



Wisconsin Elections Commission

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DATE: October 18, 2022

TO: Wisconsin Municipal Clerks
City of Milwaukee Elections Commission
Wisconsin County Clerks
Milwaukee County Elections Commission

FROM: Megan Wolfe, Administrator

SUBJECT: 2022 Voting Equipment Audit Preparations

Background

At its most recent quarterly meeting on September 21, 2022, the Wisconsin Elections Commission (WEC) considered and approved the final recommendations regarding how the 2022 post-election voting equipment audit will be conducted. Please note that **this is not a notice of selection** for the audit. Instead, WEC staff is reaching out today to inform you of the requirements set by the Commission for this year's voting equipment audit. A full accounting of approvals can be found below. The biggest changes that you may notice from the 2018 and 2020 audits are the total number of reporting units to be selected, the maximum number of units selected in the largest 22 municipalities, as well as the definition of what will constitute a tabulator error for this audit.

The WEC has increased the sample size of reporting units to 10% of all reporting units statewide for the voting equipment audit after the November 8, 2022, General Election. This doubles the number of reporting units that will be selected compared to 2020. As a result, 368 reporting units will be randomly selected for audit in 2022. In addition to doubling the number of reporting units statewide selected for audit, the Commission also increased the maximum number of reporting units to be selected in the two largest municipalities from four to eight. The next 20 largest municipalities will see an increase from a maximum of three reporting units selected to six. All other municipalities will remain at a maximum of one selected reporting unit.

The Commission also approved a definition of what will be considered an equipment error for the upcoming audit. Tabulator errors, a full description of which can be found below, will be considered issues present with the tabulator that resulted in a discrepancy between the hand tally and the machine tape that cannot be explained by election administration, election inspector, or auditor error.

Reminders

Reporting units and contests for audit will be randomly selected on November 9, 2022. The WEC will contact clerks who have a selected reporting unit by email shortly after the random selection. Should a reporting unit in your municipality be randomly selected for audit, **it must be completed on or before the date specified by the WEC**. Please see below for audit deadline(s) set by the Commission. In the event that a clerk will be

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unavailable due to prior plans, such as a well-earned vacation, alternate arrangements must be made related to who will conduct the audit on the clerk's behalf as the audit must still be performed. This could be done by local election inspectors or the county clerk's office, if they are willing.

The post-election voting equipment audit does not serve the same purpose as a recount. It is not a result confirming audit. Instead, the audit is intended to determine whether the tabulating equipment used in the General Election functioned according to its certification standards. As such, things like voter intent are not a consideration in the audit. As will be further explained in a training webinar provided for those selected, ballots will be hand tallied in accordance with the way the equipment would have counted them.

Commission Approved Updates for 2022 Audit

1. Audit sample size increased to 10% of all reporting units statewide.
2. Ensure that the maximum number of reporting units selected in a given municipality is based upon population starting at eight (8) reporting units for the two largest municipalities, then six (6) for the next twenty largest municipalities, and finally a maximum of one (1) reporting unit for municipalities not in the top twenty largest.
3. Define 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.
4. Require clerks and auditors to identify and separate equipment errors from auditor or election administration errors in their documentation.
5. Continue to require audit completion prior to the certification of General Election results with audit materials and results submitted to WEC no later than November 25, 2022, except as otherwise specified in the event of a recount.
6. Postpone voting equipment audit deadlines until any applicable recount deadline has passed for a given municipality where a recount is possible. Should the recount deadline fall on or after November 18, 2022, and no recount is requested, grant clerks an additional week to complete their voting equipment audit, thereby requiring documentation to be submitted no later than December 2, 2022.
7. Any recount of any ballots must precede the audit of those ballots. Should the audit be postponed due to a recount, all materials must be submitted to the WEC no later than December 23, 2022.
8. Exempt reporting units from audit in the event of a recount if the ballots for that reporting unit are recounted by hand.