

# NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Elections Commission

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Meeting of the Commission

Thursday, February 27

10:00 A.M.

Agenda - Amended

Open Session

Wisconsin Elections Commission

212 East Washington Ave., Third Floor

Madison, Wisconsin

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- 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 Meetings**
- E. Election Security**
  - 1. Election Security Update**
  - 2. Grant Program Update and Next Steps**
  - 3. Public Information Campaign and Next Steps**
- F. Review of MyVote Address Lookup Issues**
- G. ERIC Movers Process for Spring Elections**
- H. Accessibility Audit Plan for 2020**
- I. Ballot Access Challenge Process**
- J. Considerations of Updates to the Delegation of Authority**
- K. Commission Staff Update**

# NOTICE OF OPEN AND CLOSED MEETING

## **L. Closed Session**

- 1. Minutes of Previous Meetings**
- 2. Wis. Stat. § 5.05 Complaints**
- 3. Litigation Update**

19.851                      The Commission's discussions concerning violations of election law shall be in closed session.

19.85 (1) (g)              The Commission may confer with legal counsel concerning litigation strategy.

## **M. Adjourn**

*The Elections Commission will convene in open session but may move to closed session under Wis. Stat. § 19.851 and then reconvene into open session prior to adjournment of this meeting. This notice is intended to inform the public that this meeting will convene in open session, may move to closed session, and then reconvene in open session. Wis. Stat. § 19.85 (2).*



# Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984  
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**DATE:** For the February 27<sup>th</sup>, 2020 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Administrator, Wisconsin Elections Commission

**SUBJECT:** Elections Security – Current Initiatives

## **I. Introduction**

With the start of the 2020 calendar year, the election security initiatives launched in 2019 are now reaching maturity. This memorandum discusses the status of several major programs currently underway. Additional information on current elections security programs can be found in the Elections Security Grant Program Update and Staff Update memorandums.

## **II. 2020 Vision**

In the final 60 days of calendar year 2019 and the beginning of 2020, the WEC is implementing multiple programs to improve the state's election security posture. These programs were developed with the input of our clerk advisory committees and come on the heels of an enormously popular election security subgrant program. WEC staff are referring to this year-end package of programs as the 2020 Vision plan and the plan consists of several different components.

### **A. Endpoint Testing**

1) Introduction: The WEC Endpoint Testing Program will ensure that every computer connecting to Wisconsin's statewide voter registration database will be checked to verify its security status before access is permitted. In addition to protecting the network, this process will also allow the WEC to alert users if a problem is detected. This initiative requires users to install a small application on any computers used to access election systems such as WisVote. A staged implementation of this project began in November 2019. This system became mandatory for WisVote users as of January 28, 2020. Direct threats to WisVote from infected endpoints can, for the first time, be remotely identified and devices with security concerns can be blocked from accessing state election systems.

Work to fully automate integration of the endpoint monitoring software and WisVote continues. Full integration requires the coordinated work of WEC, DET and vendor staff. In the interim, staff conducts a manual analysis of data provided by the monitoring software and uses that information to reach out to non-compliant users. This analysis occurs at least twice daily and also whenever the

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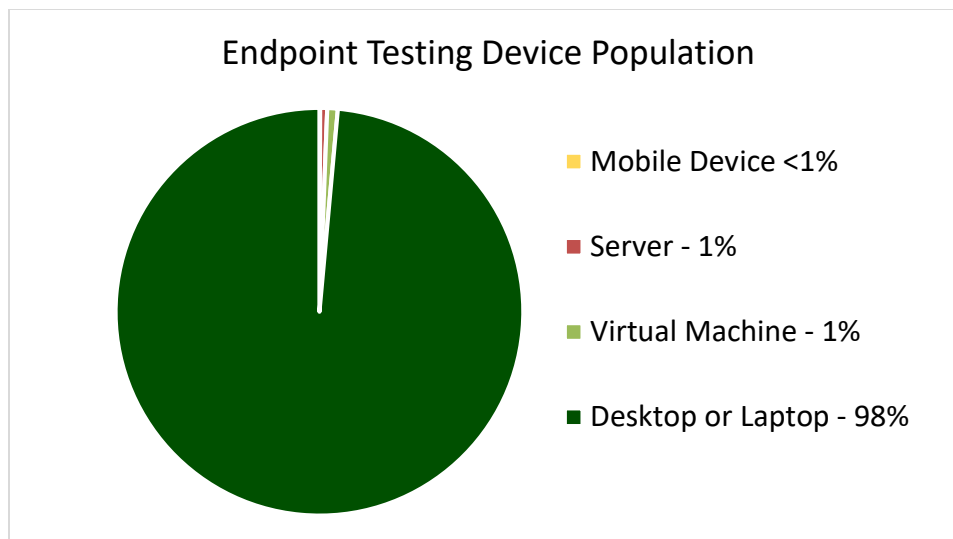
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Administrator  
Meagan Wolfe

system generates an alert. Staff is also able to manually deactivate users who continue to use noncompliant devices.

Recent cyber incidents in Wisconsin illustrated additional benefits of the Endpoint Testing Program. After several Wisconsin jurisdictions fell victim to ransomware attacks, the WEC's endpoint testing data yielded useful forensic data for investigators from DET, DOJ and other agencies. Through the relationships the WEC has developed with the state's Fusion Centers, forensic technicians were able to retrace infection vectors, document event timing, and identify specific workstations for closer analysis.

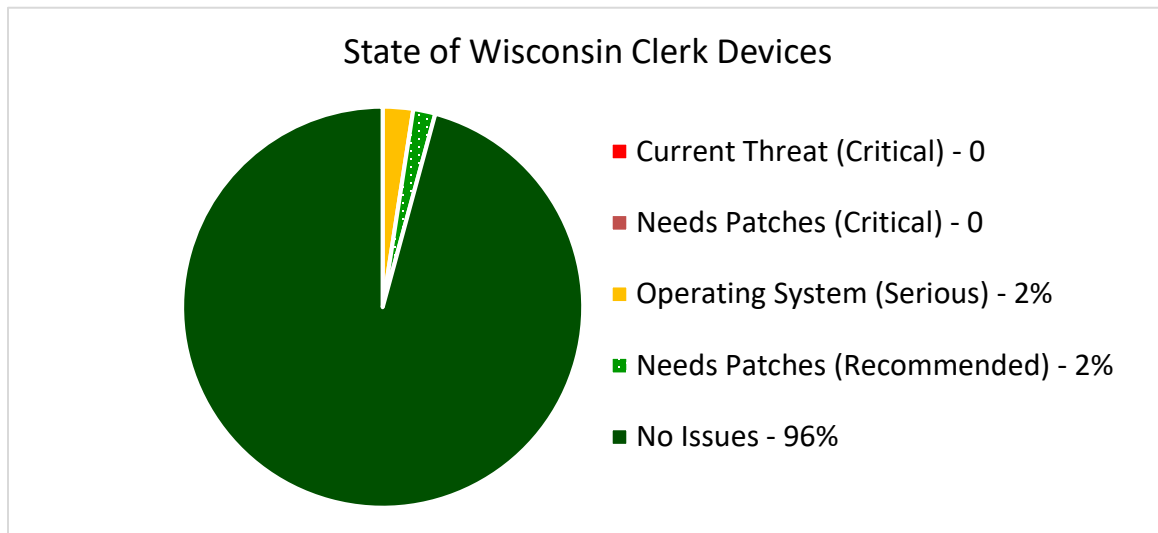
2) Enrollment: Enrollment is nearly complete with more than 1,800 devices from nearly 1,000 jurisdictions enrolled. Only 684 jurisdictions are WisVote users, so the data indicates many non-users opted to enroll voluntarily. The experience of enrollment varies greatly, with some jurisdictions (notably Milwaukee) easily installing the software and others (fewer than five) experiencing technical conflicts with their unique network configuration. This handful of users continue to experience technical challenges integrating the software and WEC staff are working with them.



3) User Compliance: The condition of Wisconsin clerk computers is excellent overall and continues to improve daily. Fully 98% of enrolled systems are up-to-date and have no serious security concerns. As of February 10, 2020, the only remaining compliance issue is a small pool of clerks still awaiting delivery and/or activation of their new Windows 10 computer. These clerks have installed Endpoint Testing on their old computers, allowing WEC staff to continually monitor the devices for any threats or suspicious activity.

Staff recommends that we continue to allow clerks awaiting new computers to access WisVote, with endpoint monitoring installed. While these devices could be blocked from accessing WisVote, the clerks involved have been forthcoming and open to the WEC security staff scrutiny while they await new devices. Furthermore, the continuous monitoring of their existing systems mitigates the risk

presented by the use of older devices. Finally, WEC staff are tracking each jurisdiction's new computer delivery schedule and will assist with the on-boarding of new devices as they are received.



A second subset of clerks has computers that should receive current patches. These clerks are compliant with Endpoint Testing Policy because the patches required are not related to the Operating System. The patches are instead updates to software installed on the computer and represent a wide variety of different programs. These users are highlighted only because the patches are recommended by the software manufacturer and, in fact, nearly all computers have some updates available for installation. The WEC Endpoint Testing program currently tests for more than 1,000 different software patches. We continue to calibrate the scope of the monitoring to narrow in on the applications and patches that will be included in the continuous monitoring.

## **B. Improving Clerk Communications**

The WEC and DHS have been working together to create a usable brochure for local election officials. In 2018, DHS created the Last Mile poster for many states, which outlined security measures the various state and county officials had taken to secure their elections. Due to Wisconsin's decentralized election system, WEC staff and DHS determined that a smaller brochure with a different focus would be more effective.

The brochure provides clerks with an initiative checklist, tips on how to protect their election, and ways to detect, respond, and report an election security incident, and identifies various free resources available to all local election officials.

The WEC and DHS are in the final stages of approving a draft of the brochure and will disburse them to county and municipal clerks once printed.

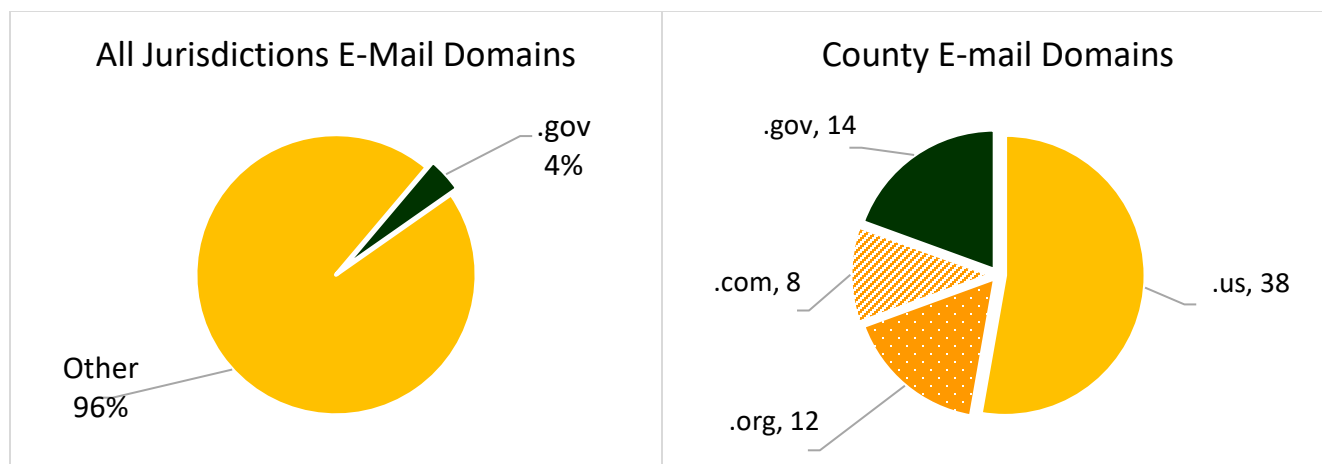
## **C. Emergency Support to Clerks**

The State of Wisconsin, through the Division of Enterprise Technology (DET), greatly expanded the Cyber Response Team program in 2019. These teams provide local jurisdictions with free emergency repair and remediation services in the event of a cyber incident. Additionally, two WEC staff have been accepted into the CRT program, ensuring that they are trained in the same techniques and provided with the same resources as responders around the state.

WEC staff have also completed initial phases of the Hardware Loaner Program rollout, and one municipality has already requested and received a loaner laptop. Additional work is needed to codify the checkout and return process to require less specialized staff time. Further information about this program was published in the December 2, 2019 Commission materials.

#### **D. Upgrading Clerk Email**

WEC staff and the Department of Homeland Security continue to recommend jurisdictions establish a .gov email address to improve security and trustworthiness. While most commercial email providers maintain very secure systems, only a .gov domain is restricted to official government entities. Anyone may create email addresses with other domain names, introducing opportunities for spoofing (imitation accounts).



To help jurisdictions transition their email, the WEC and DET partnered to develop a standard set of instructions that will walk clerks through the process. This program continues to develop; however, staff have encountered difficulty overcoming the technical challenge of coordinating DET systems, municipal systems, and commercial systems (a commercial provider must still host the email server). Staff is also evaluating an alternative option to permit the state to host the municipal email accounts, however this option may be costly for municipalities without financial assistance.

#### **E. Penetration Testing and Phishing Awareness Exercises**

Agency servers exposed to the internet are regularly scanned by the Department of Homeland Security for known vulnerabilities, and servers within the state network are regularly scanned by DET. DHS continues to perform detailed internal scans regularly. These scans provide useful action items and ensure that new vulnerabilities are addressed in a timely manner. Staff plan to participate in an additional on-site risk vulnerability assessment in order to test agency security in detail. Valuable action items were generated by the previous assessment that will significantly improve agency security.

#### **F. Election Security Training**

Since the December 2, 2019, Commission Meeting, and in light of the in-person security training requirement as outlined in the Election Security Subgrant, there were 14 Election Security Tabletop Exercises (TTXs) conducted throughout the state with a total attendance of more than 550 participants. This program has been very well received and continues to thrive providing a platform to facilitate the important conversation about election security and contingency planning with local election officials.

WEC staff anticipates conducting more TTXs in 2020, with requests already being received for the summer months. Staff has also had several opportunities to share our program and ideas with election officials from other state and federal agencies.

#### **G. Monitoring Agency Security**

WEC staff continue to participate in training and coordination with the Multi-State Information Sharing and Analysis Center (MS-ISAC) and the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC). These organizations help disseminate important information about cybersecurity practices and elections security.

#### **H. Election Security Council**

In October 2019, WEC staff hosted the first meeting of a multi-agency Election Security Council that will meet regularly to review election security matters through November 2020. The council is intended to increase collaboration between state agencies and local government in order to improve communication and maximize election security. Activities the council may perform include: (1) assessing our preparations for election security threats; (2) developing processes to identify and address risks; (3) information sharing; (4) incident response planning; (5) cybersecurity exercises; and (6) public communications.

In meetings that have occurred to date, the Council discussed the following topics.

##### October 2019

###### 1) Agenda

- a) Council Objectives
- b) Elections Information Briefing
- c) Threat & Intelligence Briefing
- d) Agency Roles
- e) Council Schedule

###### 2) Action Items

- a) Further evaluate the creation of a communication subcommittee
- b) Consider possible addition of public seats on the council
- c) Add a public comment period during meetings
- d) Schedule closed sessions in future meetings to discuss specific threats and security measures
- e) Further explore the need to create reliable networks and network redundancy
- f) Consider ways to enhance collaboration between election officials and IT professionals
- g) Identify multi-jurisdiction/agency training opportunities

##### December 2019

###### 1) Agenda

- a) Public Comment
- b) Communication Challenges
- c) Communications Subcommittee
- d) 2019 Review (Lessons Learned)
- e) Council Schedule

2) Action Items

- a) Sustain the public comment period for future meeting.
- b) Expand the use of liaisons from different agencies/organizations working together in WEC offices on (or around) election day.
- c) Promote awareness of DET Cyber Response Teams; perhaps provide CRTs a list of PIOs.
- d) Share the WEC Election Security Communication Toolkit with council members.
- e) Create a subcommittee of Public Information Officers or representatives with similar responsibilities; please send names and contact info to the Wisconsin Elections Commission if your organization is interested in participating.
- f) Promote the DET General Cybersecurity Awareness Training available for only \$2.72 per person per year.

February 2020

1) Draft Agenda

- a) Public Comment
- b) February Spring Primary Report
- c) Status of 2020 Security Programs
- d) Closed Session Elections Security Briefing
- e) Council Schedule

2) Action Items

- a) Undetermined at the time of memorandum publication.

The next meeting of the Election Security Council is scheduled on April 15, 2020.





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**DATE:** For the February 27<sup>th</sup>, 2020 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Administrator, Wisconsin Elections Commission

Prepared and Presented by:  
Robert Kehoe, Technology Director

**SUBJECT:** Elections Security Grant Program Update

## **I. Introduction**

The Election Security (“ES”) Subgrant Program provided clerks the opportunity to apply for HAVA security funds to procure an updated computer or operating system, information technology (“IT”) support capable of maintaining minimum security standards, and funding to send clerks and clerk staff to election security training. Clerks were given from September 27 until November 15 to submit their applications for the subgrant. Since the December 2, 2019 Commission meeting, WEC staff have completed all grant application processing and transitioned to processing of compliance documentation. WEC staff ultimately disbursed \$823,700.00 in subgrants to 862 jurisdictions.

The grant application process, and detailed grant criteria, are outlined in the September 24, 2019 and December 2, 2019 Commission materials. This memorandum will further explore program results and discuss options for the future.

## **II. Program Results**

The ES Subgrant Program achieved its goal to help the smallest and least-supported jurisdictions improve their IT security posture going into 2020. Grant metrics, combined with endpoint testing data, shows that Wisconsin clerks are significantly better positioned than they were in 2019. Prior to the program over one-third of Wisconsin jurisdictions still used old Windows 7 computers to perform elections work. As of February 10, 2020, nearly all these jurisdictions have brand new Windows 10 devices with up-to-date security software and IT support.

In addition to the subjective program results, dozens of clerks have extended their gratitude to the Commission and expressed their belief that they would still be using old, unsupported, and insecure devices had the ES Subgrant Program not existed. The program allowed Wisconsin to address many of our most basic elections security needs in a relatively short time span of just three months. Having

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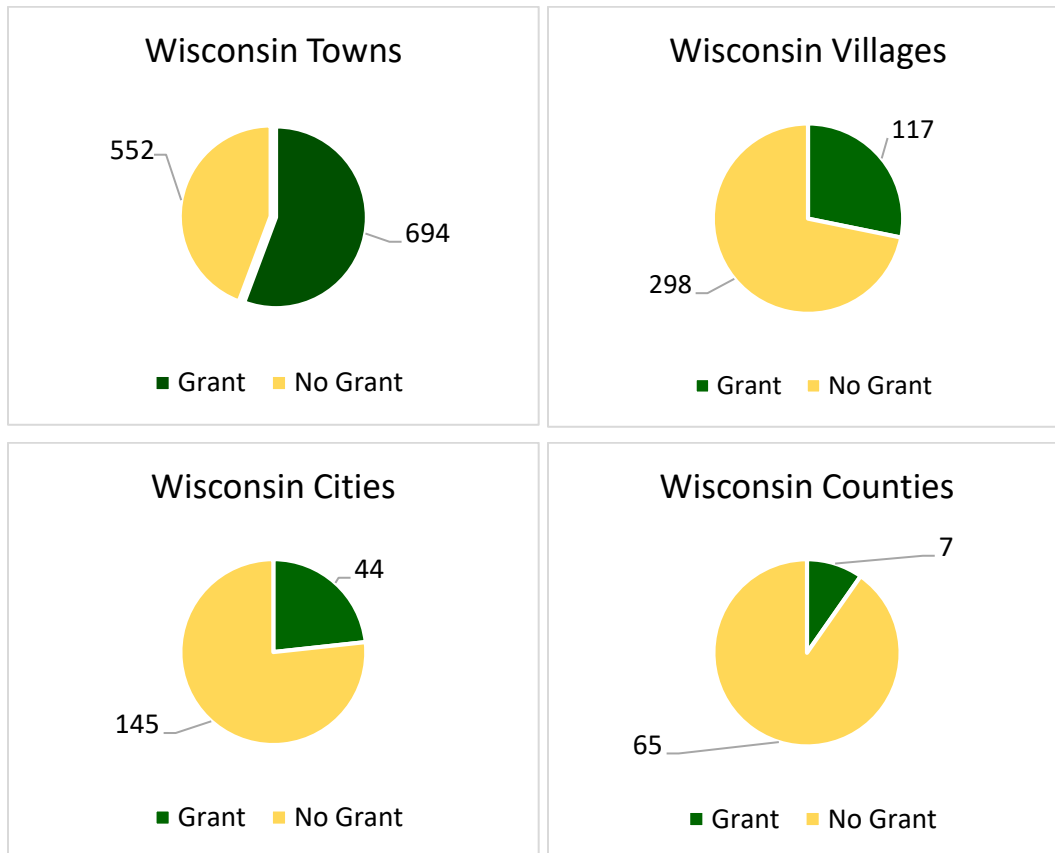
Administrator  
Meagan Wolfe

largely addressed these basic requirements, WEC elections security staff can now focus on both more advanced requirements and on a much smaller number of jurisdictions with more basic shortcomings.

### A. Grant Program Data

This section presents data regarding who requested grant funds, who did not, and how funds were applied.

1) Who Requested Funds: A total of 862 jurisdictions accepted grant funds out of the 1922 towns, villages, cities, and counties in Wisconsin.



2) Who Did NOT Request Funds: As expected, larger jurisdictions tended not to request grant funds. Larger cities and counties generally possess full time, professional IT staff and detailed equipment modernization plans. Put simply, they have newer equipment in good cyberhealth.

Smaller towns generally do not have IT staff and often own only one or two computers. Prior to the ES Subgrant Program, many Wisconsin towns did not own a single computer, and instead relied on clerks to use their personal device. Nevertheless, a significant number of Wisconsin towns (552) did not request funds.

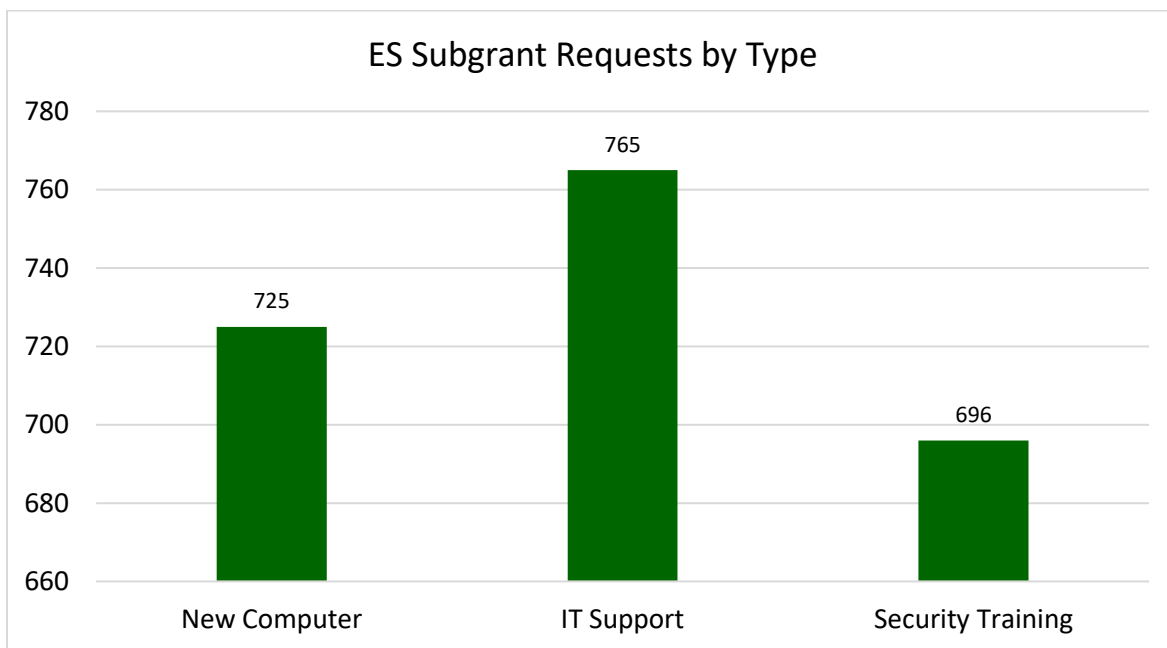
WEC staff evaluated the subset of ‘non-grant’ towns that did not request funds and developed three significant conclusions: (1) towns that are WisVote users are generally in excellent cyber-health; (2) a very small percentage of towns (<1%) missed the grant opportunity; and (3) we lack sufficient data to evaluate the condition of non-WisVote users.

a) WisVote Users. Of the towns that did not request grant funds all – 100% – have compliant computers with supported operating systems and up-to-date security software. WEC staff can independently verify the condition of these devices through the endpoint testing program. During staff's initial research we identified two computers using unsupported operating systems: one Windows 7 and one Mac OS X El Capitan. Both users stated they had newer computers available but were still using their old systems. After talking to WEC security staff both users updated their systems.

b) Missed Grant. Approximately 50 clerks contacted WEC staff after the grant deadline and expressed disappointment they could not still obtain grant funds. A similar number of clerks stated they purchased a new computer before ES Subgrant Program approval and expressed disappointment they were not eligible for reimbursement.

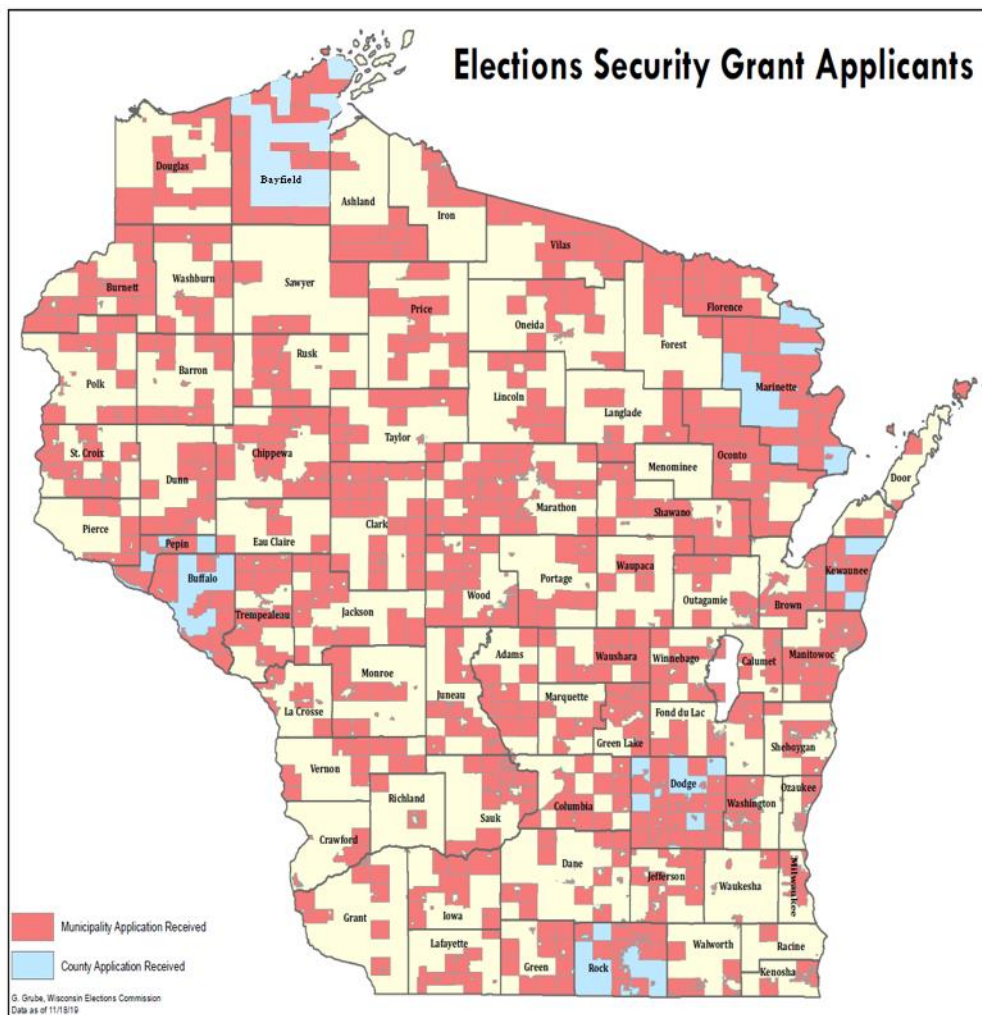
c) Non-WisVote Users. Most non-WisVote users are not enrolled in the endpoint testing program so staff does not have independently verifiable data about the state of their computers. Several of the town clerks staff spoke with felt they did not need the grant funds because they did not use a computer for elections work. Non-WisVote users generally don't use computers for elections work and may not even own a computer. Instead, they rely on another jurisdiction to do the work for them.

3) How Were Funds Applied: Jurisdictions requesting grant funds could choose up to three specified needs for their request. Of the 862 approved grants, 458 applicants requested funds for all three needs shown below.



The surge in new computer purchases caused some delays when suppliers were unable to fill a large number of simultaneous orders. A few jurisdictions also did not order their hardware immediately. As of 2/14/2020, there were 42 jurisdictions still waiting for their new computer to be delivered and/or set-up for use. WEC staff continue to work closely with all 42 jurisdictions to monitor their device status and cybersecurity.

4) Where did Funds Go: Grant funds were distributed to nearly every corner of the state, with jurisdictions in 71 of 72 counties receiving money.



### C. Compliance

When applying for the Election Security Subgrant funds, clerks agreed to meet baseline requirements in order to be compliant with the program. Broadly, the requirements were as follows:

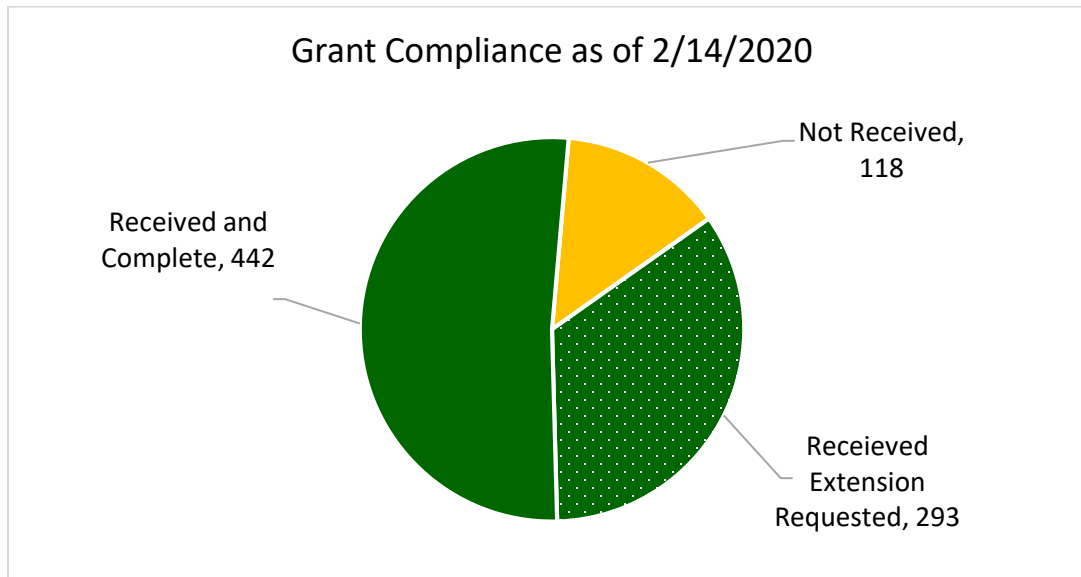
- 1) Possess compliant (up-to-date) computer hardware and software
- 2) Possess either in-house or contracted IT support
- 3) Complete WEC election security training requirements (online and in-person)
- 4) Complete an elections contingency plan

Clerks were provided with a Subgrant Compliance Form to complete and return by January 28, 2020. The form allowed the clerks to sign off on all the areas required, as well as allowing them to indicate their status and provide additional information. They were offered three options for their current status:

- 1) We have completed all requirements listed above and have applied all election security subgrant funds towards meeting those requirements or other authorized election security needs.

- 2) We have not completed all requirements listed above but request an extension to complete all tasks no later than (date entered by clerk).
- 3) We intend to return remaining election security funds to the WEC.

Shortly after the application deadline closed, WEC staff began processing subgrant compliance forms. As of 2/14/2020, WEC staff has processed 735 compliance forms. Of those processed, 290 jurisdictions requested an extension, with the majority of those only requiring in-person training. We will continue presenting at Wisconsin Towns Association District meetings and other clerk training events to help these clerks meet their in-person training requirements.



WEC staff is calling remaining jurisdictions to remind them of the compliance reporting requirement. To date most late submissions are from clerks who were unaware of the requirement, forgot about the requirement, or misunderstood the requirement.

#### **D. County Website Grants**

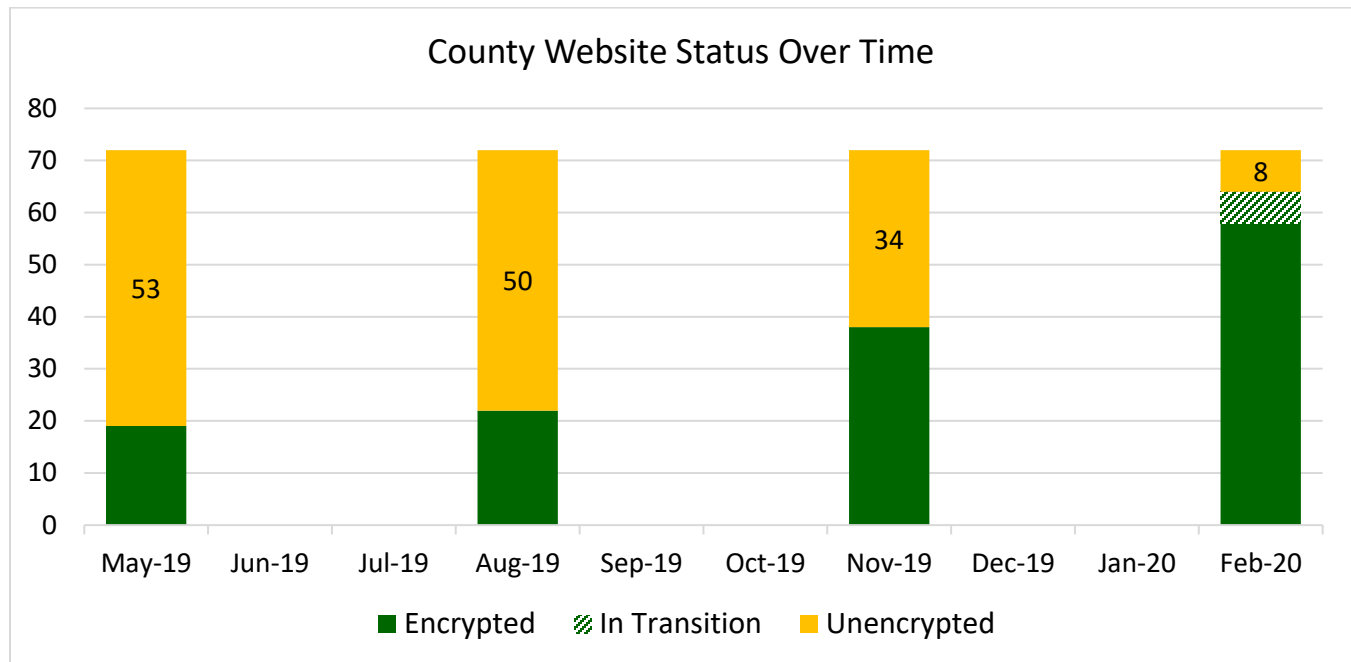
On December 2, 2019, the Commission directed staff to develop an additional subgrant program to encourage counties to adopt secure protocol encrypted (HTTPS) websites. County Election Officials are required by state law to post unofficial election night results from each of their municipalities to the county website. Using a secure protocol for websites provides an additional layer of encryption to help protect websites from defacement and other potential breaches. While website defacement would not impact the official outcome or tally of an election, it could undermine public confidence in the election process.

As specified by the Commission, website subgrant terms permitted counties to request \$500.00 to cover the costs associated with transition based on three criteria:

- 1) The receiving county must certify that the funds received will be used to transition its website from an unencrypted HTTP communication protocol to an encrypted HTTPS secured, encrypted communication protocol.

- 2) Only counties using an unencrypted HTTP communication protocol for their website as of December 5, 2019, are eligible to complete this MOU and receive the subgrant.
- 3) Counties must initiate the transition process prior to January 28, 2020 and complete it no later than February 14, 2020.

Wisconsin counties have moved aggressively to encrypt their websites, although most counties declined to apply for grant funds. Five counties applied for, and received, funds prior to the January 28, 2020 deadline.



### **III. New HAVA Grant**

On January 6, 2020 the U.S. Elections Assistance Commission (“EAC”) sent an email to WEC announcing Wisconsin’s Help America Vote Act (“HAVA”) anticipated grant award of \$7,818,581 with a 20% state match of \$1,563,716 for a total of \$9,382,297. At the January 14, 2020 Commission meeting the Commission directed staff to submit a Wis. Stat. §16.54 request to the Department of Administration requesting the acceptance of HAVA grant funds. That step is complete, and funds are expected before February 27, 2020.

WEC staff must now prepare a letter to the EAC that outlines, at a high level, how the state plans to use the new HAVA funds. This plan is due to the EAC in April, 2020. The plan can be adapted and amended as necessary throughout the five-year term of the grant. We are also exploring ways to meet the required state match within the next two years. Since the last Commission meeting, staff has issued a call for input from clerks and published an on-line clerk survey to simplify the feedback process. Staff has also conducted a teleconference with several clerks to obtain feedback about the survey format and the options listed on the survey for potential grant use.

## A. Course of Action Development

WEC Staff seek the Commission's guidance regarding the development of plans to allocate the new HAVA funds. To date, WEC staff has identified several facts and assumptions relevant to the process.

1) Problem: How to determine the best allocation of new HAVA grant funds.

2) Key Dates:

February 27, 2020	Commission meeting
March TBD	Finalize grant spending plan for Commission Approval
April 7, 2020	Spring Election and Presidential Preference Primary
April 27, 2020	Grant spending plan due to EAC
August 11, 2020	Partisan Primary
November 3, 2020	General Election
December 31, 2024	Final deadline to expend funds

3) Facts Bearing on the Problem:

- i) \$1.56M in matching funds are required. These funds may be provided through a separate appropriation from the Legislature, through matching funds contributed by local governments, and/or through the accounting of existing state resources applied to election security needs.
- ii) Funds are available immediately (by February 27, 2020).
- iii) All levels of Wisconsin government (State, County, Municipal) have important security needs.

4) Assumptions:

- i) Although funds may be used for a broad spectrum of purposes, the agency desires to focus funds on election security needs specifically, which was the primary intent of Congress in allocating new funds.
- ii) The agency will favor plans that create the greatest benefit to election security needs.
- iii) The agency will favor plans that positively affect the largest number of jurisdictions. That is, the agency will consider plans that include all levels of government from State level to the smallest town.
- iv) The agency will favor plans that impact a wide variety of election security needs.
- v) It will not be possible to meet all election security desires in the state.

To obtain input from counties and municipalities, staff published an on-line survey asking clerks to identify their security needs, express interest in regional support options, and provide opinions regarding the appropriate distribution of funds. The survey introduces many potential security options for clerks to consider. Clerk feedback was not yet available at the time this memorandum was prepared but will be provided to the Commission at a later date.

## **B. Election Security Options**

WEC staff first developed broad funding categories for consideration by the Commission and clerks. Staff suggest considering incorporating all six of the following options:

- 1) *New Subgrant Program(s)*. A new subgrant program or programs offers a way to rapidly place resources in the hands of local authorities. A grant program may be structured to provide for specific needs or could be more open ended to permit local discretion. Grant programs require extensive tracking and follow-up, but WEC staff is familiar with program challenges after administering last fall's ES Subgrant Program.
- 2) *Specific High Cost Technology*. The agency could procure high-cost technology or services for the benefit of local jurisdictions. One example of such technology is the Albert Sensor, a sophisticated intrusion detection system in use by many larger cities and counties elsewhere in the United States. Initial costs for hardware and installation of an Albert sensor is \$8,900 with additional fees for ongoing maintenance. Maintenance fees are based on data usage and range from \$890 a month to \$1,650 per month.
- 3) *A Shared Resources Program*. Some grant resources may be allocated to help agency partners improve their services to election officials. Several state partner agencies work very closely with WEC staff to help provide security training, investigate and remediate cyber incidents, and to make data security improvements.
- 4) *Local Support Programs*. The agency could create a program to provide local WEC-trained cyber-support to jurisdictions without local IT support. This would give clerks another resource to assist with problems, relieve WEC staff of basic computer support calls, and possibly enhance support of the Badger Book program as well. Local support could provide assistance in person, by appointment, or on an ad hoc basis.
- 5) *WEC Programs*. Some funds should be allocated to agency requirements in order to fund specific technological improvements such as anti-DDOS tools for website security, support existing programs such as endpoint testing, and sustain campaigns to communicate effectively with voters.
- 6) *Future Contingencies*. Staff recommend that some portion of funds remain unallocated for future, unanticipated contingencies.

More specific technical and non-technical options are listed in the clerk survey. These options are listed below and may be included as part of one of the broader categories above.

- 1) *Additional Computer Hardware or Operating System Upgrades*. Upgrade additional laptops or computers used for elections duties not covered in the initial subgrant.
- 2) *Additional Support for IT Services*. Extend the life of the contract or level of support from IT service professionals.
- 3) *Additional Security Training*. Provide untrained clerks and clerk staff with opportunities to receive security training.
- 4) *Renew Endpoint Protection*. Renew anti-malware/virus software subscription and upgrade firewalls to keep the system up to date (keep definitions up to date, automatic updates, alert and block suspicious activity).



- 5) *Establish Data Back-Ups.* Recover data quickly by setting up and maintaining secure data back-ups for information systems.
- 6) *Physical Security Upgrades.* Ensure elections related hardware, voting equipment, and paperwork are locked away and protected when not in use. This option is frequently mentioned during discussions with clerks.
- 7) *Procure Security Assessments.* Security assessments identify vulnerabilities in organizational information systems and the environments in which those systems operate.
- 8) *Purchase Materials to Support Contingency Planning.* Prepare jurisdiction or polling places to respond in the event of a power outage, weather event, or other emergency.
- 9) *Purchase New Voting Equipment.* Purchase updated voting equipment such as ballot marking devices or tabulators.
- 10) *Obtain a wi.gov Email Address.* Take advantage of an official government email address with security features from DET.
- 11) *Cyber Insurance.* When cyber events like a ransomware attack occur, cyber insurance can provide recovery resources, costs for repairs, and help resume services to the community.
- 12) *Obtain a Private Internet Connection for the municipality.* Maintaining reliable and private internet access reduces exposure to security risks from public networks.
- 13) *Firewall upgrades.* Firewall upgrades improve the strength of a computer network perimeter.
- 14) *Purchase Intrusion Detection and Prevention Systems (IDPS).* Use an IDPS, like an Albert Sensor, to identify possible incidents, log information about them, attempt to stop them, and report them to security administrators. This option is more appropriate for large counties.
- 15) *Election Management System Software Upgrades.* Counties may be able to upgrade to versions of their voting equipment's election management system that contain additional security features, such as encrypted data storage.

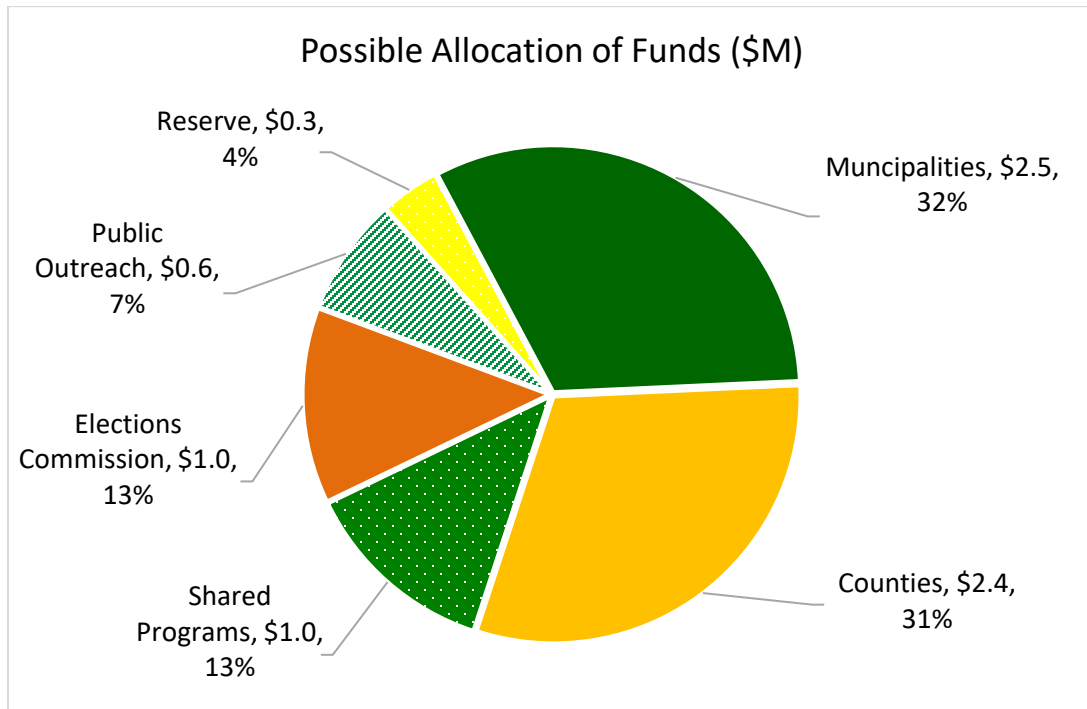
The grant survey provided to clerks concluded with a question regarding the appropriate distribution of funds. Clerks were asked to consider three options:

- 1) HAVA funding should be distributed to jurisdictions based on population distribution, with more populous municipalities and counties receiving more funding.
- 2) HAVA funding should be distributed to jurisdictions who demonstrate the greatest need, with municipalities and counties with limited resources receiving more funding.
- 3) HAVA funding should be distributed equally across jurisdictions, with municipalities and counties receiving a fixed contribution (Note: counties would receive more funding than municipalities).

Pending feedback from clerks, staff favor a balanced approach that addresses needs at municipal, county, and state levels. A balanced distribution may also consider the need for a reserve (contingency) fund, resources to combat disinformation and educate voters, and funding for shared programs with elections partners in the state.

The following chart depicts one way to divide funds that accounts for the considerations listed. It is not intended as a concrete recommendation, but rather as a framework for evaluating the impact of our

choices. For example, allocating a nearly a third of funds to counties (\$2.4M as shown below) translates into an average allocation of \$33,333 per county. Using the same logic, allocating a third of funds to municipalities (\$2.5M as shown below) translates into an average allocation of \$1,350 per municipality. This may of course be further weighted based on population, need, or some other variable. This proposal is presented as a simple starting point for Commission feedback and discussion.



### C. Closing Comments

WEC Staff will continue to collect clerk responses and refine spending proposals ahead of the April 27, 2020 EAC deadline. Staff suggests that, with guidance from the Commission, spending proposals be finalized no later than March 30, 2020. The Commission may elect to schedule a meeting by teleconference in order to review and approve the final plan before submission to the EAC.

**Recommended Motion:** Direct staff to prepare a HAVA grant spending plan, incorporating Commission guidance issued on February 27, 2020, for approval by the Commission at a special meeting no later than March 30, 2020.



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**DATE:** For the February 27<sup>th</sup>, 2020 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Administrator, Wisconsin Elections Commission

Prepared and Presented by:  
Reid Magney, Public Information Officer

**SUBJECT:** Elections Security – Public Information Program Update

At its January 14, 2020 meeting, the Commission approved a motion authorizing staff to amend the scope of work in KW2's current contract with the WEC to include development of a dynamic elections security education and communications plan, toolkit and assets for use by WEC staff and local election officials at a cost not to exceed \$260,000. The Commission also directed staff to evaluate the program's effectiveness following the Spring Election cycle and present recommendations on whether to change and/or expand the program for the Fall Election cycle at the June 2020 Commission meeting.

Since that meeting, staff has amended the scope of work and collaborated closely with KW2 on development of that plan. There have been several meetings to discuss themes, content and format of the communications program. The program will include a communications plan, toolkit and assets, such as website content, videos, news releases and graphics. Our primary focus has been on information that local election officials can use to communicate with voters and local news media about election security. In early February, KW2 interviewed several clerks about what kinds of information and tools they would find most valuable.

KW2's quantitative and qualitative research for WEC has identified three stages of the voting experience where people may have questions or concerns about election security: voter registration, voting and election results. The communications program is being designed around providing voters with detailed information about how election security plays a role in each of those three phases.

KW2's research has also determined that voters respond best to factual statements about how elections work and what security measures are in place at each step in the journey. For that reason, much of the information in the communications program will be comprised of fact-and-benefit statements.

Because of the tight schedule before the Spring Election and Presidential Preference Primary on April 7, KW2 and commission staff are focusing our initial efforts on developing tools for clerks that address the

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Administrator  
Meagan Wolfe

security protections for election results. After the Spring Election we will loop back and develop content for the communications program addressing the security aspects of voter registration and voting. Together, these three components of the communications plan will be deployed in sequence ahead of the fall election cycle.

This initial phase of the election security communications program depends largely on the use of free and earned media to reach voters and the general public. It does not include paid placement of advertising.

KW2 and staff will evaluate the initial use of the communications program for the Spring Election, including gathering clerk feedback. Based on that evaluation, staff will make recommendations to the Commission at a future meeting about whether to expand the communications program to include any paid placement or advertising.



# Wisconsin Elections Commission

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**DATE:** For the February 27, 2020 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe, Administrator  
Wisconsin Elections Commission

**SUBJECT:** Wisconsin's Electronic Registration Information Center (ERIC) Movers Update

## **I. Updated Data**

This memo is an update on the 2019 ERIC Movers mailing to 232,579 recipients. Since the December 2, 2019 Commission meeting, WEC has had an increase in calls from voters verifying their voter registration status. As of February 11, 2020, these are changes to the data reported on December 2, 2019:

Description	February 2020	December 2019
Undeliverable Mailing	62,922 (+8,688)	54,234
Requested Continuation at Current Address	2,947 (+1,281)	1,666
Registered at a New Address	21,520 (+8,253)	13,267

*Note: figures in this table include active and inactive records.*

## **II. Clerk and Poll Worker Training**

On January 31, 2020 staff released a clerk communication regarding the watermark designation "Have you moved?" to be utilized in the 2020 Spring Primary. The communication included poll worker instructions with a sample script and frequently asked questions as approved by the Commission at its June 2019 meeting.

Clerks are also able to access the October 2019 webinar on this subject along with a PowerPoint presentation and frequently asked questions document on the Commission website and can share those resources with poll workers.

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### **III. Poll Book Watermark**

The ERIC Movers watermark appeared in the poll book for the 2020 Spring Primary on February 18, 2020. The number of voters with the designation of Active-Mover's List who had the watermark on the pollbook were 197,378. The watermark will also be utilized for the 2020 Spring Election in April. Voters with a watermark next to their name will be asked if they have moved. Signing the poll list will confirm that the voter continues to reside at the address indicated on the poll list.

Clerks have thirty days to report participation for the election. Therefore, staff will report the number of voters with the Mover's designation that signed the poll list to confirm continuation of their registration at the next Commission meeting.

Attachments: Poll Worker Instructions for Active-Movers

## Poll Worker Instructions for Voters Marked Active-Movers

Voters flagged in July 2019 for the Movers mailing were sent letters advising them to register at their new address or to sign and return the postcard in the mailing if they have not moved. Some letters were returned as undeliverable. Voter records are identified with a watermark in the poll books to identify voters who have not yet responded or registered at a new address.

The following steps are in-addition to existing voter check-in procedures on Election Day:  
*(Note: The address on a voter's photo ID) should not be checked against their listed address!)*

When a voter presents with a watermark of "Have you moved? next to the poll book entry, ask the voter the following question: **"Do you certify this is still your current home address?"**

<b>Voter Replies:</b>	<b>Yes (still live at address in pollbook)</b>	<b>No (moved, not at that address)</b>	<b>Typo in my address listed on the pollbook</b>
<b>Poll Worker Instructions:</b>	Have voter sign the poll book and continue check-in process	Advise voter they will need to complete an Election Day Registration at their new address.  Direct the voter to the registration table and advise them they will need a Proof of Residence document.  <u>Registration table:</u> Determine if voter is still in correct polling location based on new address.	Follow Chief Inspector instructions for noting/correcting address error in the poll book then continue check-in process.

Please note that if a voter returns an absentee ballot and has the "Have you moved?" watermark, you will process their ballot normally.

Badger Book municipalities will see the word "Movers" next to the names of voters identified in the Movers mailing. The poll worker should ask the voter if the address is correct, and either continue with the check-in process if the voter does still live at the address listed in the Badger Book, or start the Election Day Registration process if the voter has moved from the address listed on the screen.

### Frequently asked Voter Questions:

#### **Why am I being asked this question/Why not other voters?**

The Elections Commission received information from a government agency indicating your address may have changed.

**What government agency?**

WEC receives information from the Wisconsin DMV, United States Postal Service, and other states. If you have questions about your specific information, please see the Election Inspector after voting or contact the WEC at 866-868-3947.

**I don't have POR for my new address, can I still vote at my existing address?**

If you do not have intent to return to the listed address and you have resided at your new address for longer than 10 days, you will need to reregister before casting a ballot today. Polls are open until 8:00 p.m.

You can provide an electronic copy of a proof of residence document if you have a smartphone/mobile device.

For questions referring to established polling place procedures (acceptable proof of residence, challenge ballots, etc.), please consult with your chief inspector.

**Once I confirm my address has not changed, do I have to do anything else?**

No, your record will remain active at the address listed in the poll book.

**What if I have not resided at my new address for the 10 days prior to the elections as required by law?**

State law allows you to vote from your prior address until you achieve residency at your new address.

**What if I have only moved temporarily and am planning to move again?**

You should vote from your prior address where you met the 10-day residency standard.





# Wisconsin Elections Commission

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**DATE:** For the February 27, 2020 Commission Meeting

**TO:** Members of the Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Administrator, Wisconsin Elections Commission

Prepared and Presented by:  
Richard Rydecki, Deputy Administrator  
Brianna Hanson, Elections Administration Specialist

**SUBJECT:** The WEC Accessibility Audit Program for the 2020 Election Cycle

## **I. Historical Overview Accessibility Audit Program**

The Wisconsin Elections Commission and the former Government Accountability Board have facilitated over 2,800 polling place accessibility audits since 2010. These site visits identified thousands of accessibility issues that could impact the ability of elderly voters and voters with disabilities to privately and independently vote. The strengths of this program have been both the identification of accessibility issues and education as to how to remove those barriers. Previous audits have identified an average of 6.1 problems per polling site, with issues ranging from low severity problems such as election notices not printed in accessible font size, to barriers that would negatively impact a voter's ability to participate such as a non-functioning elevator or locked accessible entrance. This polling place accessibility audit program is not explicitly required by law, but is consistent with the responsibility identified under Wis. Stat. § 5.25(4)(a) to "ensure that the voting system used at each polling place will permit all individuals with disabilities to vote without the need for assistance and with the same degree of privacy that is accorded to nondisabled electors voting at the same polling place."

All audits are conducted using the Polling Place Accessibility Survey developed with the assistance of the agency's Accessibility Advisory Committee. The survey is organized into five distinct polling place zones that allow a user to answer questions about a specific location and disregard questions that are not applicable to that location. This tool was significantly expanded in 2009 and reorganized in 2014 to increase accuracy in data collection and increase auditor efficiency in the field. The survey contains over 130 questions based upon the requirements outlined in the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Accessibility Guidelines (ADAAG), the ADA Checklist for Polling Places and the ADA Guide for Small Towns. In addition, staff worked with the Accessibility Advisory Committee to assign a high, medium or low severity ranking to each question. These determinations allow staff to obtain a more nuanced understanding of the accessibility of each polling place.

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After each election, audit findings were reported to each municipality for each polling place that was visited. These reports detailed the problems identified on Election Day and provided municipal clerks with suggested resolutions to these issues. Clerks were required to file a Plan of Action that addressed all concerns outlined in the audit report. Staff then reviewed each Plan of Action and worked with each municipality to ensure cost-effective and comprehensive solutions were put into place. Local election officials were provided with the opportunity to order specific accessibility-related supplies to assist their efforts in remedying problems. Those supplies were purchased using federal and state funds and were sent to requesting municipalities at no cost to them. These supplies included signature guides, page magnifiers and various signs for parking areas, pathways and accessible entrances.

The audit program was initially funded under a series of federal grant awards (HAVA Section 261) provided specifically to improve access to the polls for voters with disabilities. The State of Wisconsin received grant awards for nine consecutive years totaling over \$1.6 million and began expending these funds in 2008. Terms of the grant required these funds to be expended within five years of each award year, with the final funds awarded to Wisconsin being used during the 2017 fiscal year. Since the expiration of these federal funds, a biennial allotment of \$48,300.00 of state funds has been made available in the agency budget. The reduction of funding and shifting agency priorities has led to a decrease in the average number of audits conducted over the last few years. Staff has outlined a plan for the audit program for the 2020 election cycle as part of this document.

## **II. The Proposed 2020 Audit Plan**

The 2020 elections are an opportune time to refresh the audit program and increase the number of audits completed every biennium. From 2016-2019, only 366 audits were conducted, down from 2014-15 with 808 audits, and 2011-2012 with 1614 audits. The goal is to increase audits to 500 in 2020 using a hybrid model of both temporary staff and volunteers from organizations that advocate for the disability community. Currently, WEC and Disability Rights Wisconsin (DRW) and the Wisconsin Coalition of Independent Living Centers are discussing the April, August, and November elections as possibilities to enlist volunteer auditors. Auditors from these organizations have previous knowledge and experience evaluating accessibility. The remaining budget for FY20 is \$19,000 which will refresh in July 2020 to \$48,300. Increasing the number of audits is crucial to collecting quality data that will be more representative of what a voter may be experiencing at their polling place. Clerks who receive their audit results submit Plans of Action, which allow them to know specifically how their polling place may be creating barriers.

<b>Election</b>	<b>Auditors</b>	<b>Audit Count Goal</b>
February 18	3 temporary staff	30
April 7	15 temporary staff*	150
May 12	2 WEC staff	20
August 11	15 temporary staff*	150
November 3	15 temporary staff*	150
Total audits for 2020		500

*\*subject to availability from staffing agencies on the state contract.*

### **A. February 18 Spring Primary**

For the February Spring Primary, WEC staff have hired 3 temporary staff to conduct audits. These staff will use new tablets and updated training materials and will provide feedback on the effectiveness of these updated resources. Each temporary staff member is expected to complete 10 audits, for a total of 30 audits. The updated training program for temporary staffers that was successfully implemented in 2016 will be used for this election cycle which includes 2.5 days of training prior to the election and a mock audit training exercise. Due to weather concerns historically associated with February in Wisconsin, the auditors will stay close to the Madison area, and will visit Dane, Rock, and Green counties. Commission staff chose polling places that were either new, had a high number of problems at their last audit or have never been audited.

**B. April 7 Spring Election and Presidential Preference Vote**

In April, the audit program will incorporate volunteers from organizations while also hiring temps. This hybrid model allows WEC to travel across the state and to include individuals that have extensive knowledge in accessibility laws. Any returning volunteer auditors will be required to participate in a 3-hour training that reviews the audit survey, audit tools, and the new tablets. New volunteers will be required to attend a mock polling place audit in-person. Temporary staff will continue to complete a 2.5-day training. This cycle will target polling places that have never been visited across the state and polling places that had a high number of problems at their last audit.

**C. May 12 Special Election in Congressional District 7**

The May 12 Special Election is a good opportunity to focus on a specific area of the state. In May, WEC staff will have the opportunity to audit polling locations in Congressional District 7.

**D. August 11 Partisan Primary and November 3 General Election**

Staff plan to use the same protocol for the Partisan Primary and General Election as outlined above for the Spring Election. The program will continue to emphasize new and unaudited polling locations and previously visited locations with significant accessibility concerns.

**Recommended Motion:**

The Commission approves the staff plan for the polling place accessibility audit program for the 2020 election cycle.





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**DATE:** For the February 27, 2020 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe, Administrator  
Wisconsin Elections Commission

Prepared and Presented by:  
Michael Haas, Staff Counsel

**SUBJECT:** Legal Standards for Nomination Paper Review

This memorandum outlines issues which are occasionally raised during the review of nomination papers by staff of the Wisconsin Elections Commission (WEC) and local filing officers, including during the review of nomination papers for the 2020 Spring Election cycle. Several statutes outline procedural requirements related to the circulation and filing of nomination papers and the issue is whether filing officers should strictly enforce those statutes as mandatory or directory. Based upon the analysis below, Commission staff is requesting that the Commission confirm that procedural requirements related to filing nomination papers are mandatory. Commission staff also recommends that the Commission direct its staff and local filing officers to not apply the “will of the electors” language in Wis. Stat. 5.01(1) to their review of nomination papers.

There are two types of errors which may lead filing officers to determine that signatures or entire pages of nomination papers are invalid. The first type are errors present in the information on the page, related to a candidate, circulator or signer. Errors may also occur if nomination papers are circulated and filed contrary to procedural requirements, such as the time and place of filing or the manner of circulating. This memorandum addresses the latter category in which the completeness or accuracy of the information on the nomination paper is not in dispute.

The Commission recently issued several administrative decisions related to nomination papers which did not strictly comply with procedural requirements. In those cases, the candidates made two separate but related arguments for accepting signatures as valid despite procedural defects. First, candidates cited Wis. Stat. 5.01(1) which states as follows:

5.01 Scope. (1) CONSTRUCTION OF CHS. 5 TO 12. Except as otherwise provided, chs. 5 to 12 shall be construed to give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to fully comply

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with some of their provisions.

Second, candidates noted that Wis. Admin. Code EL § 2.05(5) states:

Where any required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law.”

Candidates cited these provisions to argue that procedural requirements for filing nomination papers should be construed as directory rather than mandatory. In other words, when such a statute uses the term “shall” it can be interpreted as “may.”

The most extensive analysis and legal review related to these issues for 2020 Spring Election candidates occurred in the cases related to Bryan Kennedy and Jim Sullivan, two candidates for Milwaukee County Executive. In those cases, the WEC issued decisions strictly enforcing the provision in Wis. Stat. § 8.04 stating that if a circulator collects signatures for two candidates for the office in the same election, the earlier paper is valid, and the later paper is invalid. The WEC made this determination while recognizing that the candidates had taken steps to attempt to ensure that its circulators did not collect signatures for more than one candidate, such as obtaining assurances from the vendor that hired the circulators that they would collect signatures for only one candidate.

The WEC’s decisions were upheld by the Milwaukee County Circuit Court and the Wisconsin Court of Appeals subsequently denied the candidates’ request to appeal, finding that they had not demonstrated a likelihood of success on the merits concerning their interpretation of the applicable statutes and court decisions. This memorandum draws on some of the legal arguments and court findings in the Kennedy and Sullivan matters, although Commission staff is requesting guidance that extends beyond Wis. Stat. § 8.04 and applies to the review of nomination papers more generally.

### Will of the Electors

Several court decisions have interpreted the meaning of Wis. Stat. § 5.01(1)’s mandate that election laws “shall be construed to give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to fully comply with some of their provisions.” As far back as 1933, the Wisconsin Supreme Court held that this language, found in the predecessor statute to § 5.01, “applies only after the holding of the election and the will of the electors has been manifested.” *State ex rel. Oaks v. Brown*, 211 Wis. 571, 249 N.W.2d 50 (1933). In 1978 the Supreme Court declined to apply § 5.01(1) to the requirement that a circuit court judge candidate file nomination papers with the State Elections Board when the candidate had instead filed the papers with the county clerk. *State ex. rel. Ahlgrimm v. State Elections Bd.*, 82 Wis. 2d 585, 263 N.W.2d 152 (1978).

This principle was reaffirmed in 1999 by the Court of Appeals which held that § 5.01(1) is inapplicable to the instant case, as there was no election from which the will of the electors had manifested.” *City of Chippewa Falls v. Town of Hallie*, 231 Wis. 2d 85, 92, 604 N.W.2d 300 (Ct. App. 1999). The Chippewa Falls case involved a provision existing in Wis. Stat. § 8.40 at

the time which required that the circulator of an annexation petition reside in the territory to be annexed. The Commission's decisions related to Mr. Kennedy and Mr. Sullivan stated:

In short, Wisconsin courts have determined that assessing the will of the electors is relevant to the determination of whether an election statute is directory or mandatory only in the context of conducting an election or when the will of the electors can be observed at an election or through examining ballots cast. The courts have not extended that analysis to the processes for circulating and reviewing nomination papers.

In reviewing the Commission's decision, the Milwaukee County Circuit Court cited several other court decisions which had construed election laws to be directory rather than mandatory based upon the "will of the electors" language in Wis. Stat. § 5.01(1). The Court noted that all of those cases related to absentee ballot procedures and whether to count votes on absentee ballots with the one exception of *Matter of Recall of Redner*, 153 Wis. 2d 383, 450 N.W.2d 808 (Ct. App. 1989). While the Redner decision included a citation to Wis. Stat. § 5.01(1), the Milwaukee County Circuit Court determined that the reference constituted dicta in the decision. In other words the Court of Appeals in *Redner* did not rely on Wis. Stat. § 5.01(1) for its decision.

It is worth noting that *Redner* involves a recall petition rather than nomination papers. In addition, the petition requirements which the Court found to be directory involved the completeness of information on the petition as well as whether the recall petition could exceed one page in length. With regard to whether the information on the petition was complete and in proper form, the Court determined that only substantial compliance was required to protect against fraud and to ensure that the signers knew the contents of the petition.

Upon review of the cases involving Mr. Kennedy and Mr. Sullivan, the Court of Appeals relied on both the plain language of Wis. Stat. 8.04 and the line of cases cited in the Commission's order, including the *Oaks v. Brown* and *City of Chippewa Falls v. Town of Hallie* decisions. *James Sullivan et al. v. Wisconsin Elections Commission et al.*, 2020AP164-LV at 3. The Court of Appeals held the candidates had not shown a likelihood of success in reversing the Circuit Court's decision which upheld the Commission's decision. *Id.*

Based upon the relevant court decisions including the Sullivan/Kennedy decision, Commission staff believes the correct interpretation of the "will of the electors" language in Wis. Stat. § 5.01(1) is that it does not apply to the validity of signatures on nomination papers and should not be a consideration in the review of nomination papers by WEC staff or local filing officers.

### Substantial Compliance

As noted above, Wis. Admin. Code EL § 2.05(5) directs filing officers to accept incomplete information on nomination papers as complete if there has been substantial compliance with the law. Notably, however, this rule applies only to "any required item of information" on the page. Required information on nomination papers and other election petition includes information related to the candidate, recall target or referendum question; information required in the circulator's certification, and information pertaining to signers of the page. The Commission and

its predecessor agencies have consistently applied the substantial compliance standard when evaluating the completeness of information on the page.

The substantial compliance standard does not apply to procedural requirements. In its oral decision in the Sullivan/Kennedy case, the Milwaukee County Circuit Court pointed out that the issue in dispute related to acts taken by the circulators, not infirmities of the nomination paper itself. Circulators had collected signatures for more than one candidate for the same office in the same election and pursuant to Wis. Stat. § 8.04 the earlier paper is valid and the later paper is invalid.

The Court also noted that Wis. Admin. Code EL § 2.05(1) states that “Each candidate for public office has the responsibility to assure that his or her nomination papers are prepared, circulated, signed and filed in compliance with statutory and other legal requirements.” While it may be a harsh penalty to disqualify a candidate for flaws in these processes, the Court found that the intent of the candidates or steps taken to prevent mistakes were not relevant in determining whether the required procedures were followed and nomination papers were accepted as valid.

#### Application of Legal Standards

Due to the volume of nomination papers reviewed by WEC staff and other filing officers in a short period of time, certainty in applying the rules is important. This is especially true because filing officers have a responsibility to determine the facial sufficiency of papers filed and often do not have the time or resources to conduct in-depth investigations. Information on a page can be analyzed to determine if it is complete and substantially complies with the law, but filing officers cannot take into account a candidate or circulator’s circumstances or intent when nomination papers are filed after a deadline or with an incorrect office, or with other procedural defects.

Commission staff believes it would be beneficial to both filing officers and candidates to have clear and updated guidance as to the applicability of Wis. Stat. § 5.01(1) and Wis. Admin. Code EL § 2.05(5) to the review of nomination papers and other election petitions as outlined below. Such guidance would promote consistency among filing officers, give notice to candidates regarding the applicable standards, reduce the number of challenges filed and more efficiently resolve challenges.

#### **Recommended Motion:**

The Commission adopt the following principles for its review of nomination papers and election petitions and for review by local filing officers:

1. The “will of the electors” language in Wis. Stat. § 5.01(1) does not apply to the review of nomination papers and election petitions. Commission staff will not consider the “will of the electors” in evaluating nomination papers and election petitions and the Commission will not take it into account when ruling on challenges or appeals of decisions issued by local filing officers related to nomination papers and other election petitions.



2. The “substantial compliance” language in Wis. Admin. Code EL § 2.05(5) applies only to evaluating the completeness of information on nomination papers or other election petitions. Examples include the required information related to candidates, circulators and signers of the petition.
3. The “substantial compliance” language in Wis. Admin. Code EL § 2.05(5) does not apply to procedural requirements for circulating and filing nomination papers and other election petitions. Procedural requirements involve acts that are done to the documents and include the time and place of filing.
4. The plain language of Wis. Stat. § 8.04 requires that when a circulator collects signatures for more than one candidate for the same office in the same election, the earlier paper is deemed valid and the later paper is deemed invalid. In such cases, the Commission and local filing officers will not consider whether there has been substantial compliance with this provision because the requirement does not relate to the completeness of information on the page. (Filing officers are likely to detect this circulator error as well as signatures of the same individual on nomination papers for more than one candidate for the same office only upon review of a challenge because the facial review does not require a comparison of nomination papers between candidates).

The Commission further directs staff to incorporate these principles into its review of nomination papers and other election petitions and to communicate the same to local filing officers.





# Wisconsin Elections Commission

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**DATE:** For the February 27<sup>th</sup>, 2020 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Administrator, Wisconsin Elections Commission

Prepared and Presented by:  
Elections Commission Staff

**SUBJECT:** Commission Staff Update

Since the last Elections Commission Update (December 2, 2019), staff of the Commission focused on the following tasks:

## **I. General Activities of Election Administration Staff**

The Commission certified candidates for the spring election on January 14, 2020. At the spring primary on February 18, 2020, voters will narrow the field of candidates for Justice of the Supreme Court, Milwaukee County Circuit Court Judge and various local offices. The special primary for Representative in Congress, District 7 is being conducted in conjunction with the spring primary.

On January 2, the Presidential Preference Selection Committee met at the Capitol to select candidates whose names will appear on the ballot for the office of President of the United States at the Spring Election and Presidential Preference Vote on April 7, 2020. Only political parties whose candidate for governor at the last election received at least 10% of the total votes cast for that office (the Democratic and Republican Parties) may participate in the meeting. The members of the Committee consist of the state chairperson or designee of each participating political party, one national committeeman and one national committeewoman designated by the state chairperson of each participating party, the speaker and minority leader of the state assembly or their designees and the president and minority leader of the state senate or their designees. The committee selects an addition member to serve as its chairperson. The Committee selected Bob Lang of the Legislative Fiscal Bureau as chairperson.

The Democratic Party certified 14 candidates and the Republican Party certified one candidate to appear on the Presidential Preference Vote ballot.

Staff reviewed ballot formats for the spring primary and special partisan primary and are now reviewing ballots for the Spring Election and Presidential Preference Vote. Candidates for offices requiring a primary will be added to the ballots after certification of the spring primary results. Winning candidates in the 7th Congressional District primary will appear on the ballot at a special election on May 12, 2020.

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Phone and email traffic have increased substantially since the first of the year and will continue to intensify in advance of the Spring Primary and Presidential Preference Vote.

## **II. Badger Voters**

The Badger Voters program has seen an increase in activity due to the release of the 2019 Movers Mailing list. The mailing list WEC sent to the Department of Administration is available as a public records request at no cost. However, many customers are interested in additional data related to status of these voters and mailings which has resulted in custom requests. The Spring Primary has also generated an increase in activity.

The following statistics summarize voter data requests through February 6, 2020.

<b>Fiscal Year</b>	<b>Total Number of Requests</b>	<b>Requested Files Purchased</b>	<b>Percentage of Requests Purchased</b>	<b>Total Revenue</b>
<b>FY2020 to Date</b>	384	261	67.9%	\$257,172.00
<b>FY2019</b>	617	473	76.6%	\$328,015.00
<b>FY2018</b>	706	517	73.2%	\$182,341.00
<b>FY2017</b>	643	368	57%	\$234,537.35
<b>FY2016</b>	789	435	55%	\$235,820.00
<b>FY2015</b>	679	418	61.56%	\$242,801.25
<b>FY2014</b>	371	249	67.12%	\$125,921.25
<b>FY2013</b>	356	259	72.75%	\$254,840.00
<b>FY2012</b>	428	354	78.04%	\$127,835.00

## **III. Election Voting and EDR Postcard Statistical Reporting (formerly WEDCS)**

Commission staff continue to work with municipal and county clerks to meet Election Day Registration (EDR) reporting requirements following the 2019 Spring Election and 2019 Special Assembly District 64 Election. All 2019 reconciliation data reporting has closed.

The Election Day Registration (EDR) Postcard Statistics for 2019 Spring Primary data was due May 20, 2019, the 2019 Spring Election data was due July 1, 2019, and the 2019 Special Assembly District 64 Election data was due July 29, 2019. By statute this report is to be updated monthly until there is a full accounting of all EDR postcards. We continue to update these reports on the agency website for one year after the election. As of February 6, 2020, there remain a handful of incomplete reports as follows: one for the Spring Primary, 60 for the Spring Election and zero for the Special Assembly District 64.

#### **IV. Education/Training/Outreach/Technical Assistance**

Following this memorandum as Attachment 1 is a summary of information regarding initial certification and focused election administration training recently conducted by WEC staff. In preparation for the Spring Primary and Spring Election, the training team and elections specialists continued to focus on providing information and guidance about basic election processes, such as voter registration, proof of residence and photo ID requirements. Commission staff also reviewed more complex election administration procedures, such as counting write-in votes and remaking and overriding ballots on Election Day.

Staff provided specialized election training through its election administration and WisVote webinar training series, including a review of the Canvass Reporting System and absentee voting procedures for UOCAVA and regular absentee voters.

Staff field tested the new Election Administration Tabletop Exercise (EA TTX) in Janesville at the request of the Rock County Clerk. The EA TTX was well received by the clerks and election inspectors in attendance. Several other county clerks reported that they have utilized the materials to train election inspectors on their election day duties and responsibilities and feedback has been positive and enthusiastic.

Staff updated the Election Day Manual to reflect the revised voter registration application and changes to provisional voting procedures. The Election Administration Manual is under revision to incorporate statutory references as required by state law.

The WEC has also partnered with the Division of Enterprise Technology (DET) and the Department of Agriculture, Trade, and Consumer Protection (DATCP) to conduct cybersecurity training at 16 Wisconsin Towns Association District Meetings in February, March and April of 2020. During the training, WEC staff discuss election security measures and educate attendees about how to protect their data and the data of their residents. WEC staff also facilitate a practical exercise for attendees so they can apply techniques learned during training. In just the first six meetings of the year, WEC staff trained more than 750 town officials.

Finally, the 214-page WisVote User Manual saw its third full revision since the creation of WisVote. This was a response to the functionality and user interface changes made with last year's Microsoft CRM 365 update. Staff then took the opportunity to relocate the manual. Responding to our heightened security awareness, the manual moved from the public-facing WEC website to the Wisconsin Election Training – TLC site: <https://electiontraining.wi.gov>. This website requires a username and password. The update is posted in our new WisVote communication forum within the statewide registration system – WisVote News.

#### **V. Badger Books**

To train all the new municipalities who joined the program during the recent purchasing window, the Badger Book team spent approximately six weeks on the road in December and January offering in-person training sessions across the state. The target audience for the training included municipal clerks, chief election inspectors and super users who would ultimately be using the training materials and lessons learned to train the rest of the poll workers in their respective municipalities. Topics covered included hardware configuration, software functionality, security, troubleshooting, and methods for

appropriately setting and managing the expectations of election officials, voters interacting with Badger Books, and the public at large.

While several municipalities are doing full-scale implementations in all their polling places for the Spring Primary, certain larger municipalities will be implementing Badger Books in phases throughout the year. After a full implementation, there will be between 76 and 78 municipalities using Badger Books for the 2020 General Election. These municipalities currently represent more than 560,000 registered voters. However, due to expected upticks in registration throughout the state during this election cycle, the team estimates that approximately 15-20% of voters will be using Badger Books to check in at their polling places on November 3.

## **VI. ElectionGuard Pilot**

The WEC is partnering with VotingWorks and Microsoft's ElectionGuard team to pilot a new voting system in the Town of Fulton on election day for the Spring Primary. ElectionGuard is a program that generates a ballot tracking number which voters can use to verify their vote counted in the final tally. Each vote is recorded and encrypted on a ballot marking device as well as printed on a paper ballot. VotingWorks will supply the ballot marking devices and other supporting voting equipment, which has been integrated with ElectionGuard, for the pilot. The system was demonstrated for Town of Fulton poll workers and local election officials on December 16, 2019. The system was tested for pilot use on February 6 after completion of the voting equipment certification protocol and performed well during testing. Staff are confident this system conforms to state certification standards applicable to conducting a non-partisan primary.

VotingWorks, ElectionGuard, and WEC staff will be present on Election Day to support the pilot. The final reported results will come from a hand count of the paper ballots, conducted by the local board of canvassers on election day. This tally will be verified against the VotingWorks and ElectionGuard tabulation systems. Additionally, WEC staff will receive results of research conducted on election day and the day after which will measure if the new voting system has increased voter confidence that their ballot counted as a result of using the system.

## **VII. Records Management Task Force**

In the past several months, a dedicated team has worked to improve the state of records management in the agency. The team's approach has several facets: identifying, organizing, and cataloging physical records, confirming the applicable retention/disposition schedule for each record, and, finally, retaining, destroying, or transferring the record off-site as appropriate.

To date, 36 boxes have been transferred to the State Records Center for off-site retention, 28 boxes have been identified to be transferred to the State Records Center for off-site retention, and 22 boxes of records containing personally identifiable or sensitive information have been transferred to be confidentially destroyed off-site. The team will continue to make progress in the same manner and ultimately hopes to impart a greater awareness of effective records management strategies to staff for use in day-to-day activities.

### **VIII. MyVote**

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

There have been no scheduled statewide elections since the previous Commission update. MyVote has continued to provide services without interruption and usage levels were consistent with a Fall/Winter of an off-cycle election year. Commission staff have used this low-volume time to address issues found during the 2018/2019 election cycles and deploy other improvements in preparation for the 2020 elections.

MyVote usage has now begun to see an increase in Absentee Application and Voter Registration activity in the run-up to the 2020 Spring Primary and Spring Election. We expect this increased activity to continue and increase through the April Election and Presidential Preference Primary.

### **IX. Accessibility**

The upcoming Accessibility Advisory Committee meeting is scheduled for March 4, 2020 from 9 a.m. to 12 p.m. in the Wisconsin Elections Commission Board Room. The Committee will discuss accessible voting equipment, review and provide feedback on the 2020 polling place audit program, and discuss common issues from the February election polling place audits.

WEC staff advertised the accessibility supply program through a clerk memo in January and have since seen an increase in orders. WEC sent 370 supply items to 25 municipalities from January to February. They received the items prior to election day to help ensure polling places would be accessible for the February primary.

After the February 18 audits, WEC and temporary staff will meet to discuss the results of the audit. Results will be downloaded and sent to clerks in 30 days or less after the election. Then clerks must send in their Plans of Action within 60 days. While filling out their Plans of Action, clerks will have the option to request supplies to fix accessibility problems from their audit.

The Accessibility Advisory Committee and the polling place audit program continue to inform training efforts at the WEC. Training right now has been focused around the new state your name and address accommodation in Wis. Stat. § 6.89(8). Accessibility-related training was included in the new clerk agendas and the Accessibility Advisory Committee added edits to the Election Administration Manual. These efforts continue to ensure that accessibility is incorporated in all of WEC's training efforts.

### **X. Legislative Update**

Elections Administration staff continued to monitor and provide ongoing analysis of legislation relevant to WEC. Relevant updates to previously reported bills are contained below:

- 2019 Wisconsin Act 48. This Act was signed into law on November 22, 2019. It exempts individuals with a disability from having to state their name and address at the polls to receive a ballot. The individual may present his or her identification to the election official who verifies it

conforms to legal requirements and the election official or another person selected by the voter states the voter's name and address.

- Senate Bill 574/Assembly Bill 636. This bill would allow absentee ballots to be canvassed on the Monday before an election. Public hearings were held in the Senate on January 15, 2020 and the Assembly on February 13, 2020.
- Senate Bill 741/Assembly Bill 834. This bill would require filing officers to publicly provide notice of whether an incumbent has or has not filed a notification of noncandidacy. Public hearings were held in the Assembly on February 11, 2020 and the Senate on February 12, 2020.
- Senate Bill 794/Assembly Bill 861. This bill would authorize certain overseas and military electors to vote absentee by electronic return of the ballot. The bill is currently in the Senate and Assembly committees on Elections.
- Assembly Bill 887. This bill would allow a person to circulate or sign nomination papers for two or more candidates for the same office in the same election. It also changes the number of signatures required for State Treasurer and Secretary of State. The certification of the circulator is also modified. This bill is currently in the Assembly Committee on Elections.
- Senate Bill 795/Assembly Bill 897. This bill requires the Elections Commission to investigate information obtained from ERIC regarding voters that may have voted more than once in an election. The bill includes additional reporting requirements to the Legislature. The bill also authorizes any member of the Elections Commission, the Administrator or his/her designee to file a sworn complaint with the Elections Commission alleging election law violations. Public hearings were held in the Senate on February 12, 2020 and the Assembly on February 13, 2020.
- Assembly Bill 898. This bill would: require a special primary for national office to be held on the first Tuesday that is at least 10 weeks before the special election for that office; for other special primaries, it must be held on the first Tuesday that is at least four weeks before the special election; requires an individual who registers electronically or by mail to vote for the first time in person at the polls or vote an absentee ballot in-person unless otherwise entitled to vote absentee rather than in-person under federal law; prohibit ballot harvesting; increase the penalty for voting equipment tampering to a felony. A public hearing was held in the Assembly on February 13, 2020.
- Senate Bill 108/Assembly Bill 89. These bills reorganize Chapter 17 of the statutes, which prescribes the methods for filling vacancies in elective offices in cities and villages. The bill passed the Senate on September 6 and the Senate has asked Assembly for concurrence. Assembly committee passed as amended and is currently in the Assembly committee on Rules.
- Senate Bill 193/Assembly Bill 203. These bills allow a municipality to use electronic voting equipment for in-person absentee voting. These bills have both made it out of committee and are awaiting scheduling for a full vote of each house.



- Senate Bill 221/Assembly Bill 244: These bills allow an elector to use a W-2 form to establish proof of residence for voting. The Senate bill is out of committee and awaiting a vote by the full Senate. Assembly bill had a public hearing on September 10, 2019.
- Senate Bill 240/Assembly Bill 245. Commission legislative agenda bill: elections administration, recall petitions, recall procedures. Both bills have been voted out of committee and are available for a full vote by each house.
- Senate Bill 241/Assembly Bill 246. Commission legislative agenda bill: administrative and technical provisions related to voter registration. Both bills have been voted out of committee and are available for a full vote by each house.
- Senate Bill 242/Assembly Bill 247. Commission legislative agenda bill: relating to absentee voting and voting procedures. Both bills have been voted out of committee and are available for a full vote by each house.
- Senate Bill 71/Assembly Bill 64. These bills require the Elections Commission to reimburse counties and municipalities for certain costs incurred in the administration of special primaries and special elections. Bill passed the full Senate, which has asked the Assembly for concurrence. Executive action taken on the Assembly Bill, available for scheduling a vote in the Assembly.
- Senate Bill 422/Assembly Bill 342. This bill relates to the issuance of the certificate of election. This bill allows a certificate of election to be issued immediately if none of the candidates involved are permitted to file a petition for recount. Bill has passed the Senate, voted out of Assembly Committee, currently in the Assembly Committee on Rules.
- Senate Bill 606/Assembly Bill 667. This bill would allow students enrolled in a home-based private educational program to serve as an election inspector. Both bills have been voted out of committee and are available for a full vote by each house.
- Senate Bill 48/Assembly Bill 43. This bill eliminates the prohibition on an individual showing his or her marked ballot or placing a mark upon the ballot, so it is identifiable as their ballot. Bill has passed the Senate and is currently in the Assembly Committee on Elections.
- Senate Bill 197/Assembly Bill 185. This bill relates to entering into an agreement among the states to elect the President of the United States by means of a national popular vote. This bill is currently in the Assembly Committee on Elections and the Senate Committee on Public Benefits, Licensing and State-Federal Relations.
- Senate Bill 288/Assembly Bill 303. This bill relates to legislative and congressional redistricting. The bill directs the Legislative Reference Bureau to draw redistricting plans based upon standards specified in the bill and establishes a Redistricting Advisory Commission to perform certain tasks. This bill is currently in the Assembly Committee on Elections and the Senate Committee on Government Operations, Technology and Consumer Protection.

- Senate Bill 293/Assembly Bill 309. The bill relates to automatic voter registration. This bill is currently in the Senate and Assembly committees on Elections.
- Senate Bill 159. This bill relates to automatic voter registration, deceptive election practices, voter intimidation and suppression, a voter bill of rights, polling place posting and language requirements, language contained in an election manual, and withholding of voluntarily provided elector information. This bill is currently in the Senate committee on Elections.
- Senate Bill 307/Assembly Bill 320. This bill would extend voting rights to certain 17-year-old individuals and requiring a referendum. This bill is currently in the Assembly committee on Elections and the Senate committee on Government Operations, Technology and Consumer Protection.
- Senate Bill 538/Assembly Bill 400. This bill would require counting individuals confined in state prison to determine the population for redistricting purposes. This bill is currently in the Assembly committee on Elections and the Senate committee on Government Operations, Technology and Consumer Protection.
- Senate Bill 372/Assembly Bill 401. This bill would require candidates for president or vice president to file tax returns with the Elections Commission. This bill is currently in the Assembly committee on Elections and the Senate committee on Government Operations, Technology and Consumer Protection.
- Senate Bill 348/Assembly Bill 477. This bill would restore the right to vote to certain persons barred from voting as a result of a felony conviction, change information required on a voter registration form and change the voting procedure for certain people convicted of felonies. This bill is currently in the Assembly committee on Elections and the Senate committee on Insurance, Financial Services, Government Oversight and Courts.
- Assembly Bill 732. This bill would require ranked-choice voting for the election of all federal, state, and local officials, not including recall elections. This bill is currently in the Assembly committee on Elections.

## **XI. Complaints**

Elections Administration staff and Staff Counsel have continued to process and resolve formal complaints related to the actions of local election officials, as well as informal inquiries submitted by voters and the public. For a complaint against a local election official to be processed in accordance with Wis. Stat. § 5.06, an elector of a jurisdiction must file a written sworn complaint. Since January 1, 2020, the Commission has received eight Wis. Stat. § 5.06 complaints, two of which are still outstanding. In addition, staff frequently handles informal complaints and inquiries submitted through telephone calls, emails or through the agency's website, which are typically resolved promptly through a phone call, or email with the complainant and local election officials if necessary. Since January 1, 2020, the agency has received a total of 18 informal complaints through the website. Complaints filed

under Wis. Stat. § 5.05 are confidential and decided by the Commission in closed session. Since January 1, 2020, the Commission has received two complaints under Wis. Stat. § 5.05, both of which are on the closed session agenda for this meeting.

## **XII. 2020 Steering Committee**

The 2020 Steering Committee was created to coordinate efforts ahead of the 2020 election cycle. The 2020 Steering Committee will assist the current teams and projects of the WEC through:

- Resource forecasting
- Creating an agency-wide internal calendar of election deadlines and agency projects
- Coordinate planning across the agency for the 2020 elections
- Monitor and maintain the 2020 calendar.

The 2020 Steering Committee is creating an internal calendar that better merges the various functions of the agency. This calendar will contain clerk-specific deadlines WEC staff should be aware of, IT deployment schedules, training events, and more. The internal calendar will succinctly allow WEC staff to be aware of all election-specific events that are occurring. The intention is to provide staff better information to reduce overlapping events and overwhelming clerks.

Additionally, the 2020 Steering Committee is also creating a semimonthly clerk newsletter that will remind clerks of upcoming election-related deadlines, recently issued clerk communications and WisVote News posts, and a short message from WEC staff. The clerk newsletter aims to be an easily digestible source of WEC information and to point clerks to pertinent resources and information that will help them perform required elections tasks. WEC staff are exploring providing this information via an email or through an audiovisual method.

## **XIII. Voting Equipment**

Staff has worked with Administrator Wolfe on approval of two engineering change orders (ECO) from Election Systems and Software (ES&S). These two ECOs address security issues in the adaptive security appliance, or firewall, used as part of ES&S voting systems that transmit results via cellular modem. An additional provision in one of the ECOs updates the software and firmware of the dedicated wireless router used in system versions EVS 5341 and EVS 6050. A third ECO requested the use of 3G modems in DS200s on EVS 6050. Since this system version was tested and certified with only 4G modems, a limited test will be scheduled after the Spring Primary on a date yet to be scheduled.

Staff is also working with ES&S to resolve issues related to DS200 modems in system versions EVS 6050 and EVS 5341. Apart from coverage and connection issues, municipalities in several counties have faced difficulty in setting up a Verizon account and signing their machines on to the Verizon 4G VPN. ES&S has been in the field in each county to resolve issues. ES&S has conveyed to WEC that issues in most counties have been resolved. Milwaukee County, however, is still having problems getting their DS200s on the Verizon 4g VPN and ES&S continues to seek resolution with the county.

#### **XIV. Communications Report**

Between November 16, 2019 and February 12, 2020, Public Information Officer Reid Magney engaged in the following activities in furtherance of the Commission's mission:

Media: I responded to numerous media and general public phone calls and email contacts during the period, mostly regarding the ERIC movers list litigation, election security and the A/B ballot situation for the Spring Primary and Spring Election. Public phone calls and emails about the ERIC litigation were also particularly intense during the time between the circuit court's original ruling against the Commission and the Wisconsin Court of Appeals' stay orders. I coordinated several media interviews for the Administrator or gave interviews when she was not available. I prepared eight news releases on topics including the ERIC movers mailing litigation, the Presidential Preference Selection Committee, ballot access decisions and the Spring Primary.

Election Security: News media and public inquiries about election security issues remain constant, eclipsed only by ERIC movers list questions. I continue working closely on this with the Elections Security Team, county and municipal clerks, staff of the National Association of State Election Directors, voting equipment vendors, in addition to the Administrator and other senior agency staff.

The Election Security Public Information Program continues to command much of my attention, working closely with KW2 and our staff on the development of a communications toolkit for clerks and communications training for clerks. Additional details are contained in the Election Security section of the meeting materials.

##### **A. Online**

The agency's website team continues working to update the WEC's websites as we prepare for 2020.

##### **B. Public Records**

The Commission received and responded to many public records requests during the period of this report, mostly for the public version of the ERIC movers mailing list which the Commission decided to release in late January. There were approximately 15 requests on file at the time the mailing list was released January 27. Since then, a total of 56 requests have been fulfilled through the Badger Voters data website. The ERIC list release also applied to voter list data, which has resulted in eight purchases of voter data for all or some of the approximately 232,000 voters who were mailed the movers letter in October 2019.

##### **C. Records Management**

As the agency records officer, I continue working with the Records Management Team on a project to review and either dispose of or archive all paper records.

#### **XV. Elections HelpDesk/Customer Service Center**

The Elections Help Desk staff is supporting more than 2,000 active WisVote users while also answering calls from the public and election officials. Staff is monitoring state enterprise network and data center changes and status, and processing Voter Address Verification postcards. Help Desk staff has been serving on and assisting various project teams including ongoing WisVote and MyVote development, ERIC movers mailing, and Security teams. Staff continues to maintain and update Elections Commission, WisVote user and clerk listserv email lists. Staff is assisting with several upgrade projects

such as server upgrades, EndPoint Protection roll out, the Subgrant program, Computer Loaner program and various other projects initiated by the Department of Administration (DOA) including AT&T Unified Communication (VoIP), serving on DOA committee developing the next Voice Services contracts and administering Elections Commission's O 365 Exchange email system.

The Help Desk staff continues to create new clerk user credentials for the WisVote system and the Elections Learning Center to ensure all users are properly trained in WisVote and election security. They also assist clerks with configuring and installing WisVote on many new municipal computers. The Help Desk continues to field a wide variety of calls and emails from voters and the public, candidates, political committees, and public officials. Staff is working with Beyond Vision to take some calls from the public on the 866 number during elections. Beyond Vision can field simpler questions such as "Where do I vote" "Am I registered" and "What is on my ballot" using the MyVote website.

Customer Service Call Volume  
608-266-8005    608-261-2028

November 2019	1,067
December 2019	1,058
January 2020	2,568
<b>Total for Reporting Period</b>	<b>4,693</b>

**XVI. Financial Services Activity**

- On January 8, 2020, staff completed and submitted to the Wisconsin Department of Administration (DOA) State Controller's Office (SCO) our annual calendar year 1099 adjustment report.
- On January 10, 2020, staff researched and verified with DOA our annual supplier diversity spend for fiscal year 2019. Staff will be working with DOA to more often report spend with certified Minority Owned Business Enterprises (MBEs) and Disabled Veteran-Owned Businesses (DVBs) to streamline this process.
- On January 10, 21 and 23, 2020, staff participated in conference calls with Peg Rosenberry of the U.S. Election Assistance Commission (EAC) to better understand the 2020 Election Security HAVA grant process, requirements, and allowable uses.
- On January 13, 2020, staff complied with an open record request and reported to the state legislature all revenue and expenditures associated with voter data requests and the sale of voter data in state fiscal year 2019.
- On January 17, 2020, staff received from the EAC our Notice of Grant Award, awarding \$7,818,581 to Wisconsin under the Appropriations Act of 2020.

- On January 20, 2020, staff updated WEC staff's ePay U.S. Bank user permissions. Additionally, staff has worked and continues to work with U.S. Bank to resolve issues relating to testing verses production billing and outdated information released in payment confirmation emails.
- On January 24, 2020, staff renewed our agency's registration in the U.S. federal government's System for Award Management (SAM), the system through which we may receive federal funds.
- On January 29, 2020, staff submitted to the SCO queries and spreadsheets to support our EX liability reconciliations.
- On January 31, 2020, staff submitted to DOA via the state STAR FIN ERP system our Grant Proposal for the 2020 Election Security HAVA grant.
- On January 31 and on February 6, 2020, staff complied with an open records request and reported to WEC's Public Information Officer the expenditures associated with voter ID laws.
- On February 3, 2020, staff submitted to the EAC our official request to receive \$7,818,581, Wisconsin's share of the 2020 Election Security HAVA grant.
- On February 11, 2020, staff audited and submitted adjustments to DOA for our agency's Project Costing Year-End Extract.
- Staff compiled all expenditures related to election equipment testing since July 2019 and invoiced for reimbursement Elections System & Software (ES&E) and Clear Ballot for our expenditures in certifying their equipment.
- Staff has continued to perform and submit to SCO scheduled month-end close queries, inquiries, and reports. Staff conducted necessary adjusting entries to resolve any found errors.
- Staff has continued to participate in monthly DOA user group webinars pertaining to Project Costing and Billing and Accounts Receivable.
- Staff has continued to participate in the Financial Leadership Council meetings at SCO.
- Since the December 2, 2019 Commission meeting, staff has entered, audited, and paid an additional 20 Tier 1 (compliant hardware, IT support, in-person training) subgrant vouchers, comprising \$16,500, bringing the total processed to 862 vouchers, totaling \$823,700.
- As of February 10, 2020, staff has entered, audited, and paid five Tier 2 (HTTPS) county subgrants, comprising \$2,500.

## **XVII. Procurements**

The following Purchase Orders totaling \$27,026.92 have been processed since the December 2, 2019 Commission meeting:

- A \$447.20 Purchase Order was written to Idea Translations for both Spanish and Hmong translation services on our newly revised voter registration form.
- A \$607.27 Purchase Order was written to Vanguard Computers for adapter converter cables.
- A \$40.00 Purchase Order was written to Paragon Development Systems (PDS) for a disk drive eraser for our loaner laptop program.
- A \$144.00 Purchase Order was written to PDS for an AC adapter.
- A \$155.60 Purchase Order was written to Cenveo Worldwide Limited for 9"x12" and 10"x13" envelopes printed with our agency's return address.
- A \$9,000.00 Purchase Order was written to ArcGIS for an annual subscription for Global Information System (GIS) mapping software service.
- A \$16,524.00 Purchase Order was written to DI & Associates for 14 weeks of two temporary staff to support elections administration work, including answering phones and emails, and light data entry and clerical work.
- A \$108.85 Purchase Order was written to SHI International for one staff photoshop subscription.
- **All purchases accurately followed the Wisconsin State Procurement Process.**

## **XVIII. Meetings and Presentations**

WEC staff attended the following events since the December 2, 2019 Commission meeting.

December 3: Elections Security TTX in Warrens

December 5: Elections Security TTX in Milwaukee

December 4-6: Council for State Governments, Overseas Vote Initiative

December 6: Communications Training in Madison

December 10: Wisconsin Emergency Management Cybersecurity Workshop in Appleton

December 11: Elections Security TTX in Luxemburg

December 12: Elections Security TTX in Green Bay

Communications Training in Green Bay

December 16: Badger Book Training in Hudson

December 17-19: Center for Election Innovation and Research in Denver, CO

December 17: Elections Security TTX in Hudson

December 18: Election Security Council meeting in Madison

Badger Book Training in Eagle Point

Security TTX in Eagle Point

December 19: Badger Book Training in Ashland

December 19: Elections Security TTX in Ashland

December 20: Elections Security TTX in Phillips

January 7: Badger Book Training in Madison

January 8: Badger Book Training in Madison

January 9: Badger Book Training in Menasha

January 10: Badger Book Training in Menasha

Communications Training in Wausau

January 14: Wisconsin Emergency Management Cybersecurity Workshop in Waukesha

January 15: Election Administration TTX in Janesville

January 16: Badger Book Training in Appleton

January 17: Badger Book Meeting with Milwaukee County Municipalities in Greenfield

January 22: Badger Book Training in Madison

January 23: Badger Book Training in Racine

January 24: Wisconsin Towns Association District Meeting in Minocqua

Badger Book Training in Elkhorn

January 25: Wisconsin Towns Association District Meeting in Shawano

January 28: Badger Book Training in West Allis

January 29 – February 3: National Association of State Election Directors Conference, Department of Homeland Security Government Coordinating Council, Department of Homeland Security State Executive TTX, ERIC Membership and Board Annual Winter Meeting

January 29: Badger Book Training in West Allis

January 30: Badger Book Training in Waukesha

February 7: Wisconsin Towns Association District Meeting in Marshfield

February 8: Wisconsin Towns Association District Meeting in Kimberly

February 8: Invited Speaker at Wisconsin League of Women Voters- Janesville

February 11: Wisconsin Emergency Management Cybersecurity Workshop in Lake Delton

February 14: Wisconsin Towns Association District Meeting in Juneau

February 15: Wisconsin Towns Association District Meeting in Whitewater



**XIX. Delegation of Authority**

The Administrator of the State of Wisconsin Elections Commission used the delegated authority provided by the Commission to authorize the following:

- Purchases and expenditures as listed above
- Issuance of Engineering Change Orders in consultation with the Chair as listed above
- Issuance of complaint resolution letters in consultation with the Chair as listed above

**ATTACHMENT #1**

Wisconsin Elections Commission's Training Initiatives  
12/3/2019 – 2/27/2020

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.  MCT Core class is available in the WisVote Learning Center.	3 hours	All municipal clerks are required to take the training; other staff may attend. Clerks may attend refresher once per 2-year term.	In-Person: 2  16-section presentation with quizzes	20  105
Chief Inspector	Required training for new Chief Inspectors before they can serve as an election official for a municipality during an election.  CIT Baseline class is available in the WisVote Learning Center.	2-3 hours	Election workers for a municipality. Current chiefs and clerks may attend refresher once per 2-year term.	In-Person: 16  7-section presentation with self-evaluation	605  230
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 training sessions hosted and conducted by Commission staff.	County and municipal clerks, chief inspectors, poll workers, election registration officials, and school district clerks.	11/8/2019: WisVote Endpoint Testing; 11/19/2019: 2019 WisVote Updates; 12/4/2019: Wrapping up 2019 and a Preview of 2020; 12/17/2019: WisVote Spring Election Setup; 1/15/2020: What You Need to Know About Absentee Voting in 2020; 1/21/2020: 2020 Canvass Reporting System; 1/29/2020: Preparing for a Statewide Primary	50 – 250 per live webinar; posted to website for clerks to use on-demand.

**ATTACHMENT #1**

Wisconsin Elections Commission's Training Initiatives  
12/3/2019 – 2/27/2020

<b>Training Type</b>	<b>Description</b>	<b>Class Duration</b>	<b>Target Audience</b>	<b>Number of Classes</b>	<b>Number of Students</b>
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	Not tracked