commission may consider when providing direction to the staff:

Option 1: The Commission directs staff to research the following list of topics to be considered as part of the proposed Commission agenda at a future meeting to be determined by the Chair: [insert list of research topics]. The Commission further directs staff to include for consideration any technical changes they have identified. This may include, but is not limited to, technical items from previous agendas which have not yet been codified by administrative rule, addressed through a court decision, or adopted as legislation.

Option 2: The Commission directs staff to solicit ideas for its legislative agenda from the Wisconsin County Clerks Association, the Wisconsin Municipal Clerks Association, and the Wisconsin Towns Association for consideration at a future meeting.



Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: For the March 2, 2021 Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator

SUBJECT: Commission Legislative Agenda

Historically, the Wisconsin Elections Commission has adopted a legislative agenda for each year of a legislative session. The Commission's legislative agendas have focused solely on technical changes and drafting errors in election provisions. Most recently, at the meeting of December 3, 2018, the Commission adopted a legislative agenda, and on March 11, 2019, the Commission met to add additional items to their agenda. In total, the Commission adopted more than 70 technical, clean-up items over the last three years. For the Commission's reference, both of previous Commission memos outlining the last two legislative agendas are included as attachments. In 2019, both houses of the Wisconsin Legislature drafted bills which incorporated the Commission's legislative agenda into Senate Bill 242/Assembly Bill 247, Senate Bill 241/Assembly Bill 246, and Senate Bill 240/Assembly Bill 245. The bills received a hearing in the senate and assembly, but ultimately were not signed into law. During the legislative drafting process, the Legislature asked for more detail about each of the Commission's legislative agenda items. In response, WEC staff drafted three memos outlining the background of each suggested change. Those memos are also included as attachments to this document.

As you can see in the Commission's previous legislative agendas, the Commission has historically adopted technical items pointing out drafting errors or timeline conflicts. The Commission has long taken the position that it is not a legislative body, and therefore, has not taken positions as a body on policy decisions or political positions related to elections. In those instances when Commissioners have had individual opinions about legislation, they have typically provided that policy and political feedback directly to legislators in their individual capacity, being careful to indicate that they are not speaking on behalf of the Commission as a whole. In instances when the legislator is seeking feedback on a bill or idea that the Commission has not taken a position on, the Administrator has met with legislators or appeared to testify at hearings to provide non-partisan, factual testimony for information only, often focused on the fiscal impact of a bill, the mechanics of implementation or potential conflicts with existing statutes.

For the 2021 session, staff recommends that the Commission continue its support of the previous legislative agendas from 2018 and 2019, and that the Commission also consider whether to add the four items listed below to the agenda. Adding an item to the Commission's legislative agenda requires at least four votes of the Commission. Without four votes to change the agenda, the agenda will remain unchanged from previous years. If the Commission adopts a legislative agenda at the March 2, 2021, meeting, a letter outlining the Commission's decision will be sent to Senate and Assembly minority and majority leadership as well as the chairs of the Senate and Assembly election committee. If a bill is introduced that incorporates an item from the Commission's legislative agenda, then the staff would work with the legislator to support those legislative changes and the Administrator would present testimony to the Legislature "in support" of the bill if invited to

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

testify. Two of the recommended items (SVD and Canvass Certification) do not suggest a specific fix to the Legislature, rather they point out that clarity is needed. In these instances, staff will continue to collect feedback from clerks and other subject matter experts that can be provided to the Legislature as information if asked for feedback on a specific solution the Legislature is proposing.

It is further recommended that if the Commission chooses to adopt these items as part of the legislative agenda, the letter expressing support would also include a statement that the Commission recommends that the technical clean up items remain part of stand alone bills and not be combined with other matters.

Commission staff is requesting feedback regarding the following four additional items for the legislative agenda and asks that the Commission consider adopting these items and adding them to the current legislative agenda.

1. Federal and State Absentee Ballot Deadline Issues (A/B Ballots)

Background: The Legislature may wish to address conflicting statutory deadlines to limit the necessity of A/B ballot scenarios when a federal contest is on the ballot in the spring.

Wis. Stat. § 7.15(1)(cm) states, “The clerk shall send or transmit an absentee ballot for the presidential preference primary to each elector who has requested that ballot no later than the 47th day before the presidential preference primary if the request is made before that day, or, if the request is not made before that day, within one business day of the time the request is received.”

This requirement is in addition to the 45-day deadline under federal law to send absentee ballots to all UOCAVA voters (military and overseas) prior to each federal election. For state and local elections, the deadline to send ballots to voters with an absentee application on file is 21 days before the election. This becomes an issue when the Spring Election and the Presidential Preference Vote occur on the same day – as it creates different deadlines for when ballots must be sent out. The 47-day and 45-day deadlines for sending ballots is prior to the certification deadline for the Spring Primary, therefore it is impossible to have a full ballot available to send that far out from the election.

This situation results in the A/B ballot scenario, with an “A” ballot being sent that only contains the Presidential Preference contest 47-days prior, and then the “B” ballot being sent no later than 21 days before the election which contains all contests on the ballot (federal, state, local).

In February 2020, the Commission conducted a special meeting and directed that “A” ballots should only be sent to military and overseas voters by the 47-day state deadline and the 45-day federal deadline; “A” ballots should not be sent to regular absentee voters with requests on file and clerks should wait to send the official (full) ballot by the 21-day deadline to regular absentee voters with requests on file.

Potential Legislative Agenda Item: The Legislature could consider changing the statute to direct clerks to send an “A” ballot only to military and overseas electors by the 45th day prior to the election, respond to any requests from military and overseas electors within one business day, and then send the full ballot to all voters with requests on file once it is available, but no later than 21 days prior to the election.

2. Special Elections – U.S. Senator and Representative in Congress

Background: The ordering of a special election to fill vacancies in U.S. Senate and House of Representative offices is the statutory duty of the Governor. However, Commission staff traditionally provide information to the Governor's office regarding timelines and specific conflicts that could occur if certain dates are selected. Commission staff have found that the special election statutes under Wis. Stat. § 8.50 can be difficult to navigate at times, and they sometimes mandate deadlines that do not allow sufficient time to canvass and certify primary results before ballots must be prepared and sent to military and overseas voters under federal law.

To ensure that state and federal laws can be complied with when vacancies in the offices of U.S. Senator or Representative in Congress occur and special elections are called to fill these vacancies, the Legislature could consider modifications to the current special election statutes.

Under current law, a vacancy in the office of U.S. Senator or Representative in Congress occurring prior to the second Tuesday in April in the year of the general election must be filled at a special primary and special election. A vacancy occurring in one of these offices between the second Tuesday in April and the second Tuesday in May in the year of the general election is filled at the partisan primary and general election. Wis. Stat. § 8.50(4)(b). Current law provides that a special primary be held four weeks before the day of the special election. However, if the election is held on the same day as the spring election, the special primary is held concurrently with the spring primary. Wis. Stat. § 8.50(2). Under current law, with regard to an election for a national office, the period between a special primary and special election or between the spring primary or spring election does not provide sufficient time to canvass and certify the primary results and prepare ballots to send to overseas voters as required by federal law.

Potential Legislative Agenda Item: To address these ballot timing issues, the Legislature could consider making the following changes in the process for filling vacancies in the offices of U.S. Senator or Representative in Congress:

For special elections to be held on the third Tuesday in May following the first day of the vacancy with a special primary to be held concurrently with the spring primary on the third Tuesday in February; at a special election to be held on the second Tuesday in August following the first day of the vacancy with a special primary to be held on the third Tuesday in May; at a special election to be held on the Tuesday after the first Monday in November following the first day of the vacancy with a special primary to be held on the second Tuesday in August. In addition to these changes, a November election would not be held in any year in which the general election is held for that office, but instead the vacancy is filled at the partisan primary and general election.

3. Canvass and Certification Timeframes

Background: Current law sets the certification timeline for various boards of canvass. The municipal board of canvassers must meet no later than 9:00 a.m. on the Monday after the election and complete their work no later than 4:00 p.m. on that same day. Wis. Stat. §§ 7.51(5)(b), 7.53(1)(a), (2)(d). The county board of canvass must convene no later than 9:00 a.m. on the Tuesday after the election and must deliver a statement of canvass to the WEC no later than nine days after each primary, 10 days after each partisan primary and other election and 14 days after a general election. Wis. Stat. § 7.60(5). The Commission conducts its canvass (within 10 days of commencement) of results received by the counties and must certify on or before the second Tuesday following a spring primary, the 15th day of May following a spring election, the third Wednesday following a partisan primary and the first day of December following a general election.

Some municipal clerks have expressed concern that the timeframe for the local level to conduct its canvass is much shorter than the timeframe allowed for the county and state to conduct its canvass and certify results.

Potential Legislative Agenda Item: The Legislature could consider amending some of the timing statutes related to canvass to allow municipalities additional time to conduct their canvass and certify results. Given the number of days allowed for the county and state to conduct its canvass work, the Legislature could consider adding days to the municipal level and subtracting days from the county and state level. This may also create an opportunity for municipal and county clerks to include additional checks on the process before election results are certified at each level of government, such as reviewing tally tapes for an unusual rate of overvotes or other anomalies.

4. Special Voting Deputies

Background: Current statutes are not clear on how to handle situations in which special voting deputies are not permitted to conduct voting at a care facility as outlined in Wis. Stat. § 6.875 due to a pandemic, facility-specific quarantine, natural disaster or some other reason. Commission staff have recommended that statutory changes to address this scenario could be included as part of the Commission’s legislative agenda.

While the Commission does not recommend specific statutory changes or language, it may wish to advise the legislature that a change is needed to address circumstances in which SVDs are not allowed to enter a care facility. The Commission has further directed WEC staff to research options, and to provide the Legislature with feedback from accessibility and ageing advocates, public health officials, and other subject matter experts on request. Commission staff would share this research with the legislature if/as requested.

Some ideas for consideration:

- The Legislature could consider adding language that would permit clerks to send ballots to residents of facilities in which SVD voting cannot be conducted without requiring two separate visits by an SVD. This may include clarifying what constitutes a “visit” to the facility in the event that a facility is not open to visitors, including SVDs.
- The Legislature could indicate the specific situations in which the direct sending of ballots to residents (similar to the provision currently contained in Wis. Stat. § 6.875(6)(e)) would be authorized and the timeframe upon which ballots should be sent to ensure residents are provided an opportunity to cast their ballot and have it returned on or before election day. Such a change would clarify that SVDs would not be required to show up at facilities to post a notice (initially) for voting or to conduct the voting itself (two visits) if they are only going to be denied by the facility due to one of the reasons outlined.
- The Legislature could include the method by which SVDs and clerks are notified that a facility will not allow SVDs to post a notice or conduct voting, and it could include a timeline by which that notification should occur – so that residents, administrators, SVDs and clerks are all aware that ballots will be sent to voters for a specific election because visitors are restricted due to an outbreak at a facility, for example.
- The Legislature could insert transparency provisions into the statutes so that the public, and potentially families of residents, are aware that voting will need to be conducted via mail due to the reason cited. While each clerks office and care facility will have different access to technology, remote observation, in a controlled, secured setting could also be contemplated.

- The Legislature could consider options where SVDs may be allowed to access a facility, but observers may not, and allow for an exception.
- The Legislature could consider repealing the prohibition on care facility staff assisting voters and allow clerks to deputize care facility staff as SVDs during quarantines or other emergencies.

Potential Legislative Agenda Item: While the Commission does not take a position on which statutory change should be pursued, it asks the Legislature to examine this issue and to clarify the law to specifically address how voters in SVD care facilities shall participate in voting in the event that the facility has a legitimate reason, such as medical quarantine, physical security concern, or natural disaster, to deny SVDs and/or observers from accessing the facility. WEC further asks that the Legislature examine not only election related laws, but the intersection with laws and accreditation standards that govern care facilities, and well as the medical privacy of voters.

Recommended Motion

The Commission adopts the additional items outlined above to be included in its legislative agenda and directs staff to work with the Legislature to support these statutory changes. The Commission further directs staff to submit a letter to legislative leadership outlining the Commission's decision and indicating that the Commission further recommends that WEC legislative agenda items remain stand-alone bills and that the technical changes should not be paired with other bills or items.



Wisconsin Elections Commission

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DATE: For the February 2, 2023 Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by Elections Commission Staff

SUBJECT: Commission Staff Update

Since the last Elections Commission Update, staff of the Commission focused on the following tasks:

1. General Activities of Election Administration Staff

Spring Filing Period

The nomination paper filing deadline for the 2023 Spring Election for the offices of Justice of the Supreme Court, Court of Appeals Judge in Districts I and IV, Circuit Court Judge in various counties, and for the Special Election in Senate District 8 was 5:00 p.m., Tuesday, January 3, 2023. The circulation period for nomination papers began on December 1, 2022.

A total of 79 state office candidates registered for offices on the April ballot, 72 of whom filed nomination papers with the Wisconsin Elections Commission. There are four candidates for Justice of the Supreme Court, two candidates for Court of Appeals Judge District I, one candidate for District IV, and 61 candidates for 49 circuit court judge positions in 29 counties.

Staff reviewed nearly 51,000 signatures over the one-month filing period and presented the Commission with the slate of candidates who had met the necessary ballot requirements. At its January 10, 2023, Ballot Access meeting, the Commission approved all 72 candidates to be placed on the Spring Election ballots.

Election Administration Project Planning

To prepare for the 2023 and 2024 election cycles, the Election Administration team is developing a project plan to improve service for our clerk partners, voters, and candidates.

Priority projects for the Election Administration team include, but are not limited to:

- absentee envelope redesign

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Administrator
Meagan Wolfe

- procedural and technical updates to the ballot access process and candidate approval process
- updating training and manual materials to incorporate legislative changes and court decisions from 2022
- updates to the Access Elections website for better entering and gathering of data collected during accessibility reviews at polling places

Staff are still in the early stages of these projects and will provide updates to the Commission at future meetings.

2. WisVote Staff Report

Absentee

The new calendar year once again means that calendar-year absentee ballot requests must be reset. On December 30, all 2022 calendar year absentee requests were deactivated in accordance with standing procedures. On January 1, 2023, voters were able to start submitting their 2023 calendar year requests through MyVote.

Additionally, staff have created a new method for clerks to generate and track letters they use to perform duties such as reviewing the indefinitely confined list. Statute 6.86(2)(b) dictates that clerks shall send a first-class letter to each individual who did not return their absentee ballot while under indefinitely confined status. If no response requesting continuation is received after 30 days, the application is invalidated. WEC staff worked with clerks to create a process allowing clerks to print letters in bulk rather than individually. The new process allows for more efficient tracking and deactivation of absentee applications by clerks.

Addressing

Staff are preparing ward updates before the Spring Primary election and Spring Election to reflect recent annexation changes to municipal lines.

MyVote

The MyVote website continues to provide an important source of election information for voters in Wisconsin. Since the November 2022 Commission meeting, site traffic has been low, as is anticipated between a general and spring election cycle. Daily traffic is around 16,000 site visitors. Beginning on January 1, 2023, voters had access to make a calendar year absentee ballot request for the 2023 election cycle.

Four Year Maintenance

Staff continue to prepare for the 2023 Four Year Maintenance process. In September 2022, the Commission was presented with a timeline and first draft of the revised postcard, which was well received by commissioners. The United States Postal Service reviewed and approved the draft concept in January. Staff have scheduled usability sessions with voters and clerks to ensure the

new design is effective for both those receiving the notice of suspension, and those recording responses in the statewide system. Sessions will occur in February, after which the team will review data collected and make appropriate adjustments. The postcard will come to the Commission for final approval at the April 28 meeting. –Once the Commission approves the final design it will be sent to Department of Administration (DOA) publishing for the mailings to be printed and then mailed to voters who meet the criteria by the statutory deadline of June 15.

3. Reconciliation and Statistical Reporting

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 spring of 2023 <https://www.eac.gov/research-and-data/studies-and-reports>. The WEC also published what is known as EL-190 reports that summarize the data submitted by municipal clerks. You can find the EL-190 reports for 2022 and previous years on the WEC website at <https://elections.wi.gov/resources/statistics/2022-spring-primary-voting-and-registration-statistics-report-formerly-el>.

For the 2022 General Election, 1,738 municipalities have submitted and reconciled their voting statistics for all reporting units. There are 112 municipalities still outstanding, encompassing 138 reporting units.

The Election Day Registration (EDR) Postcard Statistics reporting is required to be initially reported within 90 days after an election and then updated monthly until there is a full accounting of all EDR postcards. As of January 13, 2023, Commission staff are monitoring the following elections for this reporting: 2022 Spring Election, 2022 Partisan Primary and 2022 General Election. All municipalities involved in the 2022 Spring Primary have reported initial data on the postcards for those elections. There are currently 89 municipalities that have not completed initial postcard reporting for the 2022 Spring Election. There are 276 municipalities that have not completed initial postcard reporting for the 2022 Partisan Primary. EDR postcard statistics are not due for the 2022 General Election until February 6, 2023.

4. ERIC Movers Mailing

The Quarter 4 (Q4) 2022 Movers Mailing was sent out on December 30, 2022. Movers’ postcards were sent to 31,187 voters.

Table 1: Summary of Movers Mailings 2021 to present

Movers Summary as of January 9, 2023	Voter Count	Percentage of All Cards Mailed
Possible Movers ¹	182,470	42%
Registered ²	188,267	43%
Inactive Voters ³	64,651	15%
Total Records	435,388	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.

5. Education/Training/Outreach/Technical Assistance

Following this memorandum, in Attachment 1, is a summary of initial certification, election administration, and WisVote training WEC staff conducted since the last Commission meeting in November.

Commission staff provided specialized election training through its election administration and WisVote webinar training series. The election administration webinar on Canvass Procedures reviewed the various boards of canvassers, their duties and composition. The webinar included a look back at several 2022 court decisions and a look ahead at important deadlines on the calendar of election events. The WisVote 2023 Spring Election Cycle webinar provided training for February primary tasks and April election preparations.

6. Badger Book Program

There are no major changes since the previous report.

A total of 132 municipalities used Badger Books in the 2022 General Election, including six for the first time. This constitutes the largest number of users for any election in the history of the program. While the 132 represents 7% of the municipalities in Wisconsin, those municipalities are home to nearly 933,000 registered voters, which is approximately 26% of the population of registered voters statewide.

Overall, the Badger Book experience for the 2022 General Election was a positive and successful one. Staff spent the past few months updating manuals, creating new training materials, and hosting webinars on specific topics, but the real credit for a successful election belongs to the municipal clerks and election inspectors using Badger Books in their polling places. While specific situations required WEC staff input to resolve, most technical or administrative issues experienced on Election Day were resolved in real time by local election officials.

As has been reported in every staff update, this program continues to grow. In the last months of 2022 and in early 2023, some 55 municipalities have, or will be purchasing Badger Books and

expect to use them for the first time in the 2023 Spring Election. Staff put together a rigorous schedule for training over two weeks in January to ensure these new users have the resources they need for a successful implementation and a good experience for their first election. The network of certified trainers around the state are training 16 of the new municipalities as well.

There are no plans in place to release a software update prior to the Spring Election cycle. However, staff will spend the remainder of 2023 making enhancements to both the Badger Book application and its associated WisVote processes. The intent of these enhancements is to improve the user experience for clerks, election inspectors, and voters. Staff will also conduct research into alternative hardware solutions via either the Request for Bid or Request for Proposal processes.

7. 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.

Fiscal Year	Requests	Purchased	% Purchased	Net Revenue	Nomination Papers
FY2023	614	545	88.7%	\$495,747	157
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
FY2014	371	249	67.1%	\$125,921	NA
FY2013	356	259	72.7%	\$254,840	NA

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

8. Voting Equipment

In the current reporting period, the voting equipment team primarily focused on administering the post-election voting equipment audit. A standalone report on this audit appears elsewhere on this meeting’s agenda.

This year will be a busy one for voting equipment certification in Wisconsin. As previously reported, Election Systems & Software has filed an application for approval of two new electronic voting systems, with the certification and testing campaign for both tentatively scheduled for April 2023. This means that the Commission will consider certification of these systems in 2023,

likely at the September meeting. Staff has also been in contact with representatives of Clear Ballot Group, a vendor with systems currently certified in Wisconsin, and Hart InterCivic, a new vendor with no systems currently certified in Wisconsin, to discuss the certification process and testing timeline for the remainder of 2023. As with past certifications, the Commission will receive a full staff report for each voting system following internal certification testing.

9. Elections HelpDesk/Customer Service Center

The Elections Help Desk staff is supporting more than 2,200 active WisVote users while also answering calls and emails from the public and election officials. Staff is 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 on 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

November 2022	4,833
December 2022	1,201
Total for Reporting Period	6,034

Customer Service Email Volume
elections@wi.gov

November 2022	3,588
December 2022	1,821
Total for Reporting Period	5,409

Address Verification Postcards Mailed

November 2022	136,166
December 2022	12,314
Total for Reporting Period	148,480

10. Communications Report

Since the Commission's last regular meeting in November 2022, the Public Information Office (PIO) has worked to wrap up communications about the 2022 General Election, as well as facilitate communications regarding ballot access for the upcoming 2023 Spring Election.

After the November General Election, the volume of inquiries directed toward the PIO office decreased but has since generally remained steady – except for the lull in activity over the holidays – as we near the Spring Election cycle.

Media Inquiries

Since the last Commission meeting, the PIO office is happy to report that the number of inquiries from the public and media with concerns about the 2022 election are relatively fewer, at least considering the volume of such inquiries following the 2020 General Election. While much of this development is likely due to environmental factors, the PIO office hopes that the agency's efforts to build public understanding of Wisconsin elections, such as the Elections 101 program and media availabilities, contributed at least somewhat to the public's trust in the November 2022 election results.

Over the month of December, much of the media and public inquiries focused on the subject of military voters, and particularly the rate of military voting in the November 2022 General Election compared to the rate of military voting in the November 2020 General Election. The PIO office worked alongside other staff to prepare materials to explain to the media and public how rates of military voting (as a percentage) are comparable to past elections.

Media Engagement

The PIO office in December issued a press release informing the media of the Commission's planned approval of ballot access for candidates seeking election in the Spring. The press release also highlighted the extensive work Commission staff undertake to accept candidate filings and review nomination papers during the nomination paper process.

In the coming weeks, the WEC will remind members of the media and public of the public's opportunity to view the testing of voting equipment in each community ahead of the Spring Primary and General Election.

Ahead of the Spring Primary and Spring Election, the PIO office is likely to organize some media availabilities to help inform the public of important dates and deadlines and to allow media members to ask questions of Administrator Wolfe.

Social Media Plan

As the PIO office did for previous elections, we plan to provide templated social media posts for both the agency and for local clerks to inform the public of important dates and deadlines related to the Spring Election, along with information about how Wisconsin's election system works.

11. Financial Services Activity

The WEC financial staff has performed the following financial services activities since the November 30, 2022, Staff Update to the Commission:

- On November 23, 2022, staff met with members of the State Treasury Office to discuss our transition to Onsite Electronic Deposit (OED).
- On November 29 & 30, 2022, staff attended U.S. Election Assistance Commission's (EAC) trainings on submitting financial reports in the new Grant Solutions system.
- On November 30, staff submitted to the State Controller's Office (SCO) our annual Non-Federal Gifts and Grants form.
- On December 6, 2022, staff attended the SCO's Records Disposition Authorizations (RDAs) training.
- On December 8, 2022, staff attended SCO's Chapter 20: Appropriations and Budget Management training.
- On December 12, 2022, staff met with the SCO Audit Supervisor to discuss our agency's upcoming RDA submission.
- On December 12, 2022, staff submitted to the SCO our RDA approval of attachments to archived financial transactions.
- On December 12-14, 2022, financial staff and management met with representatives from McBride, Lock & Associates accounting firm for continued discussions about our routine federal audit.
- On December 22, 2022, staff submitted to the EAC, via Grant Solutions, our Federal Financial Report (FFR) for federal fiscal year 2022 (FFY22), ending September 30, 2022.
- On December 28, 2022, staff submitted to the EAC, via Grant Solutions, our federal Progress Report for FFY22, covering October 1, 2021-September 30, 2022.
- On January 5, 2023, staff submitted to the SCO our calendar year 2022 1099 reporting adjustments.
- In addition, staff has performed the following monthly:
 - Staff continued to perform and submit to the SCO scheduled month-end close queries, inquiries, and reports. Staff conducted 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, 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.

12. Procurements

The following 1 Purchase Order totaling \$40,824.00 has been processed since the November 30, 2022, Staff Update to the Commission:

- A \$40,824.00 Purchase Order was written to CDW Government Inc. for the RSA SecurID Access subscription license for WisVote multifactor authentication system for local election officials to access the statewide voter registration database.

All purchases accurately followed the Wisconsin State Procurement Process.

13. Meetings and Presentations

WEC staff attended the following events since the last Staff Update memorandum.

December 6, 2022	WI-ISAC Cybersecurity Meeting
December 7, 2022	Disability Vote Coalition Meeting
December 8, 2022	Wisconsin Emergency Management Meeting
December 9, 2022	ERIC Board of Directors Meeting
January 3, 2023	WI-ISAC Cybersecurity Meeting
January 12, 2023	Wisconsin County Clerks Association Meeting
January 24, 2023	Meeting with the U.S. Postal Service
January 25, 2023	National Association of Secretaries of State Meeting Enterprise IT Meeting Accessibility Advisory Committee Meeting
January 31, 2023	EI/MS-ISAC Monthly Meeting

ATTACHMENT #1

Wisconsin Elections Commission’s Training Initiatives
11/30/2022 – 2/2/2023

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Municipal Clerk	<p>2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.</p> <p>MCT Core class is available in the WisVote Learning Center and in-person training classes with certified clerk-trainers.</p>	3 hours	<p>All municipal clerks are required to take the training; other staff may attend. Clerks may attend refresher once per 2-year term.</p>	<p>In-Person: 1</p> <p>16-section online presentation with quizzes</p>	<p>20</p> <p>53</p>
Chief Inspector	<p>Required training for new Chief Inspectors before they can serve as an election official for a municipality during an election.</p> <p>CIT Baseline class is available in the WisVote Learning Center and in-person with certified clerk-trainers.</p>	2-3 hours	<p>Election workers for a municipality. Current chiefs and clerks may attend refresher once per 2-year term.</p>	<p>In-Person: 2</p> <p>7-section online presentation with self-evaluation</p>	<p>25</p> <p>114</p>
Election Administration and WisVote Training Webinar Series	<p>Series of programs designed to keep local government officials up to date on the administration of elections in Wisconsin.</p>	60 + minute webinar training sessions hosted and conducted by Commission staff.	<p>County and municipal clerks, chief inspectors, poll workers, election registration officials, and school district clerks.</p>	<p>1/11/2023: Canvass Procedures; 1/31/2023: WisVote Spring Election Cycle, Primary Tasks and April Preparation.</p>	<p>50 – 500 per live webinar; posted to website for clerks to use on-demand.</p>

ATTACHMENT #1

Wisconsin Elections Commission's Training Initiatives
11/30/2022 – 2/2/2023

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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
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Wisconsin Elections Commission

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DATE: Prepared for the February 2, 2023 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator

SUBJECT: Delegation of Authority to Administrator

Annually, the Commission considers if it wishes to amend the “Delegation of Authority to the WEC Administrator.” The Delegation of Authority was last modified by the Commission in February 2020 and is attached to this memo.

Pursuant to Wis. Stat. § 5.05(3g), the Administrator of the Commission serves as the State’s chief election officer, and pursuant to Wis. Stat. § 5.05(3d), the Administrator shall perform such duties as the Commission assigns in the administration of the election laws.

Upon the creation of the Wisconsin Elections Commission in 2016, the Commission agreed that it would review the delegation annually. Annual review has been the Commission’s practice, but that timing is not required by statute. The Commission can make changes to the delegation by a two-thirds majority vote (at least 4 votes; *see* Wis. Stat. § 5.05(1e)). Absent a majority vote to modify the delegation, the previously adopted delegation (attached 2020 version) carries through until such time as it is modified by a majority of 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



Wisconsin Elections Commission

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Pursuant to the Commission Administrator's role as agency head and the State's chief election official, the Wisconsin Elections Commission on February 27, 2020 delegated the authority described below to its Administrator:

1. The following authority is delegated to the Administrator subject to the requirement that before it is exercised, the Administrator consult with the Commission Chair to determine whether a special meeting is conducted before action is taken:
 - a. To issue compliance review orders under the provisions of Wis. Stat. § 5.06. Prior to compliance review orders being issued, the following actions shall be taken:
 - i. Commission staff shall provide to Commissioners the parties' filings as they are received and post the filings on the Commission's website.
 - ii. If time permits, as determined by the Administrator in consultation with the Chair, staff shall provide draft decisions to all Commissioners prior to their issuance. The Administrator and Chair shall determine whether it is feasible to permit Commissioners to submit comments regarding the draft decision given statutory and administrative deadlines, and the amount of time allowed to submit comments.
 - iii. If time permits, Commissioners who wish to comment on the draft decision may contact the Administrator but shall not discuss the case with other Commissioners, except as allowed by the open meeting law. The Administrator shall determine whether any comments or input provided by Commissioners will be incorporated into the final decision.
 - iv. If two or more Commissioners ask the Administrator to request a special meeting regarding a Section 5.06 draft decision, the Administrator will discuss with the Commission Chair such requests and the Chair will determine whether to hold a special meeting prior to release of the decision.
 - b. To certify and sign election related documents including candidate certifications, certificates of election, and certifications of election results on behalf of the Commission;
 - c. To accept, review, and exercise discretion to approve applications for voting system modifications characterized as engineering change orders (ECOs) for systems previously approved for use in Wisconsin;
 - d. To implement the Commission's determinations regarding sufficiency of nomination papers or qualifications of candidates;
 - e. To communicate with litigation counsel representing the Commission in order to advise the Commission regarding necessary decisions related to Commission litigation. This delegation is intended to require Commission input regarding significant litigation

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

decisions such as the filing of an appeal, but is not intended to require consultation with the Chair or the Commission prior to communicating with litigation counsel regarding routine matters such as feedback pertaining to legal briefs and other legal filings, discovery procedures and Commission staff's participation in court proceedings;

- f. To execute and sign contracts on behalf of the Commission, except related to special investigators as provided in Wis. Stat. § 5.05(2m), subject to the further provisions of this paragraph. The Administrator is required to request approval from the Commission for contracts involving a sum exceeding \$100,000, or for purchases from a statewide contract over \$100,000. The Administrator is required to request approval from the Commission prior to posting a Request for Proposal or Request for Bid. In addition, the Administrator may enter into a sole source contract only after obtaining approval from Commission Chair and providing five days' prior notice to the Commission regardless of the dollar amount.

2. The following authority is delegated to the Administrator without the requirement for prior consultation with the Commission Chair before action is taken:

- a. To exempt municipalities from polling place accessibility requirements pursuant to the provisions of Wis. Stat. § 5.25(4)(a);
- b. To exempt municipalities from the requirements for the use of voting machines or electronic voting systems pursuant to the provisions of Wis. Stat. § 5.40(5m);
- c. To execute and sign contracts on behalf of the Commission, except related to special investigators as provided in Wis. Stat. § 5.05(2m), for contracts involving a sum not exceeding \$100,000, or for purchases from a statewide contract involving sums not exceeding \$100,000.