
Wisconsin Elections Commission

Meeting of the Commission
Tuesday, August 30, 2016
10:00 A.M.

Agenda
Open Session

Wisconsin Elections Commission Offices
212 E. Washington Avenue, Third Floor
Madison, Wisconsin

- A. Call to Order**
- B. Administrator’s Report of Appropriate Meeting Notice**
- C. Personal Appearances (Time reserved for personal appearances may be limited at the discretion of the Chair)**
- D. Minutes of Previous Meeting – June 30, 2016** **3**
- E. Report on 2016 Partisan Primary** **9**
- F. Ballot Access Approval of Candidates for General Election** **13**
 - 1. Partisan Primary Results and Independent State and Federal Candidates**
 - 2. Ballot Party Presidential Candidates**
 - 3. Independent Presidential Candidates**
- G. *Frank v. Walker* Affidavit Format and Guidance** **17**
- H. Legal and Procedural Guidance Resulting From *One Wisconsin Institute* Litigation** **19**
- I. Photo ID Informational Campaign** **21**

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S.	Per Diem Authorization	
T.	Closed Session	

1. Litigation Update

- 19.85 (1) (g) The Commission may confer with legal counsel concerning litigation strategy.
- 19.851(1)(e) Deliberating or negotiating the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

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BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
STEVE KING
DON MILLIS
MARK L. THOMSEN, CHAIR

ADMINISTRATOR MICHAEL HAAS

Wisconsin Elections Commission
Wisconsin Elections Commission Offices
212 E. Washington Avenue, Third Floor
Madison, Wisconsin
10 a.m. Thursday, June 30, 2016

Open Session Minutes

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Present: Commissioner Beverly Gill, Commissioner Barbara Glancey, Commissioner Steve King, Commissioner Ann Jacobs, Commissioner Don Millis and Commissioner Mark Thomsen

Staff present: Michael Haas, Ross Hein, Nathan Judnic, Sharrie Hauge, Allison Coakley, Meagan Wolfe, Ann Oberle and Reid Magney

A. Call to Order

Interim Administrator Michael Haas called the meeting to order at 10:04 a.m.

B. Director's Report of Appropriate Meeting Notice

Mr. Haas informed the Commissioners that proper notice was given for the meeting.

C. Selection of Commission Chair and Other Officers

Mr. Haas directed Commissioners to the memo on page 3 of the meeting materials regarding selection of the chair.

MOTION: That the term of the Chair of the Wisconsin Elections Commission by political party be effective upon selection at this meeting and a new Chair is selected from the opposite political party biannually at the June meeting when the Commission addresses nomination papers.

Moved by Commissioner Millis, seconded by Commissioner Thomsen. Motion carried unanimously.

MOTION: That the Vice-Chair of the Commission be a member of the same political party as the Chair and the secretary of the Commission be a member of the opposite party. Moved by Commissioner Thomsen, seconded by Commissioner Millis. Motion carried unanimously.

Mr. Haas placed two folded pieces of paper in a container, one containing the name Democratic Party and one containing the name Republican Party. Commissioner Millis asked Commission staff member Ann Oberle to draw one name randomly. The paper for the Democratic Party was drawn from the container, and therefore the Chair was to be selected from the Commissioners affiliated with the Democratic Party.

MOTION: To elect Commissioner Mark Thomsen as chair of the Wisconsin Elections Commission. Moved by Commissioner Jacobs, seconded by Commissioner Millis. Motion carried unanimously.

Chair Thomsen conducted the remainder of the meeting as Chair.

MOTION: To elect Commissioner Ann Jacobs as Vice-Chair and Commissioner Beverly Gill as Secretary of the Wisconsin Elections Commission. Moved by Commissioner Millis, seconded by Commissioner Glancey. Motion carried unanimously.

D. Minutes of Previous Meetings

MOTION: Approve minutes of the May 12, 2016 meeting of the members of the Wisconsin Election Commission as presented. Moved by Commissioner King, seconded by Commissioner Jacobs. Motion carried unanimously.

E. Agency Transition Update

Mr. Haas directed Commissioners to the memo on page 7 of the meeting materials regarding the transition from the Government Accountability Board to the Elections Commission.

Chief Administrative Officer Sharrie Hauge made an oral presentation and answered questions from Commissioners.

F. Organizational Matters

1. Conduct of Meetings

Mr. Haas directed Commissioners to the memo on page 15 of the meeting materials regarding key statutory provisions regarding the conduct of Commission meetings.

2. Commissioner and Staff Roles

Mr. Haas discussed the roles of Commissioners and staff and answered questions from the Commission.

Chair Thomsen discussed proposed motions for delegation of authority to the administrator. He proposed proceeding status quo until the next meeting to ensure a smooth primary election in August.

MOTION: Proceed status quo as to delegation of authority to the Commission Administrator with the Commission to revisit the delegation at its October 2016 meeting, and direct staff to institute a more formal method for reporting to the Commission on delegated authority. Moved by Commissioner Millis, seconded by Commissioner Jacobs. Motion carried unanimously.

3. Memoranda of Understanding with Wisconsin Ethics Commission

Staff Counsel Nathan Judnic directed Commissioners to the memo on page 23 of the meeting materials regarding memoranda of understanding with the Wisconsin Ethics Commission for shared office space, resources and staff. Commissioners discussed details of the proposed agreements but took no action pending input from the Ethics Commission once an Administrator was appointed.

4. Future Meeting Schedule

Commissioners discussed a proposed meeting schedule on page 49 of the meeting materials regarding future meeting dates. By consensus, the Commissioners agreed to meet at 10 a.m. on the following dates:

Tuesday, August 30, 2016

Friday, October 14, 2016

Wednesday, December 14, 2016

Tuesday, January 10, 2017

G. Voter Photo ID Informational Campaign

Mr. Haas directed Commissioners to the memo on page 53 of the meeting materials regarding the public information campaign for the voter photo ID law. Public Information Officer Reid Magney introduced Andy Wallman and Jennifer Savino of Knupp, Watson & Wallman (KW2), who gave a presentation on the Bring It to the Ballot campaign and answered questions. Commissioners viewed public service announcements and other elements of the campaign.

MOTION: Authorize the administrator to enter into a contract with KW2 in the amount of at least \$202,000, and with the Wisconsin Broadcasters Association for not more than \$48,000. Moved by Commissioner Jacobs, seconded by Commissioner King.

Commissioner Millis offered a friendly amendment for staff to look at options for out-of-home advertising.

Motion carried unanimously.

H. Preparations for August Partisan Primary Election

Mr. Haas and his staff updated Commissioners on preparations for the 2016 Partisan Primary Election on August 9.

Training Coordinator Allison Coakley made an oral presentation based on a written report starting on page 81 of the meeting materials regarding election official training, and answered questions from Commissioners.

Voter Outreach Specialist Meagan Wolfe made an oral presentation based on a written report starting on page 65 of the meeting materials regarding redevelopment of the MyVote Wisconsin website, and answered questions from Commissioners.

Mr. Haas directed Commissioners to the memo on page 85 of the meeting materials regarding requirements that county clerks post all Election Night returns on their websites. Because several clerks have asked that the Commission to wait to address the issue, it will be considered at a future meeting once more information can be gathered.

I. Biennial Budget Preparations

Ms. Hauge made an oral presentation based on a written report starting on page 85 of the meeting materials regarding preparations for the 2017-19 budget process, and she answered questions from Commissioners. The Commission took no action.

F. Organizational Matters (continued)

Mr. Haas directed Commissioners back to the memo on page 16 of the meeting materials regarding how Commissioners wish to conduct its meetings, specifically on the means of taking public comments and when to provide Commissioners with meeting materials.

By consensus, the commissioners directed staff to provide meeting materials one week in advance and to schedule up to 30 minutes of public comments, subject to the discretion of the chair.

J. Future Agenda Items

Mr. Haas directed Commissioners to the memo on page 95 of the meeting materials regarding future agenda items. Following discussion, staff will prepare a presentation on administrative rules.

K. Per Diem Authorization

MOTION: Authorize one day's per diem for the June 30, 2016 meeting. Moved by Commissioner Jacobs, seconded by Commissioner King. Motion carried unanimously.

L. Closed Session

Adjourn to closed session as required by statutes to confer with counsel concerning pending litigation; and to deliberate or negotiate the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session..

MOTION: Move to closed session pursuant to §§ 19.85(1)(g) and 19.85(1)(e) to confer with counsel concerning pending litigation, and to deliberate or negotiate the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Moved by Commissioner Jacobs, seconded by Commissioner King.

Roll call vote: Gill: Aye Glancey: Aye
 King: Aye Jacobs: Aye
 King: Aye Thomsen: Aye

Motion carried unanimously. The Commission recessed at 1:22 p.m. and convened in closed session at 1:33 p.m.

Summary of Significant Actions Taken in Closed Session:

- A. Vendor Contract Negotiations: One contract considered.
- B. Litigation: Four pending matters considered.

F. Adjourn

The Commission adjourned in closed session at 2:12 p.m.

#####

The next regular meeting of the Wisconsin Elections Commission is scheduled for Tuesday, August 30, 2016, at the Commission's offices in Madison, Wisconsin beginning at 10:00 a.m.

June 30, 2016 Wisconsin Elections Commission meeting minutes prepared by:

June 30, 2016 Wisconsin Elections Commission meeting minutes certified by:

Beverly Gill, Commission Secretary

August 30, 2016

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MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the Meeting of August 30, 2016

TO: Members, Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared by Commission Staff and Presented By:
Diane Lowe, Lead Elections Specialist

SUBJECT: Report Regarding 2016 Partisan Primary

The 2016 Partisan Primary was held on August 9, 2016, and was the first statewide election administered by the Wisconsin Elections Commission. This memorandum provides a high-level summary of the Partisan Primary.

Based upon the official results reported to the WEC, 588,865 voters participated in the Partisan Primary, which constitutes 13.2 percent of Wisconsin's voting age population of 4,461,068. WEC staff had projected turnout of almost 712,000 based on an evaluation of contests on the ballot, input from local election officials, and other sources.

Due to the new requirement that municipal clerks report absentee ballot status within 48 hours of issuance or return, WEC staff was able to more reliably monitor the number of absentee ballots issued and returned statewide leading up to Election Day. While all absentee ballot data may not be entered into the WisVote system at this time, available data indicates that 96,409 absentee ballots were issued and 81,807 absentee ballots were completed by voters and returned.

Contests on the ballot included primary elections for congressional, legislative, state and county offices, as well as several local referendum elections. From an administrative perspective, prior to the election WEC staff and local election officials stressed the timely issuance of absentee ballots to military and permanent overseas voters, tracking of absentee ballots in WisVote as required by recent legislation, the implementation of the photo ID requirement, and the proper administration of provisional ballots as well as ballots containing crossover votes or overvotes. WEC training and communications to local election officials emphasized these and other topics prior to the Partisan Primary.

While significant problems in the administration of the election were relatively few in number, WEC staff received reports of some errors on the part of clerks or election inspectors, and some misunderstanding on the part of voters, which warrant correction and further training and public education as we approach the November 8, 2016 General Election.

In the week before and the week of Election Day, WEC staff tracked each phone call received from election officials and the public. Approximately 806 calls were logged in that period of time, including approximately 25 which involved questions related to the photo ID requirement. Other topics included concerns about electioneering at polling places, counting write-in votes, crossover voting, and isolated voting equipment issues. The City of Madison endured several voting equipment and ballot challenges including the complete replacement of equipment due to flooding of the storage facility shortly before the election, a problem with the ballot printing which required election inspectors to remake absentee ballots so they could be read by the voting equipment, and finally some of the equipment in the City not reading the ballots properly if they were inserted face up but would read ballots inserted face down

Several other Wisconsin counties experienced ballot layout and printing issues that impacted the ability of their optical scan voting equipment to read the ballots. These problems were caught during the pre-election, or pre-lat, testing and only impacted ballots sent to absentee voters. For example, all absentee ballots sent to voters in Kenosha County had to be remade by poll workers on Election Day due to a printing error. The timing marks on the side of ballot that allow the machine to correctly identify contests, candidates and ballot choices were partially cut off during the printing process and this problem caused these ballots to be rejected by the voting equipment. Similar problems were reported in Sheboygan County. In addition, Portage County reported that ballots printed for use at polling places on Election Day were printed with shading that was light purple in color, instead of the standard grey. This issue did not impact the ability of these ballots to be read the voting equipment, but were reprinted to avoid voter and poll worker confusion.

The newly-revamped MyVote Wisconsin website worked well for voters and election inspectors. Prior to the election there were some problems with voters accessing correct information due to the delay in some clerks completing certain tasks in the WisVote system. But on Election Day the site handles an increased and steady level of traffic all day as voters searched for their polling places and viewed sample ballots. Many municipal clerks also used the site to facilitate voter registration, since voter information can be entered directly into the WisVote system through the MyVote website, eliminating the need to key in handwritten information on registration applications. By the end of the day the MyVote website had been used to process over 1400 voter registrations statewide and WEC staff did not receive a single report of issues with the site. Additional improvements will be made to MyVote Wisconsin based upon feedback received from clerks and other parties prior to the General Election.

As reported in the Commission staff update, accessibility auditors also visited over 80 polling places today, mostly in northern Wisconsin and in Rock County. The auditors finished the outstanding list of polling locations that had not been visited yet in six northern counties, which is a significant accomplishment given the extended travel time involved and the difficulty in covering that region during elections that experience inclement weather.

The official results of the Partisan Primary were canvassed by county boards of canvassers and transmitted to WEC staff. The statewide canvass certifying the winning candidates was signed by WEC Chair Thomsen by the statutory deadline of August 24, 2016. No recount petitions for state or federal offices were filed.

While the low turnout certainly contributed to the lack of significant challenges on Election Day, the successful administration of the election can also be attributed to the preparation of municipal and county clerks as well as the work of Elections Commission staff. WEC staff maintained extended hours to assist local election officials in the days leading up to the Partisan Primary, culminating in Election Day when staff was available from 6:00 a.m. to 11:00 p.m. As with each election, staff will analyze lessons learned from the Partisan Primary to inform its own preparation as well as training of local election officials for the General Election.

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ADMINISTRATOR MICHAEL HAAS

MEMORANDUM

DATE: For the August 30, 2016

TO: Members, Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared and Presented by:
Diane Lowe
Lead Elections Specialist

SUBJECT: Ballot Access for 2016 General Election Candidates -- Parties with Ballot Status and Independent Candidates

This memorandum presents a summary of ballot access processes and certification of candidates who are requesting ballot access for the 2016 General Election.

Certification of Partisan Primary Results

The statutory deadline for the Commission to certify official results of the Partisan Primary is August 24, 2016. Commission Chair certified the Primary results on August 23, 2016 at the Commission offices. The certification was publicly noticed as required by Wis. Stat. § 7.70. Candidates who won their primary election, as well as independent candidates who separately qualified for ballot access and were not listed on the Primary ballot, are included on the “Candidates on Ballot by Election” list which will be included in the Commissioners’ meeting folders. That list can also be found on the Elections Commission website at <http://www.gab.wi.gov/elections-voting/2016/fall>.

Staff requests that the Commission approve the ballot status of those candidates whose names appear on the “Candidates on Ballot by Election” list.

Ballot Status Party Candidates for President and Vice President

There are five ballot status parties in Wisconsin: The Republican, Democratic Constitution, Libertarian and Wisconsin Green Parties.

Parties that have achieved ballot status qualify for a separate ballot or column at the partisan primary and are identified by the party they represent on the general election

ballot. Ballot status is achieved either by a petition process or by the party’s performance at the last general election.

Party order is determined by the highest number of votes cast in the highest office in the last general election. All three recognized political parties listed on the official ballot at the November 4, 2014 General Election (Democratic, Republican and Constitution Parties) achieved ballot status for 2015-2016 by fielding candidates for governor who received at least one percent of the total votes cast for governor. The party with the most votes appears first, and the other parties follow in descending order of the number of votes cast.

Candidates listed as “independent” who received at least 1% of the votes cast for a statewide office can also achieve ballot status. At the 2014 general election, independent candidates representing the Libertarian and Wisconsin Green Parties met this threshold. Each of the parties completed the ballot status process by petitioning the Government Accountability board for ballot status. Wis. Stat. §§ 5.62(1)(a), (b), (2), 5.64(1)(b).

The names of candidates for President and Vice President for ballot status parties are placed on the General Election ballot when their names are certified by the state or national chairperson to the Wisconsin Elections Commission no later than 5:00 p.m. on the first Tuesday in September of a Presidential year (September 6, 2016). Wis. Stat. § 8.16(7). Each certified candidate must also file a Declaration of Candidacy (EL-162) with the Wisconsin Elections Commission by that date. Each of the five ballot status parties fielded a slate of candidates:

Party	Presidential Candidate	Vice Presidential Candidate
Republican Party	Donald J. Trump	Michael R. Pence
Democratic Party	Hillary Clinton	Tim Kaine
Constitution Party	Darrell L. Castle	Scott N. Bradley
Libertarian Party	Gary Johnson	Bill Weld
Wisconsin Green Party	Jill Stein	Ajamu Baraka

Staff requests that the Commission approve ballot status for the General Election of the above candidates for ballot access parties.

Independent Candidates

Independent candidates for President and Vice President must file nomination papers and Declarations of Candidacy no later than the first Tuesday in August (August 2, 2016). The circulation period began on July 1, 2016. Wis. Stat. § 8.20(8)(am). Two slates of candidates filed by the deadline:

Party	Presidential Candidate	Vice Presidential Candidate
Workers World Party	Monica Moorehead	Lamont Lilly
American Delta Party	Rocky Roque De La Fuente	Michael Steinberg

Nomination papers for independent candidates for President/Vice President of the United States shall contain the signatures of not less than 2,000 and not more than 4,000 electors. Wis. Stat. § 8.20(4). In review of the nomination papers submitted, staff examined each party's submission to determine that it contained a valid number of signatures for the office. Staff used the guidance provided in Wis. Adm. Code § EL 2.05 in review of the nomination papers submitted to determine if a given signature was facially valid. No affirmative steps were taken to find and eliminate duplicate signatures or signatures from individuals who are ineligible to vote due to age, residency, citizenship, or other disqualifying factors. However, over 1,000 signatures were struck for a variety of issues including incomplete addresses, signature date issues, or an incomplete certification of the circulator. Both slates of candidates were determined to have submitted a sufficient number of signatures to qualify for the ballot:

Party	Date Submitted	Signatures Submitted	Signatures Verified
Workers World Party	July 11, 2016	3,700	3,533
American Delta Party	July 29, 2016	2,932	2,059

There were no challenges to ballot access for either slate of candidates. Each candidate is also required to file a Declaration of Candidacy in order to qualify for ballot access. Wis. Stat. § 8.21. Each slate of candidates submitted their individually prepared and notarized Declaration of Candidacy by the filing deadline.

Irregularities in Ballot Access Documents Not Affecting Ballot Access

During review of nomination papers, Elections Commission staff identified an irregularity with the list of presidential electors for the Workers World Party. The review revealed that the address of Ian Michel, listed as an elector for Congressional District 5, is actually located in Congressional District 6.

In the case of nomination papers of candidates for the offices of President and Vice President, the following from Wis. Stat. § 8.20(2) apply (emphasis added):

(d) Nomination papers for president and vice president shall list one candidate for presidential elector from each congressional district and 2 candidates for presidential elector from the state at large who will vote for the candidates for president and vice president, if elected.

Previous court decisions and policies of the Government Accountability Board indicate that this provision is likely directory rather than mandatory. WEC staff requested that the Moorehead/Lilly campaign submit the name and address of a substitute elector who resides in Congressional District 5, and the campaign did so on August 22, 2016.

Staff requests that the Commission approve ballot status for the General Election of the above independent candidates.

Recommended Motions:

1. Approve ballot status for the 2016 General Election of those candidates whose names appear on the “Candidates on Ballot by Election” list provided in the meeting packet.
2. Approve ballot status for the 2016 General Election of the following Presidential and Vice Presidential candidates:

Party	Presidential Candidate	Vice Presidential Candidate
Republican Party	Donald J. Trump	Michael R. Pence
Democratic Party	Hillary Clinton	Tim Kaine
Constitution Party	Darrell L. Castle	Scott N. Bradley
Libertarian Party	Gary Johnson	Bill Weld
Wisconsin Green Party	Jill Stein	Ajamu Baraka

3. Approve ballot status for the 2016 General Election of the following Independent Presidential and Vice Presidential candidates:

Party	Presidential Candidate	Vice Presidential Candidate
Workers World Party	Monica Moorehead	Lamont Lilly
American Delta Party	Rocky Roque De La Fuente	Michael Steinberg

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MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the Meeting of August 30, 2016

TO: Members, Elections Commission

FROM: Michael Haas
Commission Interim Administrator

SUBJECT: Status of the Federal Court Decision in *Frank, et al. v. Walker, et al.*

As the Commission is aware, there have been several decisions in the *Frank v. Walker* litigation since the Commission's last meeting on June 30, 2016.

On July 19, 2016, Federal District Judge Lynn Adelman issued an injunction requiring that the State implement a process by which voters could execute an affidavit if they were unable to obtain acceptable photo identification with reasonable effort. The affidavit was to include several categories of reasons that a voter could indicate prevented them from obtaining an acceptable photo ID, and was to be made available at polling places and to absentee voters. The decision ordered that, upon submitting an affidavit, the voter was to be issued a regular ballot, and that the reason stated by the elector in the affidavit was not subject to challenge.

On August 10, 2016, a three-judge panel of the 7th Circuit Court of Appeals issued a stay of Judge Adelman's order pending resolution of the State's appeal, finding that there is a substantial likelihood that the injunction would be reversed on appeal. Subsequently, the plaintiffs filed a motion requesting reconsideration of the stay, as well as requesting that the full 7th Circuit conduct an *en banc* hearing and vacate the decision of the three-judge panel. On August 15, 2016, the three-judge panel denied reconsideration of its stay.

Following Judge Adelman's decision, WEC staff worked to prepare a draft affidavit form and guidance for local election officials. Given the stay issued by the 7th Circuit Court of Appeals, staff has halted those efforts. In the event that the full 7th Circuit reinstates the injunction issued by Judge Adelman prior to the Commission's meeting, staff will present a draft affidavit form and proposed guidance for the Commission's review and consideration. Absent such direction from the Court, no action is required of the Commission at this time.

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MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the Meeting of August 30, 2016

TO: Members, Elections Commission

FROM: Michael Haas
Commission Interim Administrator

SUBJECT: Status of Implementation of the Federal Court Decision in *One Wisconsin Institute, Inc., et al. v. Thomsen, et al.*

As the Commission is aware, on July 29, 2016, Federal District Judge James Peterson of the Western District of Wisconsin issued a decision in the *One Wisconsin Institute* case, concluding that six separate legislative actions in the area of election administration were unconstitutional, in addition to an aspect of the Photo ID Law's implementation by the Division of Motor Vehicles. As part of its appeal of the decision, the Wisconsin Department of Justice has requested that the 7th Circuit Court of Appeals impose a stay of Judge Peterson's decision, and has also asked for a decision regarding a stay to be issued by August 26, 2016.

Commission staff has been preparing public education and guidance to local election officials which will be necessary to implement the federal court decision or, alternatively, to conduct the General Election in the event that the 7th Circuit issues a stay. Given the possibility that a decision regarding the stay request may be issued shortly, and in order to avoid confusion in the event that a stay is issued, Commission staff has not posted specific new guidance regarding the statutory provisions addressed by Judge Peterson's decision. Implementation guidance related to several aspects of the decision would require Commission input and directions at the August 30th meeting. Once a decision regarding the stay request is issued by the 7th Circuit, staff's recommendations regarding implementation will be provided to the Commission for its review prior to the meeting.

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ADMINISTRATOR MICHAEL HAAS

MEMORANDUM

DATE: For the Meeting of August 30, 2016

TO: Members, Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared and Presented by:
Reid Magney, Public Information Officer

SUBJECT: Voter Photo ID Public Information Campaign Update

At its June 30, 2016, meeting, the Wisconsin Elections Commission unanimously approved two motions authorize staff to carry out the Bring It to the Ballot public education campaign for the Fall Election Cycle. The Commission:

1. Authorized the Administrator to enter into a contract for voter ID public education campaign advertising with Knupp, Watson & Wallman, Inc. (KW2) in the amount of at least \$202,000 for Option Two, as outlined in KW2's proposal of April 25, 2016.
2. Authorized the Administrator to enter into a contract with the Wisconsin Broadcasters Association (WBA) in an amount of not more than \$48,000 for eight weeks of paid public service announcements through its Non Commercial Sustaining Announcement/Public Education Program (NCSA/PEP) to air in July and August 2016.

Since that time, staff has finalized the contracts with KW2 and WBA to begin the campaigns. There were a few minor changes to the campaigns covered by the KW2 contract, which the Chair authorized the Administrator to make before signing the contract on July 20. Specifics of the campaigns will be discussed below.

2016 Fall Election Public Information Campaign Details

Some of the changes resulted because KW2 was able to negotiate better deals for the Commission than it had anticipated in cost estimates.

The campaign plan approved by the Commission consists of:

1. Eight weeks of radio and TV PSAs (July and August) at \$48,000

The WBA campaign started on Monday, July 11, and will end on Monday, September 5. The Commission will receive reports on when and where the PSAs aired approximately 45 days after the run. WBA will also submit its invoice after the run.

2. Two months of online display ads on desktop and mobile devices at \$38,675

The actual cost of the campaign is \$41,990, producing 11,764,706 guaranteed impressions. We will have more information on performance at the meeting.

3. Three months of online video ads on YouTube and other sites at \$93,925

The actual cost of the campaign is \$89,505, producing an estimated 9,045,374 impressions.

Initial results show that viewers from younger demographics (Adults 18-24, 25-34, 35-44) were more likely to watch the entire video, while older demographics (45-54, 55-64, 65+) were more likely to click on the videos to get more information.

4. One month Cinema pre-show advertising at \$27,675

The actual cost of the campaign remains at \$27,675, producing an estimated 917,705 impressions.

KW2 was able to negotiate a better deal with Screenvision for the cinema placements, extending the cinema buy by one week at no additional charge, so the campaign will start September 9 and end October 13. Between the additional time and additional showings, the Commission is receiving additional value of \$18,852.

5. One month interior bus ads at \$14,100

The contractor who provides interior bus ads in Madison and Milwaukee, which KW2 had originally recommended, also provides that service in 12 other Wisconsin cities. After consulting with the Commission Chair, the Administrator approved plans to reach all 14 markets at a cost of \$17,930. The campaign is estimated to produce 5,739,994 impressions.

6. Two to three months of in-feed sponsored posts on Facebook at \$27,625

The cost of this campaign was adjusted to \$25,415. We expect to have 3,285,714 impressions. As of August 22, we had already reached more than 200,000 unique Facebook users. More than 2,000 people clicked through to find more information on the website

The click-through rate (CTR) performance for this part of the campaign has been the highest among the minority groups we are seeking to reach, but the lowest among students. Research has shown that Hispanic audiences are very active on Facebook, and we can see that play out for this campaign in the CTR and comments.

The below ad sees the best CTR:



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ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the Meeting of August 30, 2016

TO: Members, Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared and Presented by:

Jodi Kitts

WisVote Elections Specialist

Sarah Whitt

WisVote Functional Lead

SUBJECT: Update on Wisconsin's Participation in ERIC

This memorandum provides an update on Wisconsin's participation in the Electronic Registration Information Center (ERIC) and outlines staff's plan to reach out to Wisconsin residents who are potentially eligible to register to vote, but are not registered at this time.

I. Background

2015 Wisconsin Act 261 directed Wisconsin to join ERIC, an inter-state consortium formed to improve the accuracy of voter registration data and to assist voters to become registered at their current addresses. ERIC uses modern "big data" matching and analytics to identify electors who may be eligible but are not registered to vote, voters who have moved since their last registration, and voters who may no longer be eligible and should be removed from voter rolls. The goal of ERIC is to encourage these electors to register or update their information ahead of an election to better manage the volume of registration activity leading up to and on Election Day.

ERIC requires member states to provide data every 60 days for all current driver license and state ID card holders from the Division of Motor Vehicles (DMV) as well as all currently registered voters from the Wisconsin Elections Commission. ERIC then compares that data to similar files from participating states (including neighboring states Minnesota and Illinois). Data is also compared to national sources such as the US Postal Service's National Change of Address (NCOA) service and the Social Security Administration's Death Master List.

After matching the data from these sources, ERIC provides reports back to participating states to help states maintain their voter rolls. ERIC provides two types of reports to participating states:

1. Lists of electors who may be eligible to register, but are not currently registered to vote.
2. List maintenance reports for currently registered voters who may no longer be eligible at the registered address, such as if they have moved or become deceased.

The ERIC Membership Agreement requires that participating states reach out to voters who may be eligible but are unregistered once every two years, ahead of the fall General Election, no later than October 1st. ERIC requires that states take action on the list maintenance reports at least once a year.

The Pew Charitable Trusts awarded the Wisconsin Elections Commission a grant of up to \$150,000 to pay for half of the initial mailing costs to reach out to eligible but unregistered electors.

II. Outreach to Potentially Eligible Voters Who are Not Registered

As required by ERIC, WEC will be initiating contact with Wisconsin residents who are identified as potentially being eligible to vote but who are not registered prior to the 2016 Presidential and General Election.

ERIC will provide WEC with a list of eligible but unregistered voters that result from matching Wisconsin's voter registration and motor vehicle records. Outreach to these voters will be done via a postcard mailed to the best known address for the resident. The mailing is planned for delivery the last week of September, to allow voters to register ahead of the close of open registration on October 19, and to comply with ERIC's October 1st deadline.

State ID Card Holders

As reported in the July 20, 2016 Quarterly Report to the Legislature on the Implementation of Electronic Voter Registration and ERIC (attached to this memo as Attachment 1), current state statutes do not allow DMV to share information regarding State ID Card holders with the ERIC program. Therefore DMV will only be able to provide data related to driver license holders to ERIC. However ERIC membership requires that both driver license holders and state ID card holders be included in the outreach process, as does the \$150,000 grant awarded by the Pew Charitable Trusts. This is to ensure uniform treatment of both ID Card Holders and Driver License holders.

To address this confidentiality issue and allow Wisconsin to fully participate in ERIC, DMV offered to perform its own matching process to compare State ID Card holders with voter registration records to identify any State ID Card holders who are potentially eligible but not registered to vote. DMV will submit the list of State ID Card holders

identified as eligible but unregistered directly to the printer processing the outreach mailing, without providing that data to either ERIC or WEC. This ensures that these voters will be included in the outreach mailing without violating state statutes.

ERIC staff, and the Pew Foundation which awarded the grant for mailing costs, is agreeable to this approach for Wisconsin's 2016 outreach mailing, even though it omits ID Card holders from the data shared with other states, with one condition. ERIC requires assurances that a legislative change will be pursued to permit DMV to share ID Card holder data in the future. WEC staff is facilitating correspondence with DMV and legislators to document a joint commitment to pursue the necessary changes in the next legislative session.

Outreach Mailing Approach and Timeline

As indicated above, the outreach mailing to eligible but unregistered voters must be mailed by the week of September 26, 2016. This allows time for voters to receive the mailing and take action prior to the close of open registration on October 19, 2016.

Two separate lists of voters will be prepared for the outreach mailing:

1. Potential voters identified by ERIC based on a comparison of driver license records and voter registration records, to be provided by WEC.
2. Potential voters identified by DMV based on a comparison of State ID Card records and voter registration records, to be provided by DMV.

Both lists of potential voters will receive the same postcard, mailed out at the same time, to ensure uniform treatment of both groups of potential voters.

The printing and processing of the mailing will be handled by the Department of Administration (DOA) Printing and Distribution center. WEC staff explored the option of bidding out the mailing to qualified state vendors, but the timeline of the outreach mailing did not allow sufficient time to prepare and award a bid and still send postcards by the October 1st deadline. Also, approximately 90% of the total estimated cost for the outreach mailing cost is for postage, which is a fixed cost regardless of who processes the mailing. Any potential cost savings from bidding out the project would only be in printing and processing, which accounts for only 10% of the total cost. The potential savings do not appear to be significant enough to justify the likelihood of missing the mailing deadline.

Based on experiences from other ERIC states, WEC staff is implementing several data quality measures to improve the quality and accuracy of the outreach mailing. These practices include:

- Excluding any voters who were previously registered but were removed due to being deceased

- Excluding any driver license or State ID Card holders who are marked in DMV records as being non-citizens
- Comparing the list of potential voters against Department of Corrections felon records

These practices will minimize the possibility of the outreach mailing being sent to Wisconsin residents who are not eligible to register.

Handling Voter Response to the Mailing

While the total size of the outreach mailing will not be determined until the ERIC matching process is completed in September, based on the experience of other states, WEC staff is preparing for a mailing of between 1 – 1.5 million postcards. It will far exceed the size of any previous election mailing sent by the State. The outreach mailing asks voters to visit the MyVote Wisconsin website where they can check their registration status and start a new registration. If they start their registration on MyVote, they will need to print and sign the form, and return it to their municipal clerk's office. Recipients can also contact the WEC offices if they have questions.

Based on experiences by other states, WEC staff anticipates receiving a high number of calls regarding the mailing. To handle this increased call volume, staff plans to add temporary workers to take incoming calls and respond to voicemails and emails regarding the mailing. A script is being developed that can be used by any WEC staff handling these calls.

The WEC Public Information Officer will also prepare communications to educate the public, the Legislature, and local election officials about the outreach mailing. With numerous political mailings and voter registration mailings expected to arrive during the same timeframe, it will be important to educate the public about the purpose and source of the outreach mailing.

Current Status of Outreach Mailing Preparations

DMV performed a preliminary comparison of State ID Card holders with voter registration records and found approximately 230,000 potential voters who are not registered. Deceased voter records were provided to DMV on August 19 and it will perform a final comparison that removes those individuals from the mailing list. The final list of potentially eligible ID Card Holders will be sent to DOA Printing and Distribution no later than September 9.

WEC technical staff is finalizing the voter record file that needs to be submitted to ERIC for comparison with driver license holders and records from other states. A test file was created and sent to ERIC on August 17 for validation. The full voter registration file will be sent to ERIC by August 24.

DMV technical staff is working on the driver license file that needs to be submitted to ERIC. The driver license file will be forwarded to WEC for submission to ERIC by August 26.

WEC program staff is finalizing the design of the postcard that will be mailed to the potential voters. Several drafts have been shared with DOA Printing and Distribution for review to ensure they comply with postal standards. The final design must be reviewed by a US Postal Service design specialist, and will be submitted for USPS approval by August 31. The final approved design must be delivered to DOA Printing and Distribution no later than September 9. A proposed timeline for the outreach is attached as Attachment 2.

Cost Projections and Funding

As noted above, the total cost of the outreach mailing cannot be calculated until the ERIC matching process is complete. WEC received estimates from DOA's Printing and Distribution office indicating that a mailing of 1,451,300 postcards would cost \$423,175.72, assuming that first class postage was used. WEC staff has applied for a nonprofit postage rate from the U.S. Postal Service, which is available to voter registration officials under federal law. If approved, the postage rate would be reduced to \$0.14 to \$0.17 per postcard, instead of \$0.26 to \$0.28 per postcard if the mailing is required to use first class postage.

As mentioned above, the Pew Foundation has awarded a grant to Wisconsin to assist with the initial outreach mailing. The grant will pay for up to one half of the cost of the mailing, not to exceed \$150,000. The remainder of the outreach mailing costs will be paid for with the agency's federal HAVA funds. When the Legislature was considering the legislation directing the agency to join ERIC, the Government Accountability Board's fiscal estimate indicated that the agency could not pay for the ERIC membership dues and mailing costs without additional funding, but no such funds were appropriated. The effect of using a significant portion of remaining HAVA funds for the ERIC project is that those funds which support agency operations will be spent sooner than they otherwise would.

III. List Maintenance

Due to the close proximity to the upcoming 2016 Presidential and General Election, staff recommends not taking action on the list maintenance reports provided by ERIC until after the election. It is generally not advisable to remove voters from registration lists immediately prior to the largest election in the four-year election cycle, to avoid the risk of inadvertently removing qualified voters from the poll lists. While Wisconsin is not subject to the National Voter Registration Act, that federal law prohibits such list purges within 90 days of a general election. ERIC membership requires that participating states take action on list maintenance reports within one year of receiving them, therefore list maintenance tasks must be completed by September 2017.

IV. Staff Recommendation and Motion

Staff recommends the Commission approve the plan outlined above for participation in ERIC, and specifically staff's proposed approach for implementing the outreach mailing to potentially eligible but unregistered voters prior to the 2016 General Election.

Recommended Motion: Accept the staff plan for participation in ERIC including the mailing to potentially eligible but unregistered voters.

Attachments: July 20, 2016 Quarterly Report to the Legislature on the
Implementation of Electronic Voter Registration and ERIC

Proposed Timeline for 2016 Outreach Mailing

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MARK L. THOMSEN, CHAIR

DATE: July 20, 2016

ATTACHMENT 1

TO: Senate Committee on Elections and Local Government
Assembly Committee on Campaigns and Elections

FROM: Michael Haas, Interim Administrator
Wisconsin Elections Commission

SUBJECT: Implementation of Electronic Voter Registration and ERIC

This memorandum constitutes the second quarterly report required under 2015 Wisconsin Act 261 (Act 261) to advise the appropriate standing committees of the Legislature regarding the Wisconsin Elections Commission's (WEC) progress in implementing an electronic voter registration system, also referred to as online voter registration or OVR. The first report was submitted by the Government Accountability Board (G.A.B.) on April 20, 2016. The WEC became the successor agency to the G.A.B. for purposes of administering election laws effective June 30, 2016, and is developing the electronic voter registration system with the Department of Transportation (DOT), which is submitting a separate report. This correspondence also includes a brief status report regarding the WEC's implementation of an agreement with the Electronic Registration Information Center (ERIC), which is another initiative contained in Act 261, although the Act did not include a specific reporting requirement regarding ERIC.

Since the first quarterly report was submitted, WEC and DOT staff have met on several occasions to discuss implementation of online voter registration and the ERIC initiative. Both projects have experienced some implementation hurdles and delays which the two agencies are working to resolve so that implementation deadlines can be met

Online Voter Registration (OVR)

Since the first quarterly report was submitted, WEC and DOT staff have met seven times to discuss implementing OVR on the following dates: May 3, 2016, May 25, 2016, June 9, 2016, June 20, 2016, July 7, 2016, July 18, 2016, and July 19, 2016. The majority of these meetings have focused on the verification process that will be required in order to verify a person's unique information and permit them to use the online system.

Act 261 requires WEC and DOT to enter into a Memorandum of Understanding (MOU) to govern the implementation of the online registration system. DOT staff provided a draft MOU to the WEC, which is in the process of reviewing it and developing possible revisions. DOT and WEC staff are attempting to finalize the MOU and complete the business requirements for the OVR process by the end of July.

The most significant issue which must be resolved to complete both the MOU and the technical design of the system involves the process to verify a registrant's information with DOT while using the OVR system which will be hosted on the WEC's MyVote Wisconsin website. Act 261 requires that the system confirm whether the individual user holds a valid DOT product so that the individual may register online rather than providing another form of proof of residence while registering by mail or in person. Act 261 requires that the OVR system include an instant verification of the user's personal information by accessing their record in the database of the Division of Motor Vehicles (DMV).

Initial conversations centered on a process of matching the character strings in the name and address which an individual enters into the OVR system with their name and address in the DMV database. This would be similar to the existing process known as HAVA Checks, required under federal law, in which an elector's name, date of birth and driver's license number or last four digits of their Social Security number which are listed on the voter registration application are compared with the same fields in the DMV database.

However, challenges with the HAVA Check process related to precisely matching the same individual's name as entered in two different databases would be compounded by requiring an exact match of address information. A false mismatch in the HAVA Check process does not impact an individual's ability to complete the voter registration process. A false mismatch in the OVR process, generated by variations on how data was entered into either database, could deny many individuals the ability to use the OVR system despite being eligible to do so under Act 261.

This concern has prompted discussions of an alternative method of instantly verifying an individual's identity and eligibility to access the OVR system. WEC and DOT staff are exploring the possibility of requiring individuals using the system to enter their name, date of birth, driver's license number/state ID card number, and last four digits of their Social Security number. All of those data fields, except name information, are confidential and much less likely to be available to other persons than is address information. Using those data fields is also more likely to result in an accurate matching process so that all eligible individuals are permitted to use the system. This approach would also have the advantages of being consistent with DMV's current process to allow individuals to change their address online, and reducing the costs of development and implementation of the OVR system.

If this method of verification is adopted, the DMV database would return the registrant's address as listed in the DMV database and request the individual to validate the information before being permitted to proceed with registering online. If the DMV database does not return the individual's current address, the OVR system would direct the user to the DMV database to update their address information, and then permit the user to complete the online voter registration process. If the DMV database does not include the individual's name, birthdate, and either driver's license/state ID card or Social Security data, the individual may not register online and will be directed to alternative methods of registering.

Instructions would be provided to the registrant to enter their name exactly as it appears on the DOT product in an attempt to minimize a false mismatch. However, many DOT products do not

contain current address information as many Wisconsinites move during the eight years the product is valid but do not get a new license or state identification card. Therefore, providing instructions to registrants to enter their address exactly as it appears on their license or State ID card would not prevent false mismatches in many cases, likely preventing eligible users from accessing the OVR system.

WEC staff believes the matching of name, date of birth, driver license number/state ID card number and last four digits of a Social Security number with a verification of address is superior to the matching process used in the HAVA Check process. Wis. Stat. §§ 6.34(4) and 6.34(2m), which set forth the information that must be transmitted to the DOT through the electronic registration system, do not require the individual's address as a data field that is required to be submitted to DMV for verification through the OVR process. The process would add another layer of security verification and reduce opportunity for fraudulent activity by requiring both the registrant's driver license or state identification card number and the last four digits of their Social Security Number (in addition to the date of birth) while significantly minimizing false mismatches due to database inconsistencies.

The design of the instant verification process is key to the operation of the overall OVR system, and WEC and DOT staff are focusing on resolving that issue, so that development and testing of the system may progress, and its implementation may remain on schedule for a launch in early 2017.

Electronic Registration Information Center (ERIC)

2015 Wisconsin Act 261 required that the G.A.B. enter into an agreement with ERIC, a consortium of states which share data from its voter registration and motor vehicle agencies. The purpose of ERIC is to maintain the accuracy and currency of the voter registration records by correcting records of individuals who have moved, changed their name, or are deceased. The program helps to detect individuals who may have registered or voted in more than one state. Finally, states which are members of ERIC are required to contact individuals who are identified as potentially eligible electors that are not registered to vote, and provide them with information about the registration and voting process in their state, at least once prior to every general election.

On May 17, 2016, to comply with the legislative directive, the G.A.B. entered into an agreement to join ERIC, and Wisconsin was formally accepted as a participating member of ERIC. On June 29, 2016, G.A.B. and DOT staff participated in an orientation webinar presented by ERIC staff to discuss the program and the process of transferring Wisconsin data to ERIC. Subsequently, WEC and DOT staff have been working towards developing the IT functionality to provide test data to ERIC and eventually actual data to be included in the matching process.

There is a significant issue which must be resolved before Wisconsin will be permitted to fully participate in the ERIC initiative, which has involved consultations with the Governor's Office, Department of Justice, ERIC staff and legislative offices. Specifically, the statutes governing the confidentiality of DMV data has created uncertainty as to whether DMV may share Social

Security data related to driver's license holders, and any data related to State ID cardholders as required by the ERIC membership agreement.

On July 5, 2016 the Wisconsin Department of Justice (DOJ) advised that the last four digits of the Social Security card associated with a driver license record may be shared with WEC and ERIC due to the anonymization of the data and use of a one-way hashing process. The data shared by DOT is actually converted into a hashed character string and is no longer the last four digits of the Social Security number. The Social Security data cannot be determined either by ERIC staff or other member states.

However, DOJ also advised that Wis. Stat. §343.50(8)(b), the provision governing the confidentiality of information in the DMV database related to State ID cardholders, more broadly forbids providing any personal information about those product holders to either WEC or ERIC. DOT provided statistics on the number of driver license and state identification card records over the age of 18 that are U.S. citizens to determine the percentage of records that DOT would be able to disclose to WEC and ERIC. 4,094,147 (89%) individuals have a driver license record and 513,093 (11%) have a state identification card.

The inability to include State ID cardholders in the ERIC matching process would jeopardize Wisconsin's ability to comply with the membership agreement, as neither Wisconsin nor other member states would receive the full benefit of the matching program. Individuals holding a State ID card would not be included in the pool of eligible but unregistered voters who would receive a mailing that contains information about how to complete their voter registration.

ERIC staff has advised that omitting the State ID cardholder information would likely result in the ERIC Board of Directors acting to remove Wisconsin as a member of the consortium under the theory that Wisconsin would be unable to fully comply with the ERIC membership agreement. In addition, if Wisconsin is unable to complete the required initial outreach to eligible but unregistered individual prior to October 1, 2016, WEC will lose grant funding awarded by the PEW Center for the States of up to \$150,000 to cover one-half of the cost of the mailing. Any subsequent effort to re-join ERIC in the future would require additional funding to pay for the entire cost of the initial mailing.

WEC and DOT staff has been working to resolve this issue through daily discussions with stakeholders. Time is very limited to meet the ERIC requirements prior to the 2016 General Election. A potential solution is being considered to permit substantial compliance with the ERIC requirements while also committing to seek necessary legislative changes to clarify the information which DMV may share as part of the ERIC initiative.

We hope this information is helpful in advising the Legislature regarding the status of implementing electronic voter registration and the ERIC initiative. If any Committee members have questions regarding this matter, please feel free to contact me at 608-266-0136 or Michael.Haas@wi.gov.

Attachment 2
ERIC Timeline

Date	Task	Status
8/11/2016	ERIC Anonymizer software receive and install	complete
8/12/2016	Legal documentation justifying non-profit Election Mail postage rate	complete
8/15/2016	Submit non-profit rate approval request form to USPS	complete
8/15/2016	Draft of postcard layout for team to review	complete
8/17/2016	Prepare ERIC voter test file	complete
8/19/2016	Commission meeting materials due	complete
8/24/2016	Submit voter file to ERIC	in progress
8/26/2016	Receive DMV file and submit to ERIC	
9/9/2016	Final postcard design and mail-to lists to DOA Publishing and Distribution	
9/12/2016	Begin temporary staff recruitment process	
9/12/2016	Draft of educational materials submitted for review	
9/19/2016	Approve and release educational materials	
9/19/2016	Draft script of how to answer ERIC phone calls submitted for review	
9/26/2016	Mail out Postcards this week. Latest possible mail date is 9/30/2016	
9/26/2016	Final ERIC phone call script sent out to staff	
9/28/2016	Temporary Staff Start	

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MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the Meeting of August 30, 2016

TO: Members, Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared and Presented by:
Sarah Whitt
WisVote Functional Lead

SUBJECT: Update on Online Voter Registration

This memorandum provides an update on the implementation of Online Voter Registration in Wisconsin, especially as to developments since the agency's last report to the Legislature.

Background

2015 Wisconsin Act 261 directed the Wisconsin Elections Commission (WEC) and the Department of Transportation (DOT) to develop a system to allow voters to register to vote online, if they possess a current and valid driver license or state identification card issued by DOT. The WEC shall create and manage a website where voters would be able to enter their voter registration information. WEC would then verify the voter's name and address information with DOT. If the information matches, the voter would be able to proceed with their registration. These registrations would not require the voter to physically sign and return a paper form to their municipal clerk. Instead, the registrations would be automatically entered into WisVote, the state voter registration database.

Act 261 requires that the new Online Voter Registration system must be in place for the 2017 Spring Primary election. WEC and DOT must report to the Legislature quarterly on the progress of implementing the new online system. The most recent Quarterly Report provided to the Legislature on July 20, 2016 is included in the meeting materials as an attachment to the ERIC initiative memorandum, and has been provided previously to the Commission.

Data Matching Approach

WEC staff is working with DOT to finalize the details of the matching and verification process that will be used to allow voters to register online. As reported in the July 20, 2016 Quarterly Report to the Legislature, WEC staff identified concerns about the usability of the system, specifically related to matching addresses with DOT, because street addresses may be entered in a variety of forms, and are notoriously difficult to match between two databases. The Online Voter Registration system needs to allow voters to register if the address entered by the elector reasonably matches DOT data without blocking legitimate voters due to minor formatting or typographical issues. If a significant number of legitimate voters are blocked from using the system due to complications with address matching, the project will not be successful or comply with the Legislature's directive.

In order to allow for a more flexible matching process that will verify the elector's address, WEC and DOT propose matching specific personally identifiable information to help secure a match between the voter registration and transportation records. To proceed with an online registration, the first name, middle initial, last name, date of birth, DOT product number, last four digits of Social Security Number (SSN) and zip code entered by the voter must all match DOT records.

The following outcomes will be determined by the matching system:

- **Green Light:** If all fields listed above match, the voter will be able to proceed with the online registration.
- **Yellow Light:** If all fields match except the zip code, the voter will be routed to DOT's website to update their address at DOT. Once their address is updated with DOT, they can re-attempt to register to vote online.
- **Red Light:** If any of the personally identifiable fields such as name, date of birth, DOT product number or last four digits of SSN do not match DOT records, the voter will not be able to proceed with registering online. They will instead be directed through WEC's Click and Mail process where they will need to print a paper form, sign it and provide it to their municipal clerk along with a copy of proof of residence.

Current Project Status

DOT technical staff is approximately 90% finished with developing a web service to perform the matching and validation process described above. WEC technical staff has begun testing of the new DOT web service.

WEC technical staff can then begin working on the technical connections to allow the MyVote Wisconsin website to communicate with the web service, and to insert the voter registration information into WisVote.

WEC program staff has also prepared mock ups of the proposed website screens the voter will go through for the online registration process. The new process will utilize many of the same screens and workflows as the current Click and Mail paper-based system available on the MyVote Wisconsin website. This will reduce cost and development time, as well as providing a seamless and unified process for the voter. Coding changes on the MyVote Wisconsin website will begin later in September.

The project is on schedule to be completed in time for the 2017 Spring Primary.

Memorandum of Understanding

WEC and DOT staff are finalizing a memorandum of understanding (MOU) for Online Voter Registration as required by Act 261. The MOU will be presented to the Commission once it is complete. If completed in time for the August 30 meeting, it will be included in the Commissioners' meeting folders. If not it will be included in the October meeting materials.

Staff Recommendation and Motion

Staff recommends the Commission approve staff's implementation of Online Voter Registration, and specifically the matching and verification process proposed by WEC and DOT staff.

Recommended Motion: Approve the joint WEC/DOT plan to implement Online Voter Registration and the verification process outlined above.

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MEMORANDUM

DATE: For the Meeting of August 30, 2016

TO: Members, Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared by:
Jodi Kitts, WisVote Elections Specialist

SUBJECT: Voter Felon Audit

Background

The Voter Felon Audit is a State required post-election comparison of voters at a specific election with the list of persons who were under Department of Corrections (DOC) supervision for a felony conviction at the time of the election. The Voter Felon Audit has a review process of several stages. To summarize our review process, any names that match are first reviewed by the Department of Corrections, then by the municipal clerk where the individual appears to have voted, and finally by WEC staff. After confirming DOC and election records, if it appears that individuals voted while ineligible due to a felony sentence, WEC staff refers any such matters to county district attorneys for their own investigation. The process allows us to identify any potential voter/felon matches and it also allows us to identify any discrepancies with the records involved and the matching process. The Voter Felon Audit is the final check in identifying potential felon participation in an election, should it go undetected in other routine processes.

The other related checks in place are the use of the Voter Felon file and Registration List Alerts. Clerks have access to a Voter Felon file, which is a current list provided by DOC that identifies felons who are on Active Community Supervision and could potentially appear in person to vote. Clerks have access to this at any time in the WisVote system and prior to any election, they have a printed copy available to cross check voters coming into their office to register during the late registration period. The list is also required to be available and consulted at registration tables at polling locations.

Clerks also review Felon Registration List Alerts in WisVote that help identify potential ineligible felons. If information from DOC matches an existing voter, the clerk is alerted through a

Registration List Alert and the clerk conducts a further review to determine if it is the same individual and if so, the clerk inactivates the voter record so that the individual does not appear on the poll list and cannot vote without registering. If the clerk chooses to inactivate a voter record, the clerk sends the individual a letter notifying them of the inactivation.

In each of these processes there is cooperation and communication between the DOC, WEC, and municipal clerk. Municipal clerks, having the most familiarity with their voters and voter records, are responsible for deciding if a voter record should be altered so that the registration is inactivated. When an apparent match is detected in the Voter Felon Audit, WEC staff can communicate with DOC to confirm whether its records accurately reflect whether an individual was still subject to felony supervision at the time of the election. This may require follow up with individual probation or parole officers to confirm whether an individual was released from supervision earlier than a scheduled date contained in the DOC database. DOC and WEC staff have worked over the last several years to improve the accuracy of the matching process and ensure that the records reflect the current status of individuals with felony convictions.

The Voter Felon Audit cannot be completed until municipal clerks complete the documentation of voter participation for each election. At the direction of the Government Accountability Board, agency staff has been providing complete materials for review twice a year, in the months of March and August, to ensure that voter participation in spring and fall elections has been entered into WisVote. Updates for the most recent Voter Felon Audits are as follows:

2016 Voter Felon Audits

The Voter Felon Audit for the February 16, 2016 Spring Primary Election was completed on May 5, 2016; there were initially seven potential matches and after our multiple stage review process, three were referred to the appropriate District Attorney.

The Voter Felon Audit for the April 5, 2016 Spring Election and Presidential Preference was completed on August 9, 2016. There were initially thirty three potential matches and after our multiple stage review process, twenty four were referred to the appropriate District Attorney.

Attached to this memorandum is a statistical summary reflecting the status of cases that have been referred to district attorneys following past Voter Felon Audits, including responses from district attorneys who received a referral. Unless otherwise directed by the Commission, staff will continue to provide these comprehensive updates twice a year at the established intervals.

Additional materials containing the disposition of specific cases referred to district attorneys can be found in the Commissioner's meeting folders but is not a document available to the public due to the confidentiality provisions of Wis. Stat. §12.13(5). To keep that report manageable and current, it includes only cases in which an update has occurred since the last report, and the closing of a case by a district attorney is included in the initial report after a district attorney conveys the outcome to the WEC, but it is not included in subsequent reports to the Board.

This summary is provided for the Commission's information and no action is required.

ELECTION	Number of voters matched with felons per Election	Number of matches referred to district attorneys	Number of referrals closed by DA without charges	Number of referrals resulting in a conviction	Number of remaining referrals with current charges filed status	Number of matches or cases referred remaining open or under investigation	Number of matches closed	All matches have reached final disposition	Total number of voters	Referrals as a percentage of total number of voters
4/5/2016 Spring Election and Presidential Pref.	33	24	1	0	23	0	10		2,130,221	0.001127%
02/16/2016 Spring Primary	7	3	0	0	0	3	4		578,083	0.000519%
09/29/15 Special Election Assembly 99	0	0	0	0	0	0	0	yes	1,591	0%
09/01/2015 Special Primary Assembly 99	0	0	0	0	0	0	0	yes	3,422	0%
07/21/15 Special Election State Senate 33	0	0	0	0	0	0	0	yes	10,012	0%
06/23/15 Special Primary State Senate 33	0	0	0	0	0	0	0	yes	11,449	0%
11/4/2014 General Election	229	43	10	9	0	24	205		2,420,811	0.001776%
8/12/2014 Fall Partisan Primary	10	1	0	1	0	0	10	yes	638,677	0.000157%
4/1/2014 Spring Election	8	5	2	2	0	1	7		506,566	0.000987%
2/18/2014 Spring Primary	0	0	0	0	0	0	0	yes	4,310	0.000000%
4/2/2013 Spring Election	8	3	2	1	0	0	8	yes	889,008	0.000337%
2/19/2013 Spring Primary	1	0	0	0	0	0	1	yes	374,631	0.000000%
11/6/2012 Presidential and General Election	89	33	15	8	2	8	79		3,085,450	0.001070%
8/14/2012 Fall Partisan Primary	3	2	1	0	0	1	2		851,572	0.000235%
6/5/2012 Recall Election	53	22	8	4	1	9	43		2,516,371	0.000874%
5/8/2012 Recall Primary Election	13	3	1	2	0	0	13	yes	1,360,750	0.000220%
4/3/2012 Presidential Preference Spring Election	13	7	5	1	0	1	12		1,144,351	0.000612%
2/21/2012 Spring Primary	3	2	1	0	0	0	3	yes	139,343	0.001435%
4/5/2011 Spring Election	16	7	3	1	0	3	13		1,524,528	0.000459%
2/15/2011 Spring Primary	5	2	1	0	0	1	4		444,766	0.000450%
11/2/2010 General Election	60	21	9	5	0	7	53		2,185,017	0.000961%
9/14/2010 Fall Partisan Primary	8	3	2	0	0	1	7		930,511	0.000322%
4/6/2010 Spring Election	5	2	1	0	1	0	4		574,130	0.000348%
2/16/2010 Spring Primary	1	0	0	0	0	0	1	yes	152,532	0%
Total for all 23 elections	532	159	61	34	4	59	469	10		

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ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the Meeting of August 30, 2016

TO: Members, Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared and Presented by:
Michael Haas
Commission Interim Administrator

SUBJECT: Process for Presidential Electors Nomination Meeting

Introduction

Under state law each party that has qualified for ballot status is entitled to choose individuals who will represent the party at the Electoral College in the event that party wins the presidential election. The parties who qualify for ballot status in Wisconsin are the Republican, Democratic, Constitution, Libertarian and Wisconsin Green Parties. These parties qualify to have the Presidential and Vice Presidential candidates who are chosen at their respective national conventions listed on the ballot along with the party name.

Statutory Authority

Wis. Stat. § 8.18 provides for the selection of presidential electors.

8.18(1) **(1)** Candidates for the senate and assembly nominated by each political party at the primary, the state officers and the holdover state senators of each political party shall meet in the state capitol at 10 a.m. on the first Tuesday in October of each year in which there is a presidential election.

8.18(2) **(2)** The purpose of the convention is to nominate one presidential elector from each congressional district and 2 electors from the state at large. The names of the nominees shall be certified immediately by the chairperson of the state committee of each party to the chairperson of the commission.

Analysis

The Statutes contemplate that there is a public meeting for each political party to nominate their presidential electors. Participants at the meeting include the party's

legislative candidates, state officers and holdover state senators. The Wisconsin Elections Commission (WEC) coordinates these meetings by notifying the participants of the date, time and purpose of the meeting and by securing rooms at the Capitol for each party. Three rooms have been reserved for October 4, 2016 for two hours beginning at 9:30 a.m., so that the meetings may commence at 10:00 a.m. The role of the WEC is limited as it is the responsibility of each party to decide their electors. WEC staff is present to direct each party to the appropriate room and obtain the list of electors when complete.

The Republican and Democratic Parties each have a full slate of participants. The other three parties currently have no elected state officers or legislators, and only the Libertarian Party has legislative candidates on the ballot. The statute does not explain how presidential electors are chosen in that case. WEC staff has discussed this issue and developed a proposed procedure for the Commission's consideration.

Staff believes the Libertarian Party should have its own meeting because it has legislative candidates who are entitled to make the nomination, and to preserve the public meeting aspect contemplated by the statutes.

Since the Constitution and Wisconsin Green Parties have no eligible participants under the statute, staff believes those parties should be advised its Chair, or the Chair's designee, can nominate its presidential electors. Also, since there would be no need for one individual to conduct a meeting, staff would suggest that representatives of those parties may either announce their selections at the stated time in the Capitol or submit their lists to WEC before the day of the meeting. Staff present at the Capitol will read the names to maintain the public aspect of the process.

Given that Wis. Stat. §8.18 does not specifically outline a procedure to enable ballot status parties without eligible participants to publicly nominate their presidential electors, Commission staff recommends that the Commission formally approve the procedure outlined above.

Recommended Motion: The Commission approves staff's proposed procedure as outlined above to enable ballot status parties without eligible participants to publicly announce their presidential and vice presidential candidates to meet the provisions of Wis. Stat. § 8.18, and authorizes implementation of the procedure beginning with the October 4, 2016 Presidential Electors Selection Meeting.

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ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the Meeting of August 30, 2016

TO: Members, Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared and Presented by:
Nathan W. Judnic
Legal Counsel

SUBJECT: Administrative Rules Update

I. Status of Promulgation Progress:

A table summarizing the promulgation status of administrative rules originally directed by the Government Accountability Board and since transferred to the Wisconsin Elections Commission follows this memorandum as Attachment 1.

In addition to Attachment 1, the following summarizes noteworthy progress on some of the administrative rules currently in the promulgation pipeline, and also the Commission staff's intentions moving forward on rules that are pending at various stages in the process.

A. Chapters EL 6 and EL 21

On August 5, 2016, the Commission received approval of the Statements of Scope for EL 6 and EL 21 from the Governor's Office. The Statements of Scope were published in the Administrative Register on August 15, 2016. The required 10-day publishing requirement has been met, and the Commission staff requests permission to draft rules consistent with the approved Statements of Scope for these rules. The Statements of Scope are labeled Attachments 2 and 3, and follow this memorandum.

As background, the text of these chapters transferred to both the Elections Commission and the Ethics Commission on June 30, 2016 when the Government Accountability Board was discontinued. Portions of these chapters no longer apply to each respective commission, and therefore they need to be amended.

Recommended Motion: The Commission approves of the Statements of Scope for the proposed amendments to Chapters EL 6 and EL 21, and directs the Commission staff to draft administrative rules consistent with the approved Statements of Scope for these rules.

B. Pending Statements of Scope – Resubmission with New Chapter References

The Commission staff has had recent conversations with the Governor’s office regarding Statements of Scope that were submitted by the Government Accountability Board prior to the transition and had not yet been approved. To eliminate confusion as to the agency promulgating the rule, the Governor’s office has requested that these rules be re-submitted with the “EL” chapter references, instead of the former “GAB” chapter references. This request would apply to six Statements of Scope currently awaiting approval by the Governor’s office. Once action is taken, the Statements of Scope are published for 10 days, and then they will be brought to the Commission for approval with a request to direct staff to begin drafting the rule.

Recommended Motion: The Commission directs staff to resubmit Statements of Scope currently pending approval from the Governor’s Office with the appropriate “EL” chapter references.

C. Statement of Scope Drafting – Commission Review and Re-Approval

The Government Accountability Board authorized staff to draft several Statements of Scope and to submit them to the Governor for approval, but for various reasons, the drafting has not been completed yet. As indicated in the attached chart (Attachment 1), some of the drafting has started, but the staff intends to bring these back to the Commission for re-approval before completing the drafting and submitting them to the Governor’s office. The Commission can then weigh in on the direction of these rules from the beginning of the process, before they are submitted to the Governor’s office for approval.

Recommended Motion: The Commission directs staff to prepare a report summarizing Statements of Scope authorized by the Government Accountability Board but not yet drafted in their entirety, and present it to the Commission at a future meeting for further action.

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MARK L. THOMSEN, CHAIR

ATTACHMENT 1: Status of Administrative Rules

#	Proposed Rule:	Directive to Promulgate:	Status:
1	Use of Technical College IDs for Voting Purposes	November – December 2011	<ul style="list-style-type: none"> Chapter EL 10 (current)
2	Contents of Training that Municipal Clerks Must Provide to Election Inspectors and Special Voting Deputies	January 13, 2015	<ul style="list-style-type: none"> Staff drafted Statement of Scope Statement of Scope submitted to the Governor (4/14/15) Board approved Statement of Scope (6/18/15) Staff intends to present Statement of Scope to Commission for review and re-approval at a future meeting.
3	Standards for Determining Validity of Votes Cast with Electronic Voting Equipment	January 13, 2015	<ul style="list-style-type: none"> Staff completed first draft of Statement of Scope in 2013 Staff has commenced drafting an updated Statement of Scope, and intends to present Statement of Scope to Commission for review and re-approval at a future meeting.
4	Approval of Electronic Voting Equipment in Accordance with WIS. STAT. §§5.40(2), 5.76, 5.77, 5.905, 7.23(1)(g) (Electronic Voting Systems, EL Ch. 7)	January 13, 2015	<ul style="list-style-type: none"> Staff drafted Statement of Scope Statement of Scope submitted to the Governor (4/9/2015) Board approved Statement of Scope (6/18/15) Staff intends to present Statement of Scope to Commission for review and re-approval at a future meeting.
5	Ballot Security and Interpreting WIS. STAT. §§5.84, 5.86, 5.87, 5.905, 5.91, 7.23, 7.51,	January 13, 2015	<ul style="list-style-type: none"> Staff completed first draft of Statement of Scope in 2013 Staff has completed the new draft of the Statement of Scope and intends to present to the Commission for review and re-approval at a future meeting.

	and 9.01 (Ballot and Voting System Security, EL Ch. 5)		
6	Administer Statutory Requirements for Electronic Voting Systems	January 13, 2015	<ul style="list-style-type: none"> • <i>Staff has commenced drafting other specific Statements of Scope that encompasses this broad directive.</i>
7	Election Notices that Clerks Must Use to Inform Public About Elections	January 13, 2015	<ul style="list-style-type: none"> • Staff drafted Statement of Scope • Scope statement submitted to the Governor (12/14/15) • Resubmission of Statement of Scope with Chapter “EL” label requested.
8	Responsibilities of Clerks for Maintaining Records in the Statewide Voter Registration System	January 13, 2015	<ul style="list-style-type: none"> • Staff has completed the first draft of the Statement of Scope and intends to present to the Commission for review and re-approval at a future meeting.
9	Conduct and Regulation of Election Observers to Monitor Compliance with Election Laws by Local Officials	January 13, 2015	<ul style="list-style-type: none"> • Staff drafted Statement of Scope • Scope statement submitted to the Governor (5/18/15) • Resubmission of Statement of Scope with Chapter “EL” label requested.
10	Procedures for Elections Complaints	April 29, 2015	<ul style="list-style-type: none"> • Staff has commenced drafting the Statement of Scope and intends to present to the Commission for review and re-approval at a future meeting.
11	Acceptable Proofs of Residence (Including Electronic)	April 29, 2015	<ul style="list-style-type: none"> • Staff drafted Statement of Scope • Scope statement submitted to the Governor (6/2/15) • Resubmission of Statement of Scope with Chapter “EL” label requested.
12	U.S. Citizen as Witness for Overseas Voter	April 29, 2015	<ul style="list-style-type: none"> • Staff drafted the Statement of Scope • Scope statement submitted to the Governor (12/14/15) • Resubmission of Statement of Scope with Chapter “EL” label requested.
13	Procedures for Curbside Voting	April 29, 2015	<ul style="list-style-type: none"> • Staff drafted the Statement of Scope • Scope statement submitted to the Governor (12/14/15) • Resubmission of Statement of Scope with Chapter “EL” label requested.

14	Definition of “Same Grounds” for Voting Purposes in WIS. STAT. §6.875(3)(b)	April 29, 2015	<ul style="list-style-type: none"> Staff has commenced drafting the Statement of Scope and intends to present to Commission for review and re-approval at a future meeting.
15	Synchronization of Certification Terms for Municipal Clerks, Special Registration Deputies, and Election Inspectors	April 29, 2015	<ul style="list-style-type: none"> <i>Directive accomplished via legislation: 2015 Wisconsin Act 229 (effective 3/2/16) synchronized the certification terms for election officials</i>
16	Applications for Approval of Modification to Voting Systems Previously Approved for Use in Wisconsin	April 29, 2015	<ul style="list-style-type: none"> Staff has commenced drafting the Statement of Scope and intends to present to Commission for review and re-approval at a future meeting.
17	Removal of Rules No Longer In Effect	January 13, 2015	<ul style="list-style-type: none"> <i>Wisconsin Administrative Code updated to remove sections no longer in effect – sections removed 8/15/15</i>
18	Deadline for Receipt of Documents Filed by Fax	June 18, 2015	<ul style="list-style-type: none"> Staff has commenced drafting the Statement of Scope and intends to present to Commission for review and re-approval at a future meeting.
19	Amend EL §3.04(2) to comply with WIS. STAT. §6.97(3)(b)	June 18, 2015	<ul style="list-style-type: none"> Staff has drafted the Statement of Scope and intends to present to Commission for review and re-approval at a future meeting.
20	Establish an absentee ballot information subscription service and fee structure	April 26, 2016	<ul style="list-style-type: none"> Staff drafted Statement of Scope Scope statement submitted to the Governor (6/1/16) Resubmission of Statement of Scope with Chapter “EL” label requested.
21	Amend Chapter EL 6	April 26, 2016	<ul style="list-style-type: none"> Staff drafted Statement of Scope Scope statement submitted to the Governor (6/1/16) Governor approved Statement of Scope (8/5/16) Statement of Scope published in 8/15/16 Register (SS 073-16)

			<ul style="list-style-type: none"> • Approved Statement of Scope presented to Commission for permission to draft rules at 8/30/16 meeting.
22	Amend Chapter EL 21	April 26, 2016	<ul style="list-style-type: none"> • Staff drafted Statement of Scope • Scope statement submitted to the Governor (6/1/16) • Governor approved Statement of Scope (8/5/16) • Statement of Scope published in 8/15/16 Register (SS 072-16) • Approved Statement of Scope presented to Commission for permission to draft rules at 8/30/16 meeting.

Attachment 2

**STATEMENT OF SCOPE
PURSUANT TO WIS. STAT. § 227.135
GOVERNMENT ACCOUNTABILITY BOARD
(WISCONSIN ELECTIONS COMMISSION AND WISCONSIN ETHICS
COMMISSION)¹**

Rule No.: GAB Ch. 6 (EL Ch. 6 upon transfer to Wisconsin Elections Commission and ETH Ch. 6 upon transfer to Wisconsin Ethics Commission)

Relating to: Elections and Ethics Commission staff procedures

Rule Type: Emergency and Permanent

1. Finding/nature of emergency (Emergency Rule only):

The Government Accountability Board/Wisconsin Elections Commission and Wisconsin Ethics Commission propose to amend and repeal portions of GAB Ch. 6 upon transfer of this rule to both Commissions. Current GAB Ch. 6 has been utilized by the entire agency, and portions of this chapter can be used by both the Elections Commission and Ethics Commission upon transfer, effective June 30, 2016. Upon transfer to the new commissions, portions of Ch. 6 that are not applicable to the respective commission would be amended or repealed if necessary. The applicable portions of Ch. 6 would remain. As portions of Ch. 6 for both Commissions may not apply after June 30, 2016, action to align the provisions with the appropriate commission needs to be taken as soon as practicable. A permanent rule, promulgated parallel to the emergency rule to make these changes, using this same Statement of Scope, is intended by the Board/Commissions.

2. Detailed description of the objective of the proposed rule:

The proposed rule will amend or remove portions of Ch. 6 that do not apply to the respective commissions upon transfer on June 30, 2016.

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

The proposed rule will amend or remove portions of Ch. 6 that do not apply to the respective Commissions upon transfer on June 30, 2016. There is no new policy being proposed, only updating by way of amending or repealing sections of the chapter so they are consistent with the mission of each of the Commissions. The alternative would be to not amend or repeal sections that are not applicable to the respective Commissions. Such inaction could confuse voters, candidates, elected officials and the general public as rules that are not within the subject matter of the respective Commission appear to be active, when in fact there would be no relevancy to the Commission for which the rule appears.

¹ Effective June 20, 2016

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

2015 Wisconsin Act 118, Section 266 (6) directs all current rules of the Government Accountability Board to transfer to the Elections Commission or the Ethics Commission and shall be effective on the date of the transfer, and remain in effect until the Commissions amend or repeal the rules. The Government Accountability Board, and its successor Commissions have the responsibility for the administration of elections, campaign finance, lobbying and ethics of state public officials. ss. 5.05 (1), 19.48 (1), Stats. Pursuant to such responsibility, the Government Accountability Board and 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.” s. 5.05(1)(f), Stats. The Ethics Commission may “[p]romulgate rules necessary to carry out ch. 11, subch. III of ch. 13, and this subchapter.” s. 19.48(1), Stats. Finally, the Government Accountability Board/Elections Commission/Ethics Commission “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[.]” s. 227.11 (2) (a), Stats.

Emergency and Permanent Rule

The agency plans to promulgate this rule as both an emergency rule and a permanent rule. This scope statement is submitted in support of both the emergency rule and the permanent rule.

5. Estimate of the amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

40 hours.

6. List with description of all entities that may be affected by the proposed rule:

Candidates, political parties, other political groups and the general public that file various documents with the new Commissions will be able to continue with the procedures established by the Government Accountability Board.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The Government Accountability Board/Elections Commission/Ethics Commission is unaware of any existing or proposed federal regulation that is applicable to this rule.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The Government Accountability Board/Elections Commission/Ethics Commission anticipate the rule having no economic impact, which includes no significant impact on small businesses.

Contact person: Nathan W. Judnic
nathan.judnic@wi.gov (608) 267-0953



Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

June 3, 2016
Date Submitted

Attachment 3

**STATEMENT OF SCOPE
PURSUANT TO WIS. STAT. § 227.135
GOVERNMENT ACCOUNTABILITY BOARD
(WISCONSIN ELECTIONS COMMISSION AND WISCONSIN ETHICS
COMMISSION)¹**

Rule No.: GAB Ch. 21 (EL Ch. 21 upon transfer to Wisconsin Elections Commission and ETH Ch. 21 upon transfer to Wisconsin Ethics Commission)

Relating to: Elections and Ethics Commission practice and procedure

Rule Type: Emergency and Permanent

1. Finding/nature of emergency (Emergency Rule only):

The Government Accountability Board/Wisconsin Elections Commission and Wisconsin Ethics Commission propose to amend portions of GAB Ch. 21 upon transfer of this rule to both Commissions. Current GAB Ch. 21 has been utilized by the entire agency, and this chapter can be used by both the Elections Commission and Ethics Commission upon transfer, effective June 30, 2016. Upon transfer to the new commissions, portions of Ch. 6 that are not applicable to the respective commission would be amended if necessary. The applicable portions of Ch. 21 would remain. As portions of Ch. 21 for both Commissions may not apply after June 30, 2016, action to align the provisions with the appropriate commission needs to be taken as soon as practicable. A permanent rule, promulgated parallel to the emergency rule to make these changes, using this same Statement of Scope, is intended by the Board/Commissions.

2. Detailed description of the objective of the proposed rule:

The proposed rule will amend portions of Ch. 21 that do not apply to the respective commissions upon transfer on June 30, 2016.

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

The proposed rule will amend portions of Ch. 21 that do not apply to the respective Commissions upon transfer on June 30, 2016. There is no new policy being proposed, only updating by way of amending portions of the chapter so they are consistent with the mission of each of the Commissions. The alternative would be to not amend the language that is not applicable to the respective Commissions. Such inaction could confuse voters, candidates, elected officials and the general public as rules that are not within the subject matter of the respective Commission appear to be active, when in fact there would be no relevancy to the Commission for which the rule appears.

¹ Effective June 30, 2016

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

2015 Wisconsin Act 118, Section 266 (6) directs all current rules of the Government Accountability Board to transfer to the Elections Commission or the Ethics Commission and shall be effective on the date of the transfer, and remain in effect until the Commissions amend or repeal the rules. The Government Accountability Board, and its successor Commissions have the responsibility for the administration of elections, campaign finance, lobbying and ethics of state public officials. ss. 5.05 (1), 19.48 (1), Stats. Pursuant to such responsibility, the Government Accountability Board and 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.” s. 5.05(1)(f), Stats. The Ethics Commission may “[p]romulgate rules necessary to carry out ch. 11, subch. III of ch. 13, and this subchapter.” s. 19.48(1), Stats. Finally, the Government Accountability Board/Elections Commission/Ethics Commission “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[.]” s. 227.11 (2) (a), Stats.

Emergency and Permanent Rule

The agency plans to promulgate this rule as both an emergency rule and a permanent rule. This scope statement is submitted in support of both the emergency rule and the permanent rule.

5. Estimate of the amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

40 hours.

6. List with description of all entities that may be affected by the proposed rule:

Candidates, political parties, other political groups and the general public that request advice from the new Commissions will be able to continue with the practices and procedures established by the Government Accountability Board.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The Government Accountability Board/Elections Commission/Ethics Commission is unaware of any existing or proposed federal regulation that is applicable to this rule.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The Government Accountability Board/Elections Commission/Ethics Commission anticipate the rule having no economic impact, which includes no significant impact on small businesses.

Contact person: Nathan W. Judnic
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Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

June 3, 2016
Date Submitted

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ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the Meeting of August 30, 2016

TO: Members, Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared and Presented by:
Nathan W. Judnic
Legal Counsel

SUBJECT: Update: Memoranda of Understanding with Wisconsin Ethics Commission

At the June 30, 2016 Commission meeting, staff presented draft Memoranda of Understanding (MOU) agreements to be entered into by the Administrators of the Elections and Ethics Commissions. Commission members provided comments and feedback on several items addressed in the MOUs, which has been incorporated into the latest versions of the agreements. Since the Commission's last review of the MOUs, the Ethics Commission has appointed an Administrator, and several meetings have occurred between both Commission Administrators, legal counsels for both Commissions, and the chief administrative officer for the Elections Commission to discuss the MOU details and agree on final language. Additional revisions have been made as a result of staffing and administrative decisions of the Ethics Commission.

A high-level overview of the substantive revisions to the MOUs that resulted from these meetings is provided below. The proposed final MOUs are also attached to this memo for your review and approval. The versions attached are also being presented to the Ethics Commission for review and approval at its August 23, 2016 meeting.

Overview of Substantive Revisions to MOUs Since June 30, 2016

A. Shared Office Space MOU

- A percentage split of rent and other building related expenses for the Commissions was inserted into the agreements instead of the more complicated FTE calculation that was originally proposed. The Elections Commission is the larger of the two agencies, with staff occupying more square footage than the Ethics Commission. Based on an assessment of prior year spending completed by the financial staff during transition

planning the Elections Commission was assigned a 75% share, and the Ethics Commission was assigned a 25% share, for purposes of the rent and other expenses set forth in the existing lease and the MOU. This allocation is consistent with the transition plan developed by the Department of Administration and approved by the Legislature's Joint Committee on Finance.

- Changes were also made in several sections related to file storage to stress that it is the responsibility of each Commission to secure confidential files and to monitor access to those files – both physical and electronic.
- The 'Termination' and 'Amendment' section was revised to allow termination or amendment by either party with 60 days written notice. Previous versions of the MOU allowed for termination and amendment by either party if there was a mutual agreement between the parties to do so. Staff of both Commissions anticipates that the MOU would be terminated or amended only upon the relocation of the agency offices or based on statutory changes, or with the input of the respective Commissions.
- Minor modifications were also made to parts of the MOU addressing office supplies, parking, copy machines/printers and breakroom policies.

B. Shared Staffing MOU

- The original two (2) shared staffing MOUs were consolidated into one (1) shared staffing MOU. The Ethics Commission will absorb through existing staff the duties and responsibilities originally assigned to the Public Information Officer as a shared employee, therefore a separate MOU for that shared staff position was no longer needed.
- The shared services and tasks of the budget, finance, procurement and personnel matters were moved to a section named "Other Staff." 2015 Wisconsin Act 118 required the Secretary of the Department of Administration to submit a plan to the Legislature's Joint Committee on Finance, outlining the transition from the Government Accountability Board to the Elections and Ethics Commissions. This transition plan was submitted and approved by the Legislature as presented. The plan contemplated sharing staff between the two commissions, but no budget line for shared staff was provided to the Ethics Commission to reimburse the Elections Commission for its employees time spent on Ethics Commission tasks.

During the transition planning meetings, it was understood that certain GPR-funded Elections Commission staff members would assist the Ethics Commission until agency staff and operations were stabilized. The Ethics Commission intends to hire an office management specialist to assume many of the tasks that will be shared under this section of the MOU, therefore once this individual is on board, the MOU would likely be amended to remove many of the shared tasks by these staff members.

- More simplified time-tracking requirements for shared federally-funded employees was inserted to ensure that the timekeeping requirement was manageable, but still allows the

Administrator of each Commission to assess how much time is being spent by Elections Commission staff related to Ethics Commission tasks.

- The Elections Commission Helpdesk staff was added as a category of shared employees. Helpdesk staff will answer the phones through the call center and transfer callers to the appropriate Commission. Tracking the number of calls and the subject matter will allow the financial staff to allocate Helpdesk time to the appropriate Commission.
- The ‘Termination’ and ‘Amendment’ section was revised to allow termination or amendment by either party with 60 days written notice. Previous versions of the MOU allowed for termination and amendment by either party if there was a mutual agreement between the parties to do so. The Ethics Commission intends to hire an office management specialist to take over a lot of the administrative tasks that will be shared under the MOU, therefore once this individual is on board, the MOU would likely be amended to remove many of the shared tasks.

C. Data Exchange MOU

- Minor modifications were made to clarify the data that will be shared between the Commissions and how that sharing allows each Commission to fulfill its statutory responsibilities.
- The ‘Termination’ and ‘Amendment’ section was revised to allow termination or amendment by either party with 60 days written notice. Previous versions of the MOU allowed for termination and amendment by either party if there was a mutual agreement between the parties to do so.

Recommended Motion: The Commission authorizes the Administrator to execute the following Memoranda of Understanding with the Wisconsin Ethics Commission:

1. Shared Office Space Agreement
2. Shared Staffing Agreement
3. Data Exchange Agreement

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE WISCONSIN ELECTIONS COMMISSION**

AND

THE WISCONSIN ETHICS COMMISSION

SHARED OFFICE SPACE AGREEMENT

I. PARTIES

The parties to this Memorandum of Understanding (hereinafter referred to as “MOU” or “agreement”) are the Wisconsin Elections Commission (hereinafter referred to as “Elections Commission”) and the Wisconsin Ethics Commission (hereinafter referred to as “Ethics Commission”); both are Wisconsin state agencies with effective start dates of June 30, 2016. The Elections Commission and Ethics Commission are the successor agencies of the former Wisconsin Government Accountability Board (hereinafter referred to as “GAB”) and regulate elections, campaign finance, lobbying, and ethics of state public officials.

II. PURPOSE

The State of Wisconsin, Department of Administration (DOA), and HUM West Wilson, LP entered into a lease agreement for office space located at 212 E. Washington Ave., Madison, WI 53703, 3rd Floor (hereinafter referred to as “former GAB office space”) on October 17, 2008. (Attachment A). The current lease agreement expires on December 31, 2018. The current lease agreement allows the Department of Administration to designate which agency or agencies (tenant) occupy the former GAB office space. Each Commission will retain a copy of the current lease agreement, including any amendments to the lease agreement. The Elections Commission and Ethics Commission intend to occupy the former GAB office space until the current lease agreement expires. The purpose of this MOU is to set forth the agreed upon terms and conditions of sharing the former GAB office space for the duration of the lease.

III. TERM OF AGREEMENT

This MOU shall remain in effect until the expiration of the current lease agreement on December 31, 2018, unless the agreement is terminated in accordance with the procedures set forth in Section IX. of this agreement.

IV. COMPLIANCE WITH CURRENT LEASE AGREEMENT

The Elections Commission and Ethics Commission, as designated tenants of the former GAB office space, are subject to the terms and conditions of the current lease agreement, and agree to comply with those terms and conditions.

V. ALLOCATION OF RENT AND OTHER EXPENSES

- A. As the lessee, DOA is responsible for making monthly rent payments to HUM West Wilson, LP in accordance with the schedule contained in the current lease agreement. (See Attachment A, ¶5). As the designated tenants of the former GAB office space, the Elections Commission and Ethics Commission will be invoiced separately by DOA for their allocated share of the total rent. The Elections Commission shall pay 75% of the total rent amount due that is contained in the current lease agreement schedule (See Attachment A, ¶5). The Ethics Commission shall pay 25% of the total rent amount due that is contained in the current lease agreement schedule (See Attachment A, ¶5).
- B. As the lessee, DOA is responsible for the costs of the janitorial services; electrical service costs (lights and outlets) and pro rata shares of the real estate taxes (including any special assessments) for the building. These additional costs are charged to DOA at the end of each calendar year through an “operating expense reconciliation” process which is outlined in the current lease agreement. (See Attachment A, ¶27). As the designated tenants of the former GAB office space, the Elections Commission and Ethics Commission will be invoiced by DOA using the same percentage share as described in the paragraph A. above.
- C. All other costs or charges related to the former GAB office space as a whole shall be paid by each commission in accordance with the same percentage share as described in paragraph A. above.

VI. USE OF OFFICE COMMON AREAS

A. CONFERENCE ROOMS

The Elections Commission and Ethics Commission shall have equal access to the three (3) main conference rooms: Board Room, Large Conference Room, and Small Conference Room. Reservations shall be made using a shared calendar application that both commissions can use to book a conference room for commission business. Reservations of each conference room shall be honored on a ‘first come, first served’ basis.

B. BREAKROOM/KITCHEN

The Elections Commission and Ethics Commission shall have equal access to the breakroom/kitchen area of the former GAB office space and be responsible for keeping it clean. A regular schedule to clean the kitchen appliances (including

refrigerator, freezer, microwaves, sink, counters, and pizza oven) shall be established by a designee of the Elections Commission and Ethics Commission Administrators.

Any costs related to fixing or replacing appliances shall be allocated in accordance with the provisions contained in Section V. C of this agreement.

C. RECEPTION/PUBLIC VIEWING AREA

The Elections Commission and Ethics Commission shall have equal access to the reception/public viewing area of the former GAB office space. The reception counter, waiting area and coat closets shall be shared by both commissions to serve members of the public wishing to visit either commission. The public viewing area and computer equipment located in the public viewing area shall be shared by both commissions to serve members of the public seeking assistance from either commission.

D. RESTROOMS

The Elections Commission and Ethics Commission shall have equal access to the restrooms located in the former GAB office space. Janitorial services to clean and maintain the restrooms shall be paid for in accordance with the terms of the existing lease, and outlined in Section V. B of this agreement.

E. IT STORAGE ROOM

The Elections Commission and Ethics Commission shall have equal access to the IT storage room located in the former GAB office space. Both commissions may store computer equipment, projectors, and other accessories in the IT storage room as space permits.

F. BASEMENT LEVEL STORAGE ROOM

The Elections Commission and Ethics Commission shall have equal access to the basement level storage room in the former GAB office space. Both commissions may store files, equipment, and other items in the basement level storage room as space permits. Access to the basement level storage room shall be managed by the reception staff, and will provide the door key upon request of a staff member from either commission. Each Commission is responsible for monitoring access to the shared basement level storage room, and ensuring the security of confidential files and other documents and equipment stored in that room.

VII. USE OF OFFICE INFRASTRUCTURE

A. OFFICES AND CUBICLES

To the greatest extent possible, employees of the Elections Commission and Ethics Commission shall retain their individual offices and cubicles assigned when working for the Government Accountability Board.

B. PHONES

To the greatest extent possible, employees of the Elections Commission and Ethics Commission shall retain their individual desk phone number assigned when working for the Government Accountability Board. The Elections Commission shall retain the “main line” phone number of (608) 266-8005, the toll free phone of 866-VOTEWIS and the Helpdesk phone number of (608) 261-2028. The Ethics Commission shall retain the phone number of (608) 266-8123.

C. INTERNET ACCESS/E-MAIL ACCOUNTS

The Elections Commission and Ethics Commission shall have equal access to wired and wireless internet connectivity throughout the former GAB office space.

D. SHARED STORAGE DRIVES

The Elections Commission and Ethics Commission shall have equal access to a shared storage drive that will provide access to electronic versions of public documents which are needed for each commission to complete its duties. The shared storage drive may contain historical documents such as GAB Board meeting materials, opinions, guidelines, ballot access documents, and other reports that may be used by both commissions. Access to investigation records, closed session materials for each commission, and other confidential records shall be limited to authorized staff members of each respective commission. Each commission is responsible for setting their own security and access procedures for confidential materials.

E. NETWORKED COPY MACHINES/PRINTERS/FAX MACHINE/SCANNERS

The Elections Commission staff shall have access to the networked IT equipment assigned to the Elections Commission (Elections 02, 03, 04, 05, and 06). The Ethics Commission staff shall have access to the networked IT equipment assigned to the Ethics Commission (Ethics 01, 02). Each commission shall be responsible for the maintenance contract and other costs associated with their assigned equipment.

F. OFFICE SUPPLIES

The Elections Commission shall be responsible for the procurement and storage of office supplies used by Elections Commission staff. The Ethics Commission shall be responsible for the procurement and storage of office supplies used by the Ethics Commission.

G. FILE STORAGE

The Elections Commission and Ethics Commission shall have equal access to onsite file storage using existing file cabinets throughout the former GAB office space. The Elections Commission shall maintain file cabinets containing election related documents. The Ethics Commission shall maintain file cabinets containing ethics, campaign finance, lobbying, and contract sunshine documents. Each Commission is responsible for ensuring security of their confidential files, using locked file drawers, and limiting access only to authorized staff members of each Commission when necessary.

VIII. PARKING SPACE ACCESS

- A. The Elections Commission Administrator and Ethics Commission Administrator shall have a right to rent one (1) on-site parking stall located in the basement level of the building housing the former GAB office space. The terms of the parking space rental shall be in accordance with the current lease agreement.
- B. All other parking space assignments shall be made in good faith by the Administrator of each commission, taking into account current parking spaces rented by employees, length of tenure with the agency or former agency, and other factors as determined by the Administrators.
- C. Each employee with onsite parking access is responsible for direct monthly payments of the applicable parking fee to HUM West Wilson LP (checks payable to 10 West Family).

IX. TERMINATION, AMENDMENT OR RENEWAL OF AGREEMENT

- A. Termination: This agreement is effective until terminated by either party with a sixty (60) calendar day advance written notice. The party wishing to terminate this agreement shall provide written notice to the contact specified in Section X, stating their intent to terminate the agreement.
- B. Amendment: This agreement may be amended by mutual written agreement between the Elections Commission Administrator and the Ethics Commission Administrator. The agency wishing to amend this agreement shall provide sixty (60) calendar days written notice to the other party and provide any proposed amendment language at that time. Any proposed amendments are not effective until signed by the Elections and Ethics Commission Administrators and the original agreement shall continue through any amendment negotiations unless the original agreement is terminated per subsection A. Any signed amendments shall be attached to this MOU and considered part of the original agreement.
- C. Renewal: This agreement may be renewed should the current lease be extended beyond December 31, 2018, and the Elections Commission and Ethics Commission choose to remain in the same former GAB office space. Any renewal of this agreement would require written approval by the Elections Commission Administrator and the Ethics Commission Administrator. If no written agreement to extend this agreement is reached, it expires on December 31, 2018, per Section III. of this agreement.

X. AGREEMENT CONTACTS

Elections Commission: The contact person for this agreement within the Elections Commission is Michael Haas, Elections Commission Administrator.

608-266-0136

Michael.Haas@wisconsin.gov

Ethics Commission: The contact person for this agreement within the Ethics Commission is Brian Bell, Ethics Commission Administrator.

608-267-0715

BrianM.Bell@wisconsin.gov

Should either of the contacts for each commission no longer be available to act in that role for this agreement, a new contact shall be determined by the respective commission as soon as practicable and such information shall be communicated to the other commission in writing within 10 days of the change.

XI. EFFECTIVE DATE

This agreement shall be effective on the date in which the last signature of the authorized representative of the Elections Commission or the Ethics Commission is obtained on the attached Shared Office Space Agreement Signature Page.

MEMORANDUM OF UNDERSTANDING BETWEEN
THE WISCONSIN ELECTIONS COMMISSION
AND
THE WISCONSIN ETHICS COMMISSION
SHARED OFFICE SPACE AGREEMENT

SIGNATURE PAGE

SIGNATURES:

For the Wisconsin Elections Commission

By: _____

Michael Haas, Administrator

Dated this _____ day of _____, 2016

For the Wisconsin Ethics Commission

By: _____

Brian Bell, Administrator

Dated this _____ day of _____, 2016

Effective: Date of last signature above.



WISCONSIN DEPARTMENT OF
ADMINISTRATION

SCOTT WALKER
GOVERNOR
SCOTT NEITZEL
SECRETARY

Division of Facilities Management
Post Office Box 7866
Madison, WI 53707-7866
Voice (608) 266-2731
Fax (608) 267-2710

August 2, 2016

~~Washington Square Associates~~ *10 West Family LP successor in interest
to HUM West Wilson, LP*
Attention: Brad Mullins
401 N. Carroll Street
Madison, WI 53703-1335

Dear Mr. Mullins:

Re: Name of Tenant change for Lease Number 511-452 at 212 E. Washington Avenue

As you are likely aware, the Government Accountability Board (GAB) has been replaced by two separate Commissions – Elections and Ethics, which are housed together in the GAB space.

In the lease dated October 17, 2008, the Government Accountability Board is identified as the “Tenant”.

Section 2 USE OF PREMISES. Except as otherwise authorized in writing by Lessor, Lessee shall use the Premises as space for the Government Accountability Board or such other agency that may be designated by Lessee (collectively, the “Tenant”).

This letter is intended to be notice that the name of the Tenant has changed to the Elections Commission and the Ethics Commission, and are now collectively the designated “Tenant.”

Please sign and return one copy of this letter to my attention as approval and acknowledgment of the foregoing. If you have any questions, please contact me at (608) 266-2275 or the above address.

Sincerely,

Bill Forbes
Real Estate Transaction Manager
Bureau of Real Estate Management

The foregoing is approved this 5th day of August, 2016.

By: *Bradley C. Mullins*
Bradley C. Mullins
Title: *Authorized Signatory*

cc: Sharrie Hauge
File No. 511-452

MEMORANDUM OF UNDERSTANDING BETWEEN
THE WISCONSIN ELECTIONS COMMISSION
AND
THE WISCONSIN ETHICS COMMISSION
SHARED STAFFING AGREEMENT

I. PARTIES

The parties to this Memorandum of Understanding (hereinafter referred to as “MOU” or “agreement”) are the Wisconsin Elections Commission (hereinafter referred to as “Elections Commission”) and the Wisconsin Ethics Commission (hereinafter referred to as “Ethics Commission”); both are Wisconsin state agencies with effective start dates of June 30, 2016. The Elections Commission and Ethics Commission are the successor agencies of the former Wisconsin Government Accountability Board (hereinafter referred to as “GAB”) and regulate elections, campaign finance, lobbying, and ethics of state public officials.

II. PURPOSE

The purpose of this MOU is to identify the tasks/services and employees that may be shared by both commissions through December 31, 2018. The Elections Commission and Ethics Commission intend to occupy the former GAB office space at 212 E. Washington Ave., Madison, WI, 53703, 3rd Floor, until the current lease agreement for that space expires on December 31, 2018. To reduce duplicated services while the commissions share office space, the Elections Commission and Ethics Commission agree to share the services of several employees to perform tasks/services for both commissions. The shared employees will be employees of the Elections Commission and provide assistance to the Ethics Commission on an as-needed basis. Elections Commission shared staff that are federally funded will track their time spent on Ethics Commission tasks in accordance with this agreement. The Ethics Commission intends to recruit additional staff to perform many, if not all of the shared tasks/services listed in this agreement.

III. TERM OF AGREEMENT

This MOU shall remain in effect until December 31, 2018, unless the agreement is terminated or amended in accordance with the procedures set forth in Section VI. of this agreement.

IV. SHARED EMPLOYEE TASKS AND SERVICES

A. RECEPTION STAFF

The reception staff of the Elections Commission shall be utilized by both commissions. The shared reception staff shall complete the following tasks on behalf of the Ethics Commission (this is not an exhaustive list):

1. Greet the public, elected officials, media and other customers, and assist them or direct them to the appropriate staff member.
2. Answer phone calls received at the reception desk.
3. Receive and sign for packages and other deliveries.
4. Process and sort mail, faxes and inter-departmental mail.
5. Assist in copying and preparing materials for meetings of the Ethics Commission.
6. Assist in making arrangements for official state travel of staff members and commissioners.
7. Assist with outgoing shipping/mailing, copy/fax machine issues, onsite public record inspections and other administrative tasks as assigned by the Ethics Commission Administrator.

The shared staff members include the Office Operations Associates of the Elections Commission assigned to the reception desk. The shared staff members that are federally funded shall track their time spent on Ethics Commission tasks in accordance with the procedures set forth in Section V. of this agreement.

B. HELP DESK STAFF

The Help Desk of the Elections Commission shall be utilized by both commissions. The shared Help Desk staff shall complete the following tasks on behalf of the Ethics Commission (this is not an exhaustive list):

1. HelpDesk call answering and forwarding
2. Desktop support for staff computers
3. LAN/WAN and wireless network support
4. Staff Accounts Domain user credentialing and security administration
5. Exchange, Outlook and Email Administration
6. Service Request submission, monitoring and coordination for DET server services
7. Telecom Management, phones, voicemail and phone line administration
8. Track computer and printer inventories
9. Make recommendations of technical solutions

The shared staff members include all Help Desk staff of the Elections Commission. The shared staff members that are federally funded shall track their time spent on Ethics Commission tasks in accordance with the procedures set forth in Section V. of this agreement.

C. OTHER STAFF

2015 Wisconsin Act 118 required the Secretary of the Department of Administration to submit a plan to the Legislature's Joint Committee on Finance, outlining the transition from the Government Accountability Board to the Elections and Ethics Commissions. This transition plan was submitted and approved by the Legislature as presented. The plan contemplated sharing staff between the two commissions, but no budget line for shared staff was provided to the Ethics Commission to reimburse the Elections Commission for their employee's time spent on Ethics Commission tasks. During the transition planning meetings, it was understood that certain GPR-funded Elections Commission staff members would assist the Ethics Commission.

The Ethics Commission intends to recruit additional staff to perform many, if not all of the shared tasks/services listed in this agreement. In the interim, Elections Commission staff will assist the Ethics Commission in the areas of budget, finance, procurement, and personnel matters.

V. SHARED EMPLOYEE TIME-KEEPING

The Elections Commission employees designated as shared staff members under Section IV. of this agreement and who are federally funded, shall keep bi-weekly timesheets accounting for time spent on Ethics Commission tasks and projects rounded to the nearest ¼ hour. Shared staff members which are federally funded shall also track their time in the State's timekeeping system, attributing their time spent on Ethics Commission tasks when appropriate. The completed, employee-signed timesheet shall be submitted to both the shared employee's supervisor and the Ethics Commission Administrator on a bi-weekly basis for review. Quarterly adjustments to ensure the appropriate commission's budget is charged according to the time spent by the employee may be made if there is an error or disagreement in the amount of time charged by the employee. In the case of a disagreement, the shared employee may be required to provide additional documentation or explanation of the tasks performed to justify the time charged on their timesheet.

Other Elections Commission employees designated as shared staff members under Section IV. of this agreement that are not federally funded are not required to keep bi-weekly timesheets accounting for their time.

VI. TERMINATION OR AMENDMENT OF AGREEMENT

- A. Termination: This agreement is effective until terminated by either party with a sixty (60) calendar day advance written notice. The party wishing to terminate this agreement shall provide written notice to the contact specified in Section VII, stating their intent to terminate the agreement.
- B. Amendment: This agreement may be amended by mutual written agreement between the Elections Commission Administrator and the Ethics Commission Administrator. The agency wishing to amend this agreement shall provide sixty (60) calendar days

written notice to the other party and provide any proposed amendment language at that time. Any proposed amendments are not effective until signed by the Elections and Ethics Commission Administrators and the original agreement shall continue through any amendment negotiations unless the original agreement is terminated per subsection A. Any signed amendments shall be attached to this MOU and considered part of the original agreement.

VII. AGREEMENT CONTACTS

Elections Commission: The contact person for this agreement within the Elections Commission is Michael Haas, Elections Commission Administrator.

608-266-0136
Michael.Haas@wisconsin.gov

Ethics Commission: The contact person for this agreement within the Ethics Commission is Brian Bell, Ethics Commission Administrator.

608-267-0715
BrianM.Bell@wisconsin.gov

Should either of the contacts for each commission no longer be available to act in that role for this agreement, a new contact shall be determined by the respective commission as soon as practicable and such information shall be communicated to the other commission in writing within 10 days of the change.

VIII. EFFECTIVE DATE

This agreement shall be effective on the date in which the last signature of the authorized representative of the Elections Commission or the Ethics Commission is obtained on the attached Shared Staffing Agreement Signature Page.

MEMORANDUM OF UNDERSTANDING BETWEEN
THE WISCONSIN ELECTIONS COMMISSION
AND
THE WISCONSIN ETHICS COMMISSION
SHARED STAFFING AGREEMENT

SIGNATURE PAGE

SIGNATURES:

For the Wisconsin Elections Commission

By: _____

Michael Haas, Administrator

Dated this _____ day of _____, 2016

For the Wisconsin Ethics Commission

By: _____

Brian Bell, Administrator

Dated this _____ day of _____, 2016

Effective: Date of last signature above.

MEMORANDUM OF UNDERSTANDING BETWEEN
THE WISCONSIN ELECTIONS COMMISSION
AND
THE WISCONSIN ETHICS COMMISSION

DATA EXCHANGE AGREEMENT

I. PARTIES

The parties to this Memorandum of Understanding (hereinafter referred to as “MOU” or “agreement”) are the Wisconsin Elections Commission (hereinafter referred to as “Elections Commission”) and the Wisconsin Ethics Commission (hereinafter referred to as “Ethics Commission”); both are Wisconsin state agencies with effective start dates of June 30, 2016. The Elections Commission and Ethics Commission are the successor agencies of the former Wisconsin Government Accountability Board (hereinafter referred to as “GAB”) and regulate elections, campaign finance, lobbying, and ethics of state public officials.

II. PURPOSE

The purpose of this MOU is to facilitate the sharing of data maintained by both commissions to assist in carrying out each commission’s statutory responsibilities.

III. TERM OF AGREEMENT

This MOU shall remain in effect indefinitely, unless terminated or amended in accordance with the terms contained in Section VI. of this agreement.

IV. SHARED DATA

A. Candidate Data

The Ethics Commission maintains the Campaign Finance Information System (hereinafter referred to as “CFIS”) which tracks all registered candidates for state public office. The Elections Commission maintains the State’s centralized voter registration system and election administration system named WisVote (formerly known as SVRS), which contains a record of every registered voter and candidate who seeks office at each election. Both systems require the tracking of candidates for state public office, but for different purposes.

Candidates for state public office file a campaign registration statement with the Ethics Commission (either on paper, or using CFIS) as it is the filing officer for campaign finance reports. The campaign registration statement is also a required ballot access document – meaning, if a candidate does not file a campaign registration statement with the Ethics Commission by the statutory deadline, the candidate’s name is not certified by the Elections Commission for placement on the ballot. The Elections Commission tracks ballot access for all candidates for state public office using the WisVote system.

Ethics Commission staff are required to conduct audits to ensure that lobbyists have not contributed to elected officeholders except as permitted by state law. Ethics Commission staff also conducts audits to verify that contribution limits have not been exceeded. The data in WisVote is helpful in conducting these audits.

The timely sharing of candidate information between the Elections Commission and Ethics Commission is essential to both commission’s success in carrying out their statutory duties.

B. Statements of Economic Interest Data

The Ethics Commission maintains the Eye on Financial Relationships database which tracks all individuals required to file a Statement of Economic Interests (hereinafter referred to as “SEI”) with the commission. Candidates for state public office are individuals required to file an SEI with the commission. The Elections Commission maintains the State’s centralized voter registration system and election administration system named WisVote (formerly known as SVRS) and tracks whether a candidate has timely filed an SEI with the Ethics Commission.

Candidates for state public office file an SEI with the Ethics Commission as it is the filing officer for the statement under the State Ethics Code. The SEI is also a required ballot access document – meaning, if a candidate does not file an SEI with the Ethics Commission by the statutory deadline, the candidate’s name is not certified by the Elections Commission for placement on the ballot. The Elections Commission tracks ballot access for all candidates for state public office using the WisVote system.

The timely sharing of SEI filing information between the Elections Commission and Ethics Commission is essential to both commission’s success in carrying out their statutory duties.

C. Other Data Identified by the Commissions

In addition to the specific data referenced in subsections A. and B. above, the Elections Commission and Ethics Commission agree to exchange other data identified as necessary by either commission to fulfill their statutory duties.

V. DATA EXCHANGE

The Elections Commission Administrator and Ethics Commission Administrator shall agree to a data exchange method that is minimally disruptive to the day to day operations of each Commission. An electronic method of data sharing, with minimal staff intervention, such as a scheduled interface service, shall be the preferred method of exchanging data if possible.

VI. TERMINATION OR AMENDMENT OF AGREEMENT

- A. Termination: This agreement is effective until terminated by either party with a sixty (60) calendar day advance written notice. The party wishing to terminate this agreement shall provide written notice to the contact specified in Section VII, stating their intent to terminate the agreement.
- B. Amendment: This agreement may be amended by mutual written agreement between the Elections Commission Administrator and the Ethics Commission Administrator. The agency wishing to amend this agreement shall provide sixty (60) calendar days written notice to the other party and provide any proposed amendment language at that time. Any proposed amendments are not effective until signed by the Elections and Ethics Commission Administrators and the original agreement shall continue through any amendment negotiations unless the original agreement is terminated per subsection A. Any signed amendments shall be attached to this MOU and considered part of the original agreement.

VII. AGREEMENT CONTACTS

Elections Commission: The contact person for this agreement within the Elections Commission is Michael Haas, Elections Commission Administrator.

608-266-0136

Michael.Haas@wisconsin.gov

Ethics Commission: The contact person for this agreement within the Ethics Commission is Brian Bell, Ethics Commission Administrator.

608-267-0715

BrianM.Bell@wisconsin.gov

Should either of the contacts for each commission no longer be available to act in that role for this agreement, a new contact shall be determined by the respective commission as soon as practicable and such information shall be communicated to the other commission in writing within 10 days of the change.

VIII. EFFECTIVE DATE

This agreement shall be effective on the date in which the last signature of the authorized representative of the Elections Commission or the Ethics Commission is obtained on the attached Shared Staffing Agreement Signature Page.

DRAFT

MEMORANDUM OF UNDERSTANDING BETWEEN
THE WISCONSIN ELECTIONS COMMISSION
AND
THE WISCONSIN ETHICS COMMISSION
DATA EXCHANGE AGREEMENT

SIGNATURE PAGE

SIGNATURES:

For the Wisconsin Elections Commission

By: _____

Michael Haas, Administrator

Dated this _____ day of _____, 2016

For the Wisconsin Ethics Commission

By: _____

Brian Bell, Administrator

Dated this _____ day of _____, 2016

Effective: Date of last signature above.

WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
ELECTIONS@WI.GOV
ELECTIONS.WI.GOV



COMMISSIONERS

BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
STEVE KING
DON MILLIS

ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the Meeting of August 30, 2016

TO: Members, Elections Commission

FROM: Michael Haas
Commission Interim Administrator

SUBJECT: Proposed 2017 Commission Meeting Dates

This memorandum outlines a proposed schedule for meetings of the Wisconsin Elections Commission in 2017, to enable Commission Members to coordinate meetings with their work and personal schedules. Pursuant to Wis. Stat. § 15.06(5), the Commission is required to meet in person at least once each calendar quarter. In addition, the Commission may choose to hold additional meetings, either by teleconference or in person in Madison or other locations.

At its June 30th meeting, the Commission adopted a schedule of meetings for the remainder of 2016 as well as a teleconference on January 10, 2017. The January teleconference is scheduled primarily to resolve any ballot access challenges and to certify candidates for the Spring Election. The remaining proposed meetings comply with the requirement to meet in each calendar quarter, and attempt to avoid conflicts with major holidays. The proposed meetings are also scheduled on Tuesdays, although there is certainly flexibility within each calendar quarter to choose other dates depending upon Commissioners' schedules. Experience has also shown that holding in-person meetings on Mondays can present more challenges than other weekdays.

The proposed meeting dates for 2017 are:

Tuesday, March 14, 2017
Tuesday, June 20, 2017
Tuesday, September 26, 2017
Tuesday, December 12, 2017

Recommended Motion: Adopt the proposed 2017 meeting scheduled as outlined above.

WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
ELECTIONS@WI.GOV
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COMMISSIONERS

BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
STEVE KING
DON MILLIS

ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the August 30, 2016 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared by Elections Commission Staff

SUBJECT: Commission Staff Update

Since the last Update of the Government Accountability Board's Elections Division staff (June 9, 2016), staff of the Elections Division and the Elections Commission have focused on the following tasks:

1. General Activities of Election Administration Staff

Partisan Primary

The Partisan Primary was conducted on August 9, 2016. The deadline for county clerks to submit county canvasses electronically to the WEC was Friday, August 19, 2016. Staff began receiving county canvasses on August 15, 2016. The last two canvasses were received on August 22, 2016. The state canvass was certified on August 24, 2016. More information regarding the primary can be found in the memo "Report Regarding 2016 Partisan Primary."

Candidates for the General Election

The "Ballot Access for 2016 General Election Candidates" memo discusses ballot access procedure for state and federal candidates as well as Presidential candidates. State and federal candidates who prevailed at the partisan primary and independent candidates who separately qualified for the ballot have been compiled into the "Candidates on Ballot by Election" document, which can be found in your meeting folder. All five ballot status parties have fielded slates of candidates for President and Vice President. There are two slates of independent candidates for President and Vice President. All candidates for President and Vice President are listed in the memo.

General Election Ballots

County clerks began preparing ballots for the general election even before certification. Sample ballots were posted to the website on July 29, 2016 and included information regarding voting for the office of President only. Wis. Stat. § 6.15 provides that a voter who has moved to Wisconsin but does not meet the durational residency requirement but is otherwise qualified to vote, may vote for the office of President only. Conversely, Wis. Stat. § 6.18 a former Wisconsin resident who does not meet the eligibility requirements in the state to which he or she has moved may request to vote an absentee ballot for President only in Wisconsin. A new Wisconsin resident is not required to register but must apply for a presidential-only ballot, provide proof of residence and acceptable I.D. and authorize cancellation of his or her voting privileges at their former residence. A former Wisconsin resident must complete an application affirming that he or she formerly resided in Wisconsin and does not meet the residency requirements in the state in which they now reside and provide acceptable I.D. Voting for President-only is not common. However, county clerks were advised to provide municipal clerks with a minimal amount of presidential-only ballots.

County clerks prepared general election ballots and sent proofs to the WEC for approval. Staff reviewed ballot proofs within 24 hours of receipt. Ballots must be in the hands of municipal clerks for absentee voting no later than September 22, 2016.

Recalls

Two recall elections are scheduled for this month. A recall of two school board members in the Sevastopol School District in Door County is scheduled for August 23, 2016. Two supervisors and the clerk of the Town of Fence in Florence County will stand for recall on August 30, 2016.

A petition for recall of all three Town of Paris board members, spearheaded by residents who oppose the town’s intergovernmental agreement with the Village of Somers, was submitted to the Town of Paris Clerk the week of July 4, 2016. The clerk declared the petition insufficient. An appeal of the decision has been filed with the WEC.

2. Voter Data Requests

The following statistics summarize voter data requests as of August 17, 2016:

Fiscal Year	Total Number of Requests	Requested Files Purchased	Percentage of Requests Purchased	Total Revenue
FY2017 to date	106	55	52%	\$29,650.00
FY2016	789	435	55%	\$235,820.00
FY2015	679	418	61.56%	\$242,801.25
FY2014	371	249	67.12%	\$125,921.25
FY2013	356	259	72.75%	\$254,840.00
FY2012	428	354	78.04%	\$127,835.00

3. WEDCS

Board staff continues to monitor municipal and county clerk compliance with several reporting requirements following the 2016 Spring Election and Presidential Preference Vote. Pursuant to Statutes, the EL-190F Election Administration and Voting Statistics Report was due to be entered into the Wisconsin Elections Data Collection System (WEDCS) by May 6, 2016. The final EL-190F Election Administration and Voting Statistics Report for the 2016 Spring Election and Presidential Preference Vote was posted to the Elections Commission website on August 19, 2016. As of August 18, 2016, seven municipalities do not have a report entered into WEDCS. The EL-190F Election Administration and Voting Statistics Report for the 2016 Partisan Primary is due to be entered into the Wisconsin Elections Data Collections System by September 9, 2016.

The Election Day Registration (EDR) Postcard Statistics initial report for the 2016 Presidential Preference and Spring Election were posted to the G.A.B. website on the statutory deadline of July 12, 2016. As of August 22, 2016, 53 municipalities do not have reports entered in WEDCS and therefore are not reflected in the G.A.B. initial report. By statute this report is to be updated monthly until there is a full accounting of all EDR postcards for the Spring Primary. Staff continues to follow up with clerks to obtain the outstanding reports.

4. The Access Elections Accessibility Compliance Program

A. Polling Place Audits for the Presidential Preference Vote and Spring Election

For the 2016 Partisan Primary, 81 polling places were audited. Eight temporary workers were hired and trained to conduct onsite accessibility compliance audits in 79 municipalities in Bayfield, Burnett, Oconto, Oneida, Rusk, Sawyer, Vernon and Vilas counties. In addition to the temporary staffers, one WEC staffer was sent out in the field for a half-day to Rock County. Reports will be created for each conducted audit and provided to each municipality once the data has been verified.

The audit program continues to focus on locations that have not been previously visited by Board staff. Once verification of the reports for this election has been completed, staff will review the list of unvisited polling places and begin the planning process for the November General Election. For this election, counties with a significant number of unvisited polling places in the northern part of the state were identified for site visits. August weather provides the opportunity for travel to northern parts of the state without the threat of inclement weather. Using this methodology, auditors were able to visit all unvisited location in six Wisconsin counties.

All temporary staff auditors were recruited from the state-approved staffing agency and went through an interview process. They were also required to attend a two-day training event. Training consists of a review of the polling place accessibility survey and Americans with Disabilities Act standards, training on the tablet computers used to gather the survey data and a mock polling place exercise at a City of Madison polling place. The auditors were also provided with a tutorial on accessible voting equipment and given training on all of the tools they need to conduct the site visits.

The accessibility coordinator leads the audit program and is assisted by 5-7 other staff. Before each election an audit plan is submitted to management for approval. Various staff provide help with recruiting temporary staff, scheduling and conducting interviews, identifying audit locations, creating maps and routes for auditors, training temporary staff on the survey instrument and touchscreen tablet, and coordinating with the staffing agencies concerning billing, scheduling and human resource issues.

B. Ongoing Accessibility Compliance Efforts

Staff continues to coordinate with municipal clerks to ensure that accessibility problems uncovered during previous audits are resolved as quickly and cost-effectively as possible. Deadlines for submitting plans of action are set at 60 days from receipt of the report, and staff works with local election officials to ensure that problems are addressed in a timely manner. Staff also works with local election officials to ensure that all new polling locations are ADA-compliant before the change is finalized. Polling place accessibility surveys are required to be submitted for review as part of the process to change polling places. This work continues to take place on an ongoing basis.

In addition, staff arranged for the shipment of 107 grant-funded accessibility supplies to 19 municipalities in response to documented needs. Several accessibility-related items, such as page magnifiers and signature guides, have been restocked due to continued demand, while the polling place signage inventory will continue to be liquidated.

C. Accessibility Advisory Committee

Commission staff is in the process of scheduling a meeting with our Accessibility Advisory Committee before the November General Election. There are currently nine different organizations represented on the committee and the group meets at least twice a year to discuss accessible voting initiatives. The tentative agenda for this meeting includes a legislative update, polling place accessibility audit program update and a discussion about public outreach efforts surrounding the photo ID requirements and other information to assist voters in the disability community.

5. Education/Training/Outreach/Technical Assistance

Following this memorandum as Attachment 1 is a summary of information on core and special election administration training recently conducted by WEC staff. Following the August Partisan Primary, the training team and elections specialists are currently focusing on providing information related to the implementation of the photo identification requirement and other legislative changes for elections which will occur during the remainder of 2016, in addition to the outcome of current court decisions.

6. GIS (Geographic Information Systems) Update

Elections Commission staff continues to work on the process to update municipal, ward and school district boundaries in the new WisVote system. The Legislative Technology Services Bureau (LTSB) publishes updated boundaries twice a year. So far staff has not been able to automate the process to update boundaries in WisVote using the LTSB shape files. More technical work needs to be done in order to allow for these updates. In the meantime Commission staff is manually adding new wards without updating the maps in WisVote. Commission staff recommends working with LTSB technical staff to help develop a technical solution to update the WisVote boundaries.

GIS WisVote Elections Specialist Zach Robinson left the Elections Commission on August 12 to take a position with LTSB. While he will be greatly missed at the Elections Commission, he will be a valuable asset to LTSB and can continue to support the excellent relationship Elections Commission and LTSB staff currently share. Tony Bridges, WisVote Elections Specialist and Sarah Whitt, WisVote Functional Lead, are handling Zach's responsibilities until a new GIS WisVote Elections Specialist can be recruited.

7. WisVote

WisVote staff has been assisting clerks in election preparation tasks in WisVote both for the 2016 Partisan Primary and the Presidential and General Election:

- For the 2016 Partisan Primary, staff published Checklist I, containing pre-election activities, on May 13, 2016.
- Checklist II for 2016 Partisan Primary, containing post-election activities, was published on July 26, 2016.
- Checklist I for the 2016 Presidential and General Election was published on August 19, 2016.
- Staff continuously monitors election-related data quality in the WisVote system. Daily queries are run to identify municipalities which are missing reporting units and/or polling places in WisVote.
- Staff also monitors voter data quality and reaches out to clerks who have voters with address problems, voters who may have matches to death or felon records, and voters who may have duplicate records.

Several technical updates were made to the WisVote system since the last Commission Staff Update:

Sprint 8 was installed on June 30, 2016 and included 78 work items. Notable updates included the following:

- Allowing users to be able to change their password directly in WisVote without having to access a separate website
- Allowing users to run ad-hoc reports that can contain more than 10,000 records
- Allowing WisVote to work in Windows 10
- Handling pending voter registrations that voters submit on the MyVote Wisconsin website
- Re-designing the absentee ballot labels to better handle foreign and very long addresses
- Activating approximately 300,000 historic address records that were migrated from SVRS and had not available for clerks to use. These addresses were re-verified and assigned to districts before being activated for clerks to use

- Decommissioning the former SVRS servers

Sprint 9 was installed on July 19, 2016, and included 64 work items. This was the last sprint installed before the change freeze for the 2016 Partisan Primary. Notable Fixes included the following:

- Updating the order of the fields on the voter registration search screen to match the order of fields on the voter registration paper form
- Improving the matching process with the Division of Motor Vehicles (DMV) that compare voter registration data to DMV data to better handles names with spaces, hyphens and apostrophes
- Assigning districts to approximately 13,000 addresses in WisVote that were missing district information

Sprint 10 is currently being planned and will be installed in mid-September. This will likely be the last scheduled WisVote update prior to the 2016 Presidential and General Election. Emergency changes can be applied after Sprint 10 as needed to support business needs, particularly related to court actions that could impact WisVote features.

8. MyVote Wisconsin

The redesigned MyVote Wisconsin site performed well during the August 9 Primary, which was the first election with the redesigned site. High point was 1,950 sessions between 7:00 and 8:00 am, but was steady all day. There were between 250 and 300 active sessions most of the day with long average session durations. Over 1,400 Election Day Registrations were processed through the MyVote site at polling places across the state. Feedback from voters and clerks who used the site was largely positive. Having the redesigned site implemented in time for the lower turnout August election allowed staff time to analyze how the site is used on election day and make improvements in the process. Commission staff continues to collect feedback on the site in order to make improvements leading up to November. Commission staff also continues to work with its contracted vendor to complete redevelopment of the MyVote Wisconsin website. Staff has participated in regular planning conferences with the vendor and provided feedback regarding the site's continued development.

9. Elections HelpDesk /Customer Service Center

The Elections HelpDesk staff is providing customer support to 1,966 active WisVote users, the public, and election officials. The HelpDesk is maintaining the accessibility tablets utilized in polling place surveys. Staff is monitoring state enterprise network and data center changes and status, assisting with processing data requests, and processing voter verification postcards. Help Desk staff has been assisting various project teams such as the STAR project, MyVote 2.0, WisVote development, ERIC and online registration teams. Staff continues to maintain and update WisVote clerk contact and Listserve lists. Staff is processing lists of voters that registered in other states and then notifies clerks of the registration cancelation. Staff is coordinating and assisting with upgrade projects initiated by the Department of Administration (DOA) Data Center, and administering Elections & Ethics Commissions Exchange email system.

Help Desk staff is creating new clerk user credentials for the WisVote system and the WisVote Learning Center as clerks request access, and also assists clerks with configuring and installing WisVote, CRM and WEDC(GAB-190) on user computers. The Help Desk continued to field a variety of calls from voters and the public, candidates, political committees, and public officials.

	<u>Elections Help Desk Call Volume</u> (608-261-2028)	<u>Front Desk Call Volume</u> (608-266-8005)
June, 2016	1,232	965
July, 2016	1,549	1,069
August 16, 2016	1,336	N/A
Total Calls for Reporting Period	4,117	2,034

10. Complaint Processing and Tracking

Elections Division staff has continued to process and resolve complaints related to the actions of local election officials. A status report regarding pending and resolved complaints will be included in the Board Members’ meeting folders.

11. Financial Services Activity

- Staff calculated and booked the fourth fiscal quarter payroll adjusting entries to properly allocate salaries and fringe benefits between federal and state programs and processed staffing changes in the payroll system.
- The WEC fully expended the 2011 federal HAVA 261 accessibility grant allotment of \$199,119.31 by the end of August, before the September 30 federal fiscal year-end expiration date. States are required to expend each allotment year’s funds within five years of receipt, or forego unspent program monies. This was the last allotment of the federal HAVA 261 accessibility grant funds. Future expenditures towards the accessibility program will come from the HAVA 101 fund as permitted under HAVA 101(b)(1)(G). All Federal Cash Management reports for the Section 261 accessibility program expenditures and revenues were reviewed and reconciled each month as of the fiscal year-end.
- Our agency was required to lapse \$40,200 before fiscal year-end, and an entry was prepared and booked against the general purpose revenue (GPR) appropriation to record this lapse. Remaining budget authority for several appropriations was closely monitored during the last several weeks, and all fiscal year-end general ledger entries were prepared and posted timely.
- Staff is currently reviewing the Annual Appropriation Certifications, previously known as the Form 78s. Due to state-wide delays with the PeopleSoft ERP system, deadlines for year-end reporting have been extended. The Elections Commission finance staff is tying appropriation beginning balances to FY2015 ending balances per historical systems, FY2016 revenues and expenditures to current year activity, and awaiting DOA processing of encumbrances and

activity between fiscal years. We have been working closely with our DOA year-end point of contact toward certifying closing appropriation balances.

- After the 2016 year-end close, Agency Financial Staff will meet with State Controller's Office (SCO) to conduct a final reconciliation of the Government Accountability Board's books to close out the agency. The meeting is tentatively scheduled for October 2016 by SCO.
- Financial staff has been preparing bill allocations between Elections and Ethics shared services. Rent has been broken out according to the Memorandum of Understanding negotiated by the agencies and by respective appropriation and/or Federal project as appropriate. DOA has been implementing our new use codes to separate the General Services Bill by agency, and ongoing adjustments have been made by our financial staff to correct entries as we move forward.
- We have applied for official documentation related to the new business entities:
 - i. Based on SCOs recommendation, we have reverted to the Federal Employee Identification Numbers (FEINs) used by the historical Elections and Ethics Boards.
 - ii. State Tax Exempt certifications were applied for and received based on the FEINs for each commission.
 - iii. We applied for a name change to the GAB DUNS number, and received confirmation that the record ties to the Wisconsin Elections Commission. We are awaiting confirmation that the Cage# will be updated to reflect the name change. This is the formal registration to the SAM record for Federal Grant eligibility.
 - iv. Staff has applied to the Wisconsin Department of Workforce Development to create two business units related to unemployment insurance.
- Staff claimed reimbursements of \$147,452 for April through June Federal Voting Assistance Program (FVAP) grant expenditures, and prepared journal entries to record revenues receivable. Staff also met with Elections Voter Services Specialist Meagan Wolfe on the remaining budget for FVAP grant funds.
- Staff has been working with the U.S. Election Assistance Commission (EAC) to satisfy remaining reporting requirements which are holding up the \$200,686 outstanding receivable from the EAC for the Election Data Collection grant final expenditures. EAC staff requested additional information for processing our reimbursement. A conference call will be scheduled to discuss the remaining loose ends.
- General ledger accounts for both federal and state payroll and travel balance sheet liabilities were analyzed as of the fiscal year-end to facilitate the reconciliation of these ledger account balances. Journal entries to correct balance sheet account coding errors were prepared and booked. Quarter-end journal entries were also prepared and booked to properly allocate federal monthly interest earnings and mixed usage server costs to their respective federal or state programs. Monthly DOA General Service Billing charges were audited, while rent and utility cost allocations were updated for recent payroll funding changes, in compliance with federal Office of Management and Budget (OMB) regulations.

- Budget-to-actual operating results for the fourth-fiscal quarter ending June 30 were summarized and communicated to management. A copy of the fourth quarter financial statement is in the supplemental Board meeting folder.
- With the assistance of the State Controller's Office, staff has uncovered some discrepancies in ledger accounts from prior fiscal years, and is investigating those amounts to determine solutions.
- Financial staff continues to work closely with the Administrators of both the Wisconsin Elections Commission and the Wisconsin Ethics Commission to properly allocate expenses between the two agencies going forward.

12. Procurements

Procurement staff closed out open FY16 purchase orders for IT contractors and office copy machines. New purchase orders were written for all IT contractors. An agreement was made to purchase the agency's existing copiers upon lease expiration in second quarter FY17. Other miscellaneous office supplies and paper were purchased to maintain operations.

13. Staffing

Staffing continues to be a challenge for the agency. We currently have five-vacant Elections Specialist positions. Last week staff met with DOA Bureau of Personnel staff to discuss recruitment strategies for filling the vacant positions. We will post the positions within the next couple of weeks after examination and evaluation materials are finalized.

14. Communications Report

Since June 30, 2016, the Public Information Officer (PIO) has engaged in the following communications activities in furtherance of the Commission's mission:

Voter ID Public Information Campaign: Following the June 30 meeting, at which the Commission approved the details of the voter ID public information campaign, the PIO worked with the Administrator, other staff and vendors to launch the campaign. The PIO has also met with the Administrator and Staff Counsel regarding the possibility of changes to the campaign in the wake of recent federal district court orders.

Media: Between June 30 and August 19, 2016 the PIO logged 122 media and general public phone calls and 142 media email contacts. There has been a great deal of media interest in recent federal district and appellate court orders regarding Wisconsin's voter photo ID law and other election-related laws. There was also significant activity regarding the August 9 Partisan Primary. The PIO prepared five news releases regarding preparations for the primary, projected primary turnout and court decisions.

Online: The PIO managed regular updates to the agency website and completed building new websites for the Elections and Ethics Commissions (<http://elections.wi.gov> and <http://ethics.wi.gov>). The new websites contain basic information about each commission and its staff, but will initially link back to the G.A.B. website for specific program information. The G.A.B. website has been renamed “Wisconsin Elections and Ethics Commissions - Formerly the Government Accountability Board” to avoid confusion. Once the new commissions are up and running, the PIO will work with each commission’s administrator and staff to build out the websites and transfer relevant information from the G.A.B. website. The old website will be maintained indefinitely as a historical document. In addition, the PIO worked with the agency’s webhosting company to implement plans for a more robust hosting environment that provides increased redundancy and caching in order to handle high traffic spikes on election days.

Public Records: The PIO continues to lead the agency’s response to public records requests received in recent months.

15. Meetings and Presentations

Administrator Haas attended the Summer Meeting of the National Association of State Election Directors (NASED) in Nashville, Tennessee from July 14 – 17, 2016. Administrator Haas is a member of the NASED Board of Directors, serving as the Midwest Regional Representative. The Summer Meeting included numerous presentations and sessions involving federal agencies such as the Election Assistance Commission, Federal Voting Assistance Program, and U.S. Department of Justice. Topics included preparations for the General Election, serving military and overseas voters, election mail practices and delivery, voter registration list maintenance, polling place accessibility, and voting equipment certification standards. Administrator Haas organized and moderated a panel discussion regarding the U.S. Supreme Court’s landmark *Baker v. Carr* decision, which originated in Nashville and helped to institutionalize the principle of “one person, one vote.”

Administrator Haas has also begun introductory meetings with legislators to obtain input regarding the Commission’s work and to discuss the Commission’s initial program and budgetary priorities. Commissioners Millis and King have participated in the meetings held to date, and additional meetings will be scheduled in coming months.

Administrator Haas participated in several media interviews surrounding the Commission’s work, turnout projections and issues related to the Partisan Primary, and election-related litigation. He participated in a call-in radio program for WORT in Madison on July 28, 2016.

Administrator Haas and Chief Administrative Officer Hauge have participated in meetings with the Department of Administration regarding the new civil service procedures resulting from recent legislation.

16. Delegated Authority

No advisory opinions were issued since the Commission's last meeting, and no voting equipment applications have been received. Administrator Haas executed a technical agreements related to the ERIC initiative, as well as agreements to implement the Bring It to the Ballot public information campaign as directed by the Commission, and also approved an application to the U.S. Postal Service seeking permission to use the nonprofit postage rate available to voter registration officials for the ERIC outreach mailing.

ATTACHMENT #1

Wisconsin Elections Commission's Training Initiatives
6/9/2016 – 8/29/2016

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
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.	Online	36
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.	3 hours	All Municipal clerks are required to take the training; other staff may attend.	1	50
Chief Inspector	Instruction for new Chief Inspectors before they can serve as an election official for a municipality during an election.	3 hours	Election workers for a municipality.	12	330
Election Administration and WisVote Training Webinar Series	Series of programs designed to keep local government officials up to date on the administration of elections in Wisconsin.	60 minute webinar conferences hosted and conducted by Commission staff.	County and municipal clerks, chief inspectors, poll workers, special registration deputies and school district clerks.	6/30/16: Absentee Tracking in WisVote; 7/12/16: WisVote 101; 7/20/16: Preparing for the August Partisan Primary; 8/23/16: Election Set-Up; 8/24/16: New Clerk Orientation	50 – 400 per webinar; posted to website for clerks to use on-demand.

ATTACHMENT #1

Wisconsin Elections Commission's Training Initiatives
6/9/2016 – 8/29/2016

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Other	<ul style="list-style-type: none"> • Board staff presented election administration and WisVote status information to municipal clerks attending the following conferences: <ul style="list-style-type: none"> ○ Wisconsin Municipal Clerks Association summer conference on August 19, 2016 in Appleton • Board staff updated the Election Day Manual to reflect legislative changes in fall 2015 and spring 2016. 				