

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Elections Commission

Regular Meeting

March 9, 2022

9:00 A.M.

Due to the COVID-19 pandemic, this meeting is being held via video teleconference only. Members of the public and media may attend online or by telephone. Please visit <https://elections.wi.gov/node/7896> to view materials for the meeting (if any). All public participants' phones/microphones will be muted during the meeting. Members of the public wishing to communicate to the Commissioners should email electioncomments@wi.gov with "Message to Commissioners" in the subject line.

AGENDA

- A. Call to Order**
- B. Administrator's Report of Appropriate Meeting Notice**
- C. Minutes of Previous Meetings**
 - January 11, 2022** 3
 - January 28, 2022** 12
 - January 31, 2022** 17
 - February 16, 2022** 20
- D. Data Log Project** 23
- E. Consideration of Administrative Rule Scope Statements and Possible Action on the Notice of Preliminary Public Hearing and Comment Period on Scope Statements SS 008-22 and SS 010-22** 38
- F. Staff Update** 68
- G. Discussion and Possible Action Related to Progress Implementing Legislative Audit Bureau Recommendations** 135
- H. Discussion of Quarterly ERIC Movers Mailing** 138

NOTICE OF OPEN AND CLOSED MEETING

I. Consideration and Approval of Ballot Proof for 2022 Fall Elections 141

J. Discussion of 2022 Voter Felon Audit 148

K. Closed Session

1. Approval of Previous Meeting Minutes

2. ERIC Cross-State Referrals

3. Election Complaints

4. Litigation Updates

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

§19.851 – The Commission’s deliberations concerning an investigation of any violation of the law under the jurisdiction of the Commission shall be in closed session.

L. Adjourn

** The Elections Commission will convene in open session but may move to closed session under Wis. Stat. § 19.85(1)(g) and then reconvene into open session prior to adjournment of this meeting. This notice is intended to inform the public that this meeting will convene in open session, may move to closed session, and then 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
(608) 266-8005 | elections@wi.gov | elections.wi.gov

Wisconsin Elections Commission
Special Teleconference Meeting
212 E. Washington Avenue, Third Floor
Madison, Wisconsin
9:00am January 11, 2022

Open Session Minutes

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

Staff present: Meagan Wolfe, Richard Rydecki, Sharrie Hauge, Robert Kehoe, Nathan Judnic, Jim Witecha, Riley Vetterkind, John Smalley, Brandon Hunzicker, Riley Willman, Regina Hein, Ann Oberle, and Anna Langdon, all by teleconference

A. Call to Order

Commission Chair Ann Jacobs called the meeting to order at 9:01 am and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Ballot Access Challenges and Issues (if necessary)

No challenges made to any of the nominating petitions, not addressed.

D. Ballot Access Report and Certification of Candidates for the 2022 Spring Election

Deputy Administrator Richard Rydecki appeared and summarized the information on candidates requesting ballot access for the 2022 Spring Election. He noted two anomalies that did not impact ballot access; that printed names and addresses of signers appear to be written by the circulator, and a discrepancy between the mailing municipality on a candidate's Declaration of Candidacy and portions of his nomination papers.

Discussion.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

MOTION: Staff recommends that the Commission certify ballot access for the 60 candidates listed as “approved” in Attachment B, Candidate Tracking by Office report.

Moved by Commissioner Glancey. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

E. Approval of December 1, 2021 Meeting Minutes

Chairwoman Jacobs stated that before the Commission is the approval of the December 1st open session minutes from 2021.

MOTION: To approve the December 1, 2021 open session meeting minutes.

Moved by Commissioner Bostelmann. Seconded by Commissioner Knudson.

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

Motion carried 6-0.

F. Approval of 2022 Polling Place Accessibility Program

Deputy Administrator Richard Rydecki appeared and introduced new Accessibility Program Coordinator, Regina Hein. He then gave an overview of the 2022 Polling Place Accessibility Program and outlined the need for site reviewers, sourced from both temporary staff and volunteers from organizations that advocate for the disability community, to conduct polling place accessibility audits. He acknowledged there may be a limited applicant pool due to aspects of the job such as the short duration and travel requirement.

Questions and discussion.

MOTION: The Commission approves the staff plan for the polling place accessibility audit program for the 2022 election cycle.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

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

Motion carried 6-0.

G. ERIC Movers for 2022

Technology Director Robert Kehoe appeared and presented data on ERIC Movers Review processes for the past year and future planned and recommended mailings. He noted the success of the quarterly format.

MOTION: Commission directs staff to continue the quarterly mailing process for ERIC Movers Review into 2022 and subsequent years. The mailings will continue to use the same postcard design and language approved by the commission at the June 10, 2021 meeting, with the understanding that some non-substantive editing may be needed to address printing requirements.

Moved by Commissioner Thomsen. Seconded by Commissioner Knudson.

Discussion.

FRIENDLY AMENDMENT: To review and approve the ERIC Movers procedures year by year.

Moved by Commissioner Spindell. Rejected by Commissioner Thomsen.

Discussion.

Commissioner Knudson clarified that he assumes the watermark process is continuing because it is procedure. The Commissioners agreed adoption of this motion includes the continuation of the watermark process.

Discussion.

AMENDMENT: To add a sentence, “The Commission shall review the ERIC Movers procedures at the first Commission meeting held in each even-numbered year.”

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

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

Motion failed 3-3.

Discussion.

AMENDMENT: After the words “ERIC Movers Review” strike the end of the first sentence, beginning with “into 2022,” and substitute the language for, “until 12/31/23.” Add a sentence at the end of the motion that says, “The Commission directs staff to begin promulgation of an administrative rule on the ERIC Movers process.”

Moved by Commissioner Knudson. Seconded by Commissioner Bostelmann.

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

Motion failed 3-3.

Discussion.

AMENDMENT: To add a sentence, “The matter may be brought back before the commission at the request of one commissioner.”

Moved by Commissioner Bostelmann. Seconded by Commissioner Glancey.

Discussion.

FRIENDLY AMENDMENT: Change “one commissioner” to “two commissioners.”

Moved by Chairwoman Jacobs. Agreed to by Commissioner Bostelmann and Commissioner Glancey.

Chairwoman Jacobs called a vote on the amendment moved by Commissioner Bostelmann.

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

Motion carried 6-0.

AMENDED MOTION: Commission directs staff to continue the quarterly mailing process for ERIC Movers Review into 2022 and subsequent years. The mailings will continue to use the same postcard design and language approved by the commission at the June 10, 2021 meeting, with the understanding that some non-substantive editing may be needed to address printing requirements. The matter may be brought back before the commission at the request of two commissioners.

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

Motion carried 5-1.

The Commission took a break at 10:31 am.

Regina Hein was no longer in attendance.

Commissioner Bostelmann left and re-entered the meeting due to technical issues at 10:42 am.

The Commission reconvened at 10:43 am.

Technology Director Robert Kehoe reviewed the 2020 Voter Participation process, describing the differences in approach between in-state and out-of-state matches. He also presented the 2022 ERIC Data Calendar, which depicts the data sharing schedule with ERIC.

No action required.

H. .gov Email Address Grant Program

Technology Director Robert Kehoe explained what a top-level domain is and their cybersecurity benefits. He then presented the Elections Security .gov Email Domain Subgrant Program to the Commission.

Discussion.

MOTION: The Commission directs staff to announce and initiate the Elections Security .gov Email Domain subgrant program to local election officials as described in the staff memorandum. The Commission authorizes WEC staff to announce the subgrant, accept applications, and issue subgrant funds to municipal election officials no later than September 30, 2022. The total amount of subgrant funds distributed is not to exceed \$300,000. The individual awards are not to exceed \$500.

Moved by Chairwoman Jacobs. Seconded by Commissioner Spindell.

FRIENDLY AMENDMENT: The individual awards are not to exceed \$600.

Moved by Commissioner Spindell. Accepted by Chairwoman Jacobs.

Discussion.

Clarification was made by Commissioner Glancey that jurisdictions that have obtained a .gov domain since the August 24, 2021 memorandum was published would qualify retroactively for the subgrant.

MOTION AS AMENDED: The Commission directs staff to announce and initiate the Elections Security .gov Email Domain subgrant program to local election officials as described in the staff memorandum. The Commission authorizes WEC staff to announce the subgrant, accept applications, and issue subgrant funds to municipal election officials no later than September 30, 2022. The total amount of subgrant funds distributed is not to exceed \$300,000. Individual awards shall not be more than \$600 per award.

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

Motion carried 6-0.

I. Staff Update

Administrator Meagan Wolfe appeared and spoke on agency projects and operations since the last Elections Commission Update. She first touched on preparations for the Spring 2022 Election, upcoming election administration projects presented at an earlier meeting, and addressing updates. She

then described efforts by staff to improve usability within WisVote and assist clerks in reporting training hours. Administrator Wolfe then covered Badger Voters revenue and described WEC Help Desk operations. She also briefed the Commission on financial reports and purchases and presented a list of events staff have been involved in over the last few months. To conclude, Administrator Wolfe presented a new public education effort to develop educational videos on the mechanics of elections in anticipation of the 2022 election cycle.

Questions.

No action required.

J. Public Records Requests

a. Discussion and approval of Policy Update

Staff Counsel Brandon Hunzicker appeared and presented a proposed update to the costs section of the public records notice. The proposed update addresses possible ambiguities in the current costs section and a current limitation on costs that does not come from the public records statutes.

Discussion.

LIMITED MOTION: Remove the sentence from our policy which reads, “The lowest hourly rate is \$21.11, and will not exceed \$30.00 per hour.”

Moved by Commissioner Thomsen. Seconded by Chairwoman Jacobs.

Discussion.

FRIENDLY AMENDMENT: This change to the policy is effective for requests received after January 11, 2022 at the time the vote is taken.

Moved by Commissioner Spindell. Accepted by Commissioner Thomsen.

MOTION: Remove the sentence from our policy which reads, “The lowest hourly rate is \$21.11, and will not exceed \$30.00 per hour.” This change to the policy is effective for requests received after January 11, 2022 at the time the vote is taken.

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

Motion carried 6-0 at 12:34 on January 11, 2022.

The Commission took lunch at 12:34 and reconvened at 1:08. Dawn Soletski was no longer in attendance.

At the request of Commissioner Spindell, the Commission discussed the cost of data requests specified in Wis. Admin. Code. Section 3.50 Charges for voter registration data.

Discussion.

MOTION: To direct staff to investigate the creation of standard reports that could be provided at a lesser cost and to investigate the process of amending EL § 3.50 and return with suggestions at a future meeting.

Moved by Commissioner Knudson. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

b. Discussion of Legislative Data Request

Administrator Meagan Wolfe appeared and sought guidance from the Commission on specific questions on a request received from the Assembly Committee on Campaigns and Elections on December 22, 2021. Her first question pertained to question 5 of the request. She asked whether it is appropriate to waive location fees for a public records request of that size and scope. Administrator Wolfe suggested processing the request as a public records request and to provide a cost estimate and notify the requesters that it would take a long time to locate that information, then asked the Commission if that was the appropriate course of action.

Discussion.

Administrator Wolfe was advised by the Commission to follow policy and put together an estimate so recipients can act accordingly.

Administrator Wolfe's second question described the strain that would be put on the agency's servers when fulfilling question seven, a WisVote data request. She estimated fulfilling this request would cost upwards of \$100,000 and touched on the legal issues brought up by the request for personally identifiable information. She then proposed ways to help the requesters obtain information without severely impacting agency operations. She then asked the Commission if this is the appropriate course of action.

Discussion.

The Commission advised Administrator Wolfe to communicate with the requesters to narrow the scope of the request.

K. Administrative Rules Update

a. Polling Place Emergency Planning

At the December 1, 2021 Commission meeting, the staff was directed to create a scope statement aimed at requiring municipalities to create a plan to employ if a public health crisis, natural disaster, or other

catastrophic event impacts polling places. Staff Counsel Brandon Hunzicker appeared and presented the scope statement for proposed Chapter EL 15, Polling Place Emergency Planning.

Discussion.

MOTION: To approve the scope statement for EL Chapter 15 on polling place emergency planning.

Moved by Commissioner Knudson. Seconded by Commissioner Glancey.

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

Motion carried 6-0.

b. Certification and Training of Municipal Clerks

Staff Counsel Jim Witecha appeared and presented an amendment to EL Chapter 12 by updating the clerk training term to bring it into compliance with current practice and Wis. Stat. § 7.15(1m), adding a provision regarding the notification of the municipality when a clerk does not meet training obligations for the current cycle, and adding a line indicating the statewide voter registration system is named “WisVote,” and that the name of the system may change in the future.

MOTION: To approve the scope statement on EL Chapter 12.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

L. WEC implementation of emergency rule regarding drop boxes and completion of filling in missing info on absentee ballots

Chairwoman Jacobs put before the Commission a letter from the Joint Committee for Review of Administrative Rules which demands the Wisconsin Elections Commission implement an emergency rule regarding drop boxes and completion of missing information on absentee ballot envelopes.

Discussion.

The Commission agreed to meet on January 28, 2022 at 10:30 to discuss the emergency rule.

M. Closed Session

MOTION: To move into closed session.

Moved by Commissioner Bostelmann, seconded by Commissioner Thomsen

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

Motion carried 6-0.

The Commission moved to closed session at 3:18 pm.

The Commission adjourned in closed session at 5:34 pm.

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January 11, 2021 Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Support

January 13, 2022

January 11, 2021 Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

March 9, 2022



Wisconsin Elections Commission

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

Wisconsin Elections Commission
Special Teleconference Meeting
212 E. Washington Avenue, Third Floor
Madison, Wisconsin
10:30 am January 28, 2022

Open Session Minutes

Present: Commissioner Ann Jacobs, Commissioner Marge Bostelmann, Commissioner Dean Knudson, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all by teleconference. Commissioner Julie Glancey initially attended by phone and later appeared by teleconference.

Staff present: Meagan Wolfe, Richard Rydecki, Sharrie Hauge, Robert Kehoe, Nathan Judnic, Jim Witecha, Brandon Hunzicker, John Smalley, and Anna Langdon, all by teleconference

A. Call to Order

Commission Chair Jacobs called the meeting to order at 10:39 and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Consider the two letters received by the Commission on January 10, 2022 from the Joint Committee for the Review of Administrative Rules (JCRAR)

a. Use of Drop Boxes to Return Absentee Ballots

Staff Counsel Jim Witecha presented an overview of the rulemaking process and the role of the JCRAR, as discussed in the memo, "Legal analysis of Wis. Stat. § 227.26(2)(b), its implications, and the Commission's independent promulgation of administrative rules," which was provided to the Commissioners and posted publicly prior to the meeting.

Discussion.

MOTION: In accordance with the directive from JCRAR, cease issuing guidance as to drop boxes and withdraw any guidance related to drop boxes.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Discussion.

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

Motion failed 3-3.

MOTION: Staff is directed to draft a scope statement promulgated as an emergency rule regulating the use of drop boxes based upon the current guidance consistent with the unanimous motion on December 1, 2021.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

Discussion.

Commissioner Spindell asked for clarification that the scope statements would be brought back to the Commission for approval. Commissioner Thomsen affirmed this.

Discussion.

AMENDMENT: Staff is directed to develop a scope statement for an emergency rule as to drop boxes that would follow the ruling of the Waukesha Circuit Court that would be sent on to the governor and the Department of Administration within five days, without coming back to the commission for further input.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

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

Motion failed 3-3.

ORIGINAL MOTION: Staff is directed to draft a scope statement promulgated as an emergency rule regulating the use of drop boxes based upon the current guidance consistent with the unanimous motion on December 1, 2021.

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

Motion failed 3-3.

Commissioner Thomsen suggested the Commission move onto the next item. Chairwoman Jacobs provided commissioners with the option to continue discussion. None of the commissioners indicated they wanted to continue the discussion.

The Commission took a break at 12:35 pm.

The Commission reconvened at 12:39 pm.

b. Correction of Errors and Omissions on Absentee Ballots

Discussion.

MOTION: Retract the guidance that the Commission issued at the October 2016 meeting relating to making corrections on the absentee ballot envelope.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

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

Motion failed 4-2.

MOTION: Promulgate an emergency rule related to correction of absentee ballot envelopes.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

FRIENDLY AMENDMENT: To make the emergency rule consistent with current guidance.

Moved by Commissioner Thomsen. Rejected by Commissioner Knudson.

Discussion.

FRIENDLY AMENDMENT: To ask the staff to bring to the Commission two scope statements, one based on current guidance, and one based on best recommendations.

Moved by Commissioner Spindell. Accepted by Commissioner Knudson.

Commissioner Thomsen clarified that the emergency rule promulgation would not stop the process on the permanent rule.

AMENDED MOTION: Pursuant to January 10, 2022 letter from JCRAR, staff is directed to draft two scope statements for an emergency rule regarding corrections of absentee ballot envelopes, one of which reflecting current guidance and one of which reflecting staff's best recommendations.

Commissioner Knudson clarified that his motion includes that the scope statements should be presented as soon as possible to comply with the deadline expressed in the JCRAR order. The Commission and staff discussed scheduling the meeting at which the scope statements would be presented.

FRIENDLY AMENDMENT: Add a sentence clarifying that the Commission affirms it has never had guidance regarding the correction of absentee ballots.

Moved by Commissioner Thomsen. Accepted by Commissioner Knudson.

AMENDED MOTION: Pursuant to the letter from JCRAR dated January 10, 2022, and assuming that directive is regarding correction of absentee ballot envelopes, staff is directed to draft two scope statements for an emergency rule regarding corrections of absentee ballot envelopes, one of which reflecting current guidance and one of which reflecting staff's best recommendations. The Commission affirms it has never had guidance regarding the correction of absentee ballots.

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

Motion carried 6-0.

The staff will provide the Commission with the proposed scope statements by January 31, 2022 by 10:00 am. Staff will also notice a Commission meeting for January 31, 2022 at 6:00 pm.

D. Adjourn

MOTION: To adjourn.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

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

Motion carried 6-0.

The Commission adjourned at 1:31 pm.

####

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

Anna Langdon, Help Desk Staff

January 31, 2022

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

Marge Bostelmann, Commission Secretary

March 9, 2022

DRAFT



Wisconsin Elections Commission

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

Wisconsin Elections Commission
Special Teleconference Meeting
212 E. Washington Avenue, Third Floor
Madison, Wisconsin
6:00 pm January 31, 2022

Open Session Minutes

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

Staff present: Meagan Wolfe, Richard Rydecki, Sharrie Hauge, Robert Kehoe, Jim Witecha, Brandon Hunzicker, Riley Vetterkind, John Smalley, and Anna Langdon, all by teleconference

A. Call to Order

Commission Chair Jacobs called the meeting to order at 6:01 pm and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Discussion and Potential Action on Statement of Scope for Emergency Administrative Rule Regarding Correction of Errors and Omissions on Absentee Ballot Certificate Envelopes

Administrator Meagan Wolfe appeared and introduced the three documents provided to the Commissioners and posted publicly prior to the meeting. The first two documents were draft scope statements and the third document was a draft letter. She noted the first scope statement was modeled after current guidance voted on unanimously by the Commission in 2016 and the alternative scope statement was modeled after the original recommendation brought before the Commission in 2016. She also went over the draft response letter addressed to the Joint Committee for the Review of Administrative Rules (JCRAR) that outlined actions the commission had taken on their orders. Administrator Wolfe noted the actions taken by the Commission that day would be added to the letter before it was sent.

Staff counsel Jim Witecha appeared and presented the scope statements. He pointed out the two scope statements were similar, with the main difference being the "best alternative" solution contained a

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

component of informed consent from the voter to allow their absentee ballot certificate envelope to be corrected by the clerk.

MOTION: Adopt the “second” scope statement with the language, “clerks would be required to make contact and obtain voter consent before personally making any required corrections to missing information.”

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

Discussion.

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

Motion failed 3-3.

MOTION: Adopt the scope statement with the language, “If clerks are able to discern any missing information from outside sources, clerks are not required to contact the voter before making that correction directly to the absentee certificate envelope.”

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

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

Motion carried 4-2.

Chairwoman Jacobs briefly summarized the draft letter to JCRAR.

MOTION: Direct staff to update the letter to JCRAR to include a write-up of tonight’s motions similar to what is already included for the January 28, 2022 meeting.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

D. Adjourn

MOTION: To adjourn.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

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

Motion carried 6-0.

The Commission adjourned at 7:04 pm.

####

January 31, 2022 Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

February 1, 2022

January 31, 2022 Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

March 9, 2022



Wisconsin Elections Commission

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

Wisconsin Elections Commission
Special Teleconference Meeting
212 E. Washington Avenue, Third Floor
Madison, Wisconsin
7:45 am February 16, 2022

Open Session Minutes

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

Commissioner Knudson began the meeting via audio only and appeared by video at 7:48.

Staff present: Meagan Wolfe, Richard Rydecki, Sharrie Hauge, Robert Kehoe, Nathan Judnic, Jim Witecha, Brandon Hunzicker, Riley Vetterkind, John Smalley, Jacob Walters, and Anna Langdon, all by teleconference

DOJ present: Thomas Bellavia

A. Call to Order

Commission Chair Jacobs called the meeting to order at 7:45 am and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Discussion and Potential Action – Court Order in Teigen, et al. v. WEC, et al. – Guidance Related to Delivery of Absentee Ballots and Drop Boxes

Chairwoman Jacobs informed the Commissioners the meeting was noticed so they could go into closed session and return to open session if they desired.

MOTION: Pursuant to the Supreme Court order dated February 11, 2022, staff will take all steps necessary to comply with the Circuit Court's January 19, 2022 Order or otherwise, subject to final decision of the Supreme Court.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

FRIENDLY AMENDMENT: The proposed letter issued by staff dated February 16, 2022 shall be issued consistent with the Order.

Proposed by Commissioner Spindell. Accepted by Commissioner Thomsen and Commissioner Glancey.

Discussion.

AMENDED MOTION: Pursuant to the Supreme Court order dated February 11, 2022, staff will take all steps necessary to comply with the Circuit Court's January 19, 2022 Order or otherwise, subject to final decision of the Supreme Court. The proposed letter issued by staff dated February 16, 2022 shall be issued consistent with the Order.

Discussion.

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

Motion carried 6-0.

Commissioner Jacobs offered the option to go into closed session. None of the Commissioners indicated they wanted to do so.

Commissioner Knudson sought clarity concerning whether the Commissioners had retracted the guidance concerning drop boxes and who can deliver a ballot by passing that motion.

Discussion.

MOTION: Retract and remove all guidance regarding drop boxes and delivery of ballots by individuals other than the voter themselves.

Moved by Commissioner Knudson.

POINT OF ORDER: The motion made by Commissioner Knudson is out of order.

Raised by Commissioner Thomsen.

Commissioner Thomsen clarified that he put "or otherwise" in his motion because of the discrepancy between the date cited on the Supreme Court Order (January 19, 2022), and the date cited on the memo drafted by WEC Staff (January 20, 2022). He stated that the order itself is dated January 20th and he added "or otherwise" to his motion to cover any typo or error in the Supreme Court Order so there was not any question on what had to be done.

Assistant Attorney General Thomas Bellavia with the Wisconsin Department of Justice explained the order was a single order signed by the Circuit Court Judge on the 19th and entered on the docket by the clerk on the 20th, and both dates are reflected on the front page of the order.

Discussion.

Chairwoman Jacobs ruled the motion was in order by asking for a second. Motion failed for lack of a second.

D. Adjourn

MOTION: To adjourn.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

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

Motion carried 6-0.

The Commission adjourned at 8:10 am.

February 16, 2022 Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

February 17, 2022

February 16, 2022 Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

March 9, 2022



Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984
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DATE: For the March 9, 2022 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator

SUBJECT: Electronic Voting Systems Data Retention and Additional Data Points

Background

At the September 9, 2021 meeting of the Wisconsin Elections Commission, questions were raised by Commissioners on the topic of data created by electronic voting systems (EVS). Specifically, Commissioners requested information on what data was created by an EVS beginning with the programming phase through election results report, how it is currently retained, and whether either the WEC data retention policy or Wis. Stat. §7.23(1)(f) and (g) required that additional data logs, such as modem transmission and Windows system logs not directly created by the EVS, be retained.

To achieve this, the Commission directed staff to research current data retention procedures, how those procedures are applied by both the counties and the various voting equipment vendors, and discern what types of data, if any, may be created by the EVS or ancillary computer system components. Staff held meetings with numerous county clerks and representatives from each equipment vendor with certified equipment in Wisconsin, in an effort to best answer questions posed by the Commission. Outcomes and findings from these conversations are detailed later in this memorandum.

Origins of Current EVS Data Retention Policy

Current WEC retention requirements were created in response to statutory changes in 2010. On May 18, 2010, then Governor Doyle signed into law 2009 Wisconsin Act 397 ("Act 397"). This Act revised Wis. Stat. §7.23, exempting municipalities from electronic data retention requirements for tabulating equipment for electronic voting systems approved for use prior to January 1, 2009, but only for state and local elections. For any election at which a federal office appears on the ballot, pursuant to Act 397, municipalities remained obligated to retain all election materials, including specific electronic data, outlined later in this memo, generated by an EVS, for a minimum of 22 months following an election. Additionally, for any state or local elections in municipalities using electronic voting systems approved for use after January 1, 2009, municipalities were required under Act 397 to retain specific electronic data from tabulating equipment for no fewer than 22 months.

Act 397 required that memory devices or recording units may not be cleared, deleted, or otherwise erased until 14 days after any primary and 21 days after any other election. Prior to any election data from an EVS being

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

cleared from a memory device, any such data was required to first be transferred to another electronic medium or disc for the appropriate retention period. Additionally, Act 397 directed that no device could be cleared or erased while a recount or appeal of a recount determination is pending, nor during the time when an appeal or petition for review may be filed, except by order of a court in which an appeal is pending. Act 397 maintained a lengthier retention period of 22 months for electronic data from tabulating equipment from state and local elections, but only for systems approved after January 1, 2009, when technology reached a level that allowed for the transfer and retention to occur in a more cost-effective manner.

Wis. Stat. §7.23 is the source document for WEC guidance and policies related to the retention of election related material. Those subchapters that specifically apply to electronic voting equipment, Wis. Stat. §7.23(1)(f), (g), are the direct basis for the current EVS data retention policy, and specify that:

(f) Except as authorized in par. (g), ballots, applications for absentee ballots, registration forms, or other records and papers requisite to voting at any federal election, other than registration cards, may be destroyed after 22 months.

(g) Detachable recording units and compartments for use with tabulating equipment for an electronic voting system may be cleared or erased 14 days after any primary and 21 days after any other election. Before clearing or erasing the units or compartments, a municipal clerk shall transfer the data contained in the units or compartments to a disk or other recording medium which may be erased or destroyed 22 months after the election to which the data relates. The requirement to transfer data does not apply to units or compartments for use with tabulating equipment for an electronic voting system that was approved for use prior to January 1, 2009, and that is not used in a federal election.

Summary of Current Retention Policy Related to EVS Data Files

In order to maintain compliance with Act 397 and all respective federal and state statutes, staff has directed clerks and vendors that records created by electronic voting systems should be preserved for 22 months in accordance with 42 U.S.C. §1974 and Wis. Stat. §7.23(1)(f) and (g) for all elections where there is a federal office on the ballot. Within the 2010 Electronic Election Data Retention Policy (Appendix A), staff have made a distinction between files and data created for use with and by equipment approved for use in Wisconsin before and after 2009.

1. Data and files created for use with and by voting equipment approved for use before January 1, 2009:

The current data retention policy is that election files and data created by these legacy electronic voting systems may be transferred from equipment memory devices 14 days after a primary and 21 days after any other election to be preserved in electronic format for a minimum of 22 months. This includes preserving all files used to program the election, ballots, and equipment as well as a copy of the official election result files out of the results reporting software, including a hard copy of the results tape. Should the need ever arise to reevaluate the election files from the voting system, files could be reloaded on any PC running the same version of software to create an exact copy of the data and results.

2. Data and files created for use with and by voting equipment approved for use after January 1, 2009:

As with electronic voting systems approved for use prior to January 1, 2009, the current data retention policy is that election files and data created by electronic voting systems approved for use on or after January 1, 2009, may be transferred from equipment memory devices 14 days after a primary and 21 days after any other election to be preserved in electronic format for a minimum of 22 months, pursuant to Wis. Stat. §7.23(1)(f) and (g). Guidance on the preservation of electronic files to be retained include all election programming, programmable code, and files located on memory devices following an election, ballot images (where applicable), election results, as well as any tabulator and the accumulation of election results are incorporated into the election management system (EMS) to obtain and retain aggregate election results. This process for modern vs legacy equipment is more extensive and serves to preserve the election files in the same state as they were on election night.

Discussion

Voting equipment vendors build their equipment and systems using commercial, off the shelf (COTS) products. They compose these components into a system that provides the technological base on which they develop their custom product, which handles all the election-specific functions. Currently, existing records retention statutes are focused on data from removeable media devices used in conjunction with the custom software layer developed by the vendors. However, the correct functioning of that custom software layer is dependent on the components it was built on top of, and many of those components create their own logs and manage their own internal data.

There are multiple challenges associated with retaining this data. The first is defining it. Computer systems create data constantly by virtue of being powered on, from operating system event logs to low level caching and metrics. A meaningful retention guideline that expands beyond the custom records created by the voting equipment vendor would need to be clear on what does or does not qualify. The second is accessing it. Some data is accessible to administrative users. Other data, such as program access history, is accessible to administrative users but only those with specialized knowledge. Yet other data, like firmware information, can only be accessed with specialized equipment, if it can be accessed at all. Finally, there is the question of the resources required to access, retrieve, and retain this data. For these conversations, WEC staff primarily limited the discussion of data to files created by the operating systems and applications running on these components that are intended by the creators of those operating systems and applications to be used as logs of events. Access to these data sets would require broad administrative permissions and some specialized knowledge.

An alternative to accessing and retrieving these logs would be to maintain complete images of the systems. An 'image' is a file representing a complete copy of a hard drive. Images can be either logical, meaning they contain a copy of all the files on the original hard drive, or they can be physical, meaning they contain a copy of every bit of the original hard drive, which may include data that had been deleted but not yet overwritten. For this reason, physical images are sometimes used in forensic investigations of crimes involving computers and may sometimes colloquially be called "forensic images." A true forensic image, however, includes not just the physical image of the disk but also a snapshot of the memory in the system and the entire chain of custody from

the original acquisition of the system to the findings presented by an expert in court. A disk image would capture most of the data previously mentioned but would not capture many other types of data created by the system such as memory references and hardware cache contents. However, a disk image does require specialized knowledge and software to obtain and takes considerably more storage space to retain. Disk images were brought up in the conversations with clerks and vendors but were not a primary focus.

County Clerk Outreach

To ascertain how the different relationships between counties and their respective vendors affect data retention policies and procedures, WEC staff invited all 72 county clerks in the state to provide information for this report.

In the week of November 15, 2021, staff facilitated a series of meetings with county clerks. Counties were invited to specific meetings based on which voting equipment vendor they use and how their voting equipment is programmed prior to each election, i.e., whether the county self-programs or the vendor programs on their behalf. Staff determined this format to be an effective way to encourage discussion among attendees based on both the vendor/programming relationships they had in common and the different approaches they may take to retain data in their respective jurisdictions.

In total, staff participated in five calls with county clerks. While there were obvious commonalities in retention practices across all five sessions, regardless of vendor, there were differences in data retention procedures, the level of in-house IT support at the county, and general level of involvement in the retention process that are outlined further below. Regardless of the exact approach of the county, staff was able to confirm that following each election in which an EVS is utilized, the data points that are saved for retention include election specific programming, ballot images, cast vote records, results reporting documents from tabulator and election management systems, EMS logs, tabulator logs, results tapes, and any backups created for the purposes of redundancy.

Counties that program equipment in-house on behalf of their municipalities have the most in-depth understanding of what records are being created, how they are being retained, and where they are being retained. These counties indicated that, in addition to programming the equipment, they were also retaining applicable records at the county, with none of the background logs discussed by the Commission being retained by the vendor. In the calls staff held with these clerks, as well as in follow-up discussions with the vendors, a common trend is that these counties have the infrastructure, tools, and expertise to program their own elections from start to finish with little input from the vendor. These counties have full Election Management Systems, have the ability to create ballot and election definitions, program media, and have additional instructions and guidance to maintain media, logs, server records, etc., themselves for the applicable retention period.

Self-programming counties have many similarities, but a key difference is in the type of relationship each county has with its own IT department and the IT department's involvement in voting equipment systems. The major commonality, regardless of vendor, is that any server or system associated with an electronic voting system was isolated from the rest of the county IT infrastructure.

While certain counties reported that they maintain a dedicated county IT liaison with their respective voting equipment vendors, others reported that their in-house IT staff was completely hands-off regarding the electronic voting system. More commonly, IT staff would offer support where able, but would appropriately refer the clerk to the vendor with system-specific questions or concerns.

In lieu of programming voting equipment media in-house, many counties rely on their respective vendors for this service. As with the self-programming counties, there were noticeable common trends across the counties that receive programmed media from their vendor/service provider.

These counties work with their vendors to ensure that contest and candidate data is accurate for an upcoming election and that all the wards and districting information are correct for their municipalities. At this point, election media is created by the vendor, provided to the county, and subsequently disseminated to the municipalities.

The processes these counties use to ensure compliance with data retention rules vary slightly based on their vendor and the type of equipment in use in their county. For example, many counties that have their election media programmed by ES&S retain their media, both the original media stick, card, data drive, etc., and an additional electronic copy saved centrally at the county, in-house. ES&S does not retain electronic data for these counties, as the terms of their agreement stipulate that the pertinent records will be retained by the responsible jurisdiction prior to the media being sent back for reburning/writing of new elections files on the media.

Conversely, many counties that work with Command Central to program their Dominion equipment will retain in-house all paper-based artifacts associated with the election, with the electronic data logs and other media being retained by Command Central for the applicable retention period, per the terms of their contract. Generally, counties that have their election media programmed by their vendor have a lower degree of in-house IT involvement at the county level in terms of access to the election media, servers, etc. Many of the clerks who participated in the calls from these counties indicated that their IT departments had little or no interest in working with election infrastructure, as the servers and products had been designed and built by a third-party and, in a few cases, the county IT departments indicated that they likely did not necessarily have authorization to interact records associated with elections nor the system knowledge to troubleshoot any issues that may arise.

Common across all the calls was a willingness to adapt to and accommodate any changes to records retention processes. Counties indicated that, although they would likely need additional guidance and instruction from their respective vendors, they would be more than willing to retain additional records or ensure additional redundancies in the existing retention process should the need arise. Vendors who retain electronic records on behalf of their customers expressed the same sentiment. Representatives from the voting equipment companies indicated that they would have few issues implementing and adhering to additional retention rules if advised to do so. As with the counties, vendors advised that any additional requirements would likely necessitate new or updated guidance to their customers and additional training to ensure compliance.

Voting Equipment Vendor Outreach

In addition to speaking with county clerks who currently utilize the voting equipment approved for use in Wisconsin, staff also made a concerted effort to contact and discuss this topic with each equipment vendor with equipment fielded throughout the state. The three vendors currently approved for use and sale in Wisconsin are ClearBallot Group, Dominion Voting Systems, and Election Systems and Software (ES&S). In conversations with the vendors, staff explored questions and concerns raised by the Commission including:

- EVS election data created during an election cycle
- EVS election data that is currently retained
- Additional data created by the voting system or ancillary computer system that could be retained
 - Kiwi Syslog centralized server logs
 - A centralized reporting system used in some EMS that collects logs from other sources
 - Windows event logs
 - Logs maintained by the Windows Operating System itself about itself
 - Cerberus FTP logs
 - FTP servers are used to upload files between systems. Cerberus is an FTP server used by some EMS to receive files transmitted by tabulators equipped with modems
 - Other network and transmission logs
 - The above list of systems is not exhaustive, all components manage their own set of logs
- Impediments to retaining any additional data not currently retained

These discussions also affirmed that counties and vendors are working diligently to adhere to the retention requirements as dictated by Wis. Stat. §7.23, as well as current WEC interpretations of statute and associated guidance. In counties contracted with ES&S, ClearBallot, and Dominion Voting Systems, this data is transferred to electronic media following the requirements of Wis. Stat. §7.23 and retained locally. These vendors may help facilitate the transfer of the records to secure media but serve no other role in the retention of data on behalf of their customer counties.

Conversely, Command Central, a regional vendor partnered with Dominion Voting Systems to supply, service, and support voting equipment throughout Wisconsin, takes a more robust approach to data retention support for customers. As explained in Appendix C, Command Central has three basic tiers of support offered. Counties in the most self-reliant tier, rely on the vendor for very little. Equipment programming and data transfer/retention is done by the office of the County Clerk. Counties on the next tier are assisted in programming by the vendor but retain data locally. The final tier of counties are the most reliant on the vendor. In these counties, the vendor is responsible for the programming of election equipment, data transfer, and retention of the election data. Each of these tiers of support comes with its own charges and fees that are arranged between the vendor and the county.

In discussions with the vendors on what data could be retained that is not presently, the issue of cost was prevalent. Each vendor confirmed that it is possible to retain additional logs from the equipment, EMS, or ancillary computer system as detailed above. It is anticipated, however, that this will require increased costs for the county customers, especially if this assistance is rendered on site. This is primarily due to the fact that very

few, if any, counties would have the ability to access the data logs detailed above without vendor assistance. Though county clerks are very adept at using their voting systems, accessing and retaining background log data is not something for which they have been trained. As a result, with minimal support from their own IT departments, counties would need to rely upon the vendor to aid them in the execution of any additional background data log retention requirements. Notwithstanding the cost and learning curve for retaining additional data, neither the county clerks nor the vendors listed any direct opposition to the possibility of retention requirements being expanded.

Retained Data vs. Public Data

A point of concern raised on multiple calls in staff's outreach to counties was the definition of and differentiation between records that are to be securely retained by the county, records that are publicly inspectable via a public records request, and records that fall within both categories.

From a security perspective, many clerks expressed concern that access to specific system information or logs could potentially offer a roadmap to bad actors who might wish to access the county's election infrastructure. If changes are made to retention policies governing the records created by electronic voting systems, additional clarification may be required, on the part of the Legislature, WEC, or a county's corporation counsel, as to which records are available for public inspection. This conversation is ongoing to some extent when it comes to proprietary information or logs generated by a specific vendor's election management system, but additional input may be required on records such as Windows-based logs or other non-vendor system information.

Absent the introduction of additional retention requirements, minor confusion as to which records are or are not subject to a public records request already exists. Some county clerks expressed frustration at not being offered a clear answer, either from their vendor or their own corporation counsel, as to what *could* be provided in a public records request, much less what they should be providing to satisfy the request. Given the status of elections as critical infrastructure, everyone needs to be on the same page when it comes to the topic of what is publicly inspectable and what should not be released as part of fulfilling these requests.

Possible Next Steps

Moving forward, there are various avenues available which the Commission could pursue. The first would be to maintain the current data retention policy. This policy has been in place since 2010, is based on the parameters set by Wis. Stat. §7.23 and represents the guidelines on data retention to which clerks and vendors are accustomed. The Commission may consider modifying the current retention policy to include a more robust selection of information to be retained following each election; it should be noted these additions would be beyond what is prescribed in the statutes and associated compliance mechanisms. There is also the option for the Commission to pursue an administrative rule related to EVS data retention. This could utilize the current data retention policy as a basis for creating more formal retention requirements that have the force of law. Finally, the Commission may direct that the issue of EVS data retention be included on the agency legislative agenda. This would give the Legislature the opportunity to codify EVS data retention requirements in state statute.

Appendices:

Appendix A: 2010 Electronic Election Data Retention Policy

Appendix B: Destruction of Election Materials Timetable (Revised Dec. 2020)

Appendix C: Command Central Customer Service Tiers

Appendix A: 2010 Electronic Election Data Retention Policy

State of Wisconsin \ Government Accountability Board

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JUDGE GORDON MYSE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: June 3, 2010

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

FROM: Nathaniel E. Robinson
Elections Division Administrator
Government Accountability Board

SUBJECT: **Revised Retention Policy—Electronic Election Data**

I am writing to inform you about the Government Accountability Board's Revised Retention Policy—Electronic Election Data, pursuant to §§ 7.23 (1) (f) and (g), Wis. Stats. Following the enactment of 2009 Wisconsin Act 397, there are now statutory retention period distinctions between Federal and state/local elections, as well as based upon the date that voting systems were approved for use by the Government Accountability Board. Data from memory devices for non-tabulating, ballot marking equipment (i.e. AutoMARK) are excluded from the retention requirements of electronic election data under §7.23, Wis. Stats., regardless of the election type.

This revised retention policy for electronic election data is effective for any election occurring on or after June 2, 2010.

ALL ELECTIONS WITH FEDERAL OFFICE ON BALLOT

Election officials are required to retain all election materials for 22 months for any election where a federal office is on the ballot, pursuant to 42 U.S.C. §1974 and §7.23(1)(f), Wis. Stats. (The 22 months retention period applies to all election materials, unless §7.23, Wis. Stats., provides a longer retention period. See §7.23, Wis. Stats., and Destruction of Materials Chart for specifics.)

Electronic election data from tabulating equipment memory devices may be transferred to another recording medium 14 days after a primary and 21 days after any other election pursuant to

§7.23(1)(g), Wis. Stats., but subject to the below. Additionally, no device may be cleared or erased while a recount or appeal of a recount determination is pending, nor during the time when an appeal or petition for review may be filed, except by order of a court in which an appeal is pending.

The following retention policy for electronic election data applies to all elections with a federal office on the ballot:

1. For those election officials using electronic/computerized vote recording or tabulation equipment utilizing memory devices such as a PROM or other similar memory storage devices, the "data" that should be transferred and maintained electronically for 22 months pursuant to §§7.23(1)(f) and (g), Wis. Stats., and 42 U.S.C. §1974, is the electronic record of the program by which votes are to be recorded or tabulated, which is captured prior to the election, plus the hard copy output from each detachable recording unit or compartment (memory device or PROM), i.e. results tape.
2. As an alternate way to comply with §§7.23(1)(f) and (g), Wis. Stats., and 42 U.S.C. §1974, election officials using electronic/computerized vote recording or tabulation equipment utilizing removable programmable data storage devices (memory devices or PROMs) or other similar storage devices may retain the actual devices for the period of 22 months. In addition, retain the electronic record of the program by which votes are to be recorded or tabulated, which is captured prior to the election.
3. Any voting systems approved for use after January 1, 2009, as well as election officials using the Premier AccuVote OS and AccuVote TSX, the "data" that should be transferred and maintained electronically for 22 months pursuant to §§7.23(1)(f) and (g), Wis. Stats., and 42 U.S.C. § 1974, is the electronic record of the program by which votes are to be recorded or tabulated, which is captured prior to the election and all election programming and materials from each device, which can be downloaded to hard drive or disk before erasure and reprogramming.
4. For those elections officials who possess elections management software the "data" that should be transferred and maintained electronically for 22 months pursuant to §§7.23(1)(f) and (g), Wis. Stats., and 42 U.S.C. §1974, is the following:
 - A) All election programming (programmable code,) and
 - B) For each memory device programmed by election officials for voting systems approved for use prior to January 1, 2009, the accumulation of election results will be incorporated into the election management system in order to obtain and retain aggregate election results.

This programming and results data can be downloaded to hard drive or disk before erasure and reprogramming of the memory devices.

ELECTIONS ONLY OF STATE AND/OR LOCAL OFFICE OR REFERENDUM ON BALLOT

Election materials retention periods for state and/or local offices and referenda vary by type of material and are detailed in §7.23, Wis. Stats. (See also the Destruction of Materials Chart.) Those retention periods specified in §7.23, Wis. Stats., apply for the materials identified, regardless of the below policy. The policy below applies only to electronic election data from detachable recording units and compartments from tabulating equipment. No device may be cleared or erased while a recount or appeal of a recount determination is pending, nor during the time when an appeal or petition for review may be filed, except by order of a court in which an appeal is pending.

1. Tabulating equipment approved for use on or after January 1, 2009:

Election officials are required to retain electronic election data from detachable recording units and compartments from tabulating equipment approved for use on or after January 1, 2009 for 22 months. This data may be transferred to another recording medium for storage 14 days after a primary and 21 days after any other election pursuant to §7.23(1)(g), Wis. Stats., to meet this retention requirement. Following transfer of this data, the detachable recording units and compartments may be cleared or erased.

2. Tabulating equipment approved for use prior to January 1, 2009:

Election officials may clear or erase the electronic election data from detachable recording units and compartments for use with tabulating equipment approved for use prior to January 1, 2009, but only 14 days after any primary and 21 days after any other election. There is no requirement to transfer and there is no other retention period for this data.

Appendix B: Destruction of Election Materials Timetable (Revised Dec. 2020)

Destruction of Materials

The following chart is designed to assist clerks in determining when to destroy election materials. Materials and supplies associated with an election may be destroyed according to the following chart unless there is a recount, notice of an election contest, or any contest or litigation pending with respect to the election. For specific dates please see the *Calendar of Election and Campaign Events* from the Wisconsin Elections Commission. All materials and documentation associated with a federal election must be retained at least 22 months after the election.

Materials	Destruction Date
Contents of a blank ballot box	3 business days after all canvasses are completed for an election*
Unused ballots and materials	3 business days after all canvasses are completed for an election*
Voter Serial number slips	90 days after an election
	22 months after a federal election***
Detachable recording units from electronic voting equipment	14 days after a primary
	21 days after an election**
Ballots (state, county, local offices)	30 days after an election
Ballots (federal offices)***	22 months after a federal election
Applications for absentee ballots and copies of proof of identification submitted with the application	90 days after an election
	22 months after the election for federal election ballots ***
Applications for absentee ballots of indefinitely-confined voters	90 days after the last nonfederal election and 22 months after the last federal election in which the elector voted, whichever is later.

Forms associated with the election such as tally sheets, Inspectors' Statements (EL-104), Declarations of Candidacy (EL-162), nomination papers, incomplete CF-1s or applications lacking POR.	90 days after an election
	22 months after a federal election***
Official canvass statements	10 years after an election
Voter lists	22 months after an election
Absentee Ballot Log and Provisional Ballot Reporting Form (EL-123r)	90 days after an election when votes are not recorded by the MBOC (22 months after a federal election***)
	22 months after an election when votes are recorded by the MBOC
Cancelled registration applications	4 years after the cancellation
Election notices	1 year after the election
	22 months after the federal election***
Proofs of publication of notices and correspondence relative to publications	1 year after the election
	22 months after the federal election***
Election Voting and Registration Statistics Reports (EL-190)	22 months after the election for which they were created

* Unless a petition for recounts is filed, in which case the materials must be retained.

** Before units can be cleared or erased, the information must be transferred to a disk or other recording medium and retained for 22 months. This provision applies to elections that contain a federal office. For additional information on retention requirements for electronic media, please see the clerk communication dated June 9, 2010, available on the WEC website.

*** Federal offices are President of the U.S., U.S. Senator and U.S. Representative in Congress.

Electronic Conversion of Election Records

The Legislature, in Wis. Stat. § 7.23, established a schedule for the destruction of election materials, but it did not provide in that statute, or in any other elections statute, a schedule or timetable for the conversion of elections records from “hard-copy” to electronic format or to microfiche.

The statute that authorizes the conversion of hard copies, Wis. Stat. § 19.21(4)(c), reads as follows:

(c) Any local governmental unit or agency may provide for the keeping and preservation of public records kept by that governmental unit through the use of microfilm or another reproductive device, optical imaging or electronic formatting. A local governmental unit or agency shall make such provision by ordinance or resolution. Any such action by a subunit of a local governmental unit or agency shall be in conformity with the action of the unit or agency of which it is a part. Any photographic reproduction of a record authorized to be reproduced under this paragraph is deemed an original record for all purposes if it meets the applicable standards established in §§16.61 (7) and 16.612. This paragraph does not apply to public records kept by counties electing to be governed by Chapter 228.

At its July 18, 2007 meeting, the former State Elections Board formally adopted the recommendation that counties or municipalities who convert their elections or campaign finance records from paper or “hard-copy” to microfilm or electronic format must retain the “hard copies” of those records for at least two years after the election immediately following the creation of those records, or for that period of time requested by the district attorney for that county or whose jurisdiction includes that municipality.

Appendix C: Command Central Customer Service Tiers

Command Central identified three tiers of customers and the level of support that is provided to each in terms of programming and data retention.

- Self-Programming Counties
 - County programs equipment themselves
 - Full EMS system, all the ability to create their own programming, logs, etc.
 - Those customers have instructions/guidance as to how to maintain their media, logs, servers, etc. for the applicable retention period
 - Vendor conducts check in once a year to ensure things are going well
- Partially self-reliant counties — might do some things
 - Vendor completes programming for them, creating cards, retaining them, backing them up, providing copies when requested (PRRs/other requests)
 - Have not yet purchased the RTR system. Possibility for a redundancy in place where CC still handles retention in addition to in-house retention
- Vendor reliant counties — decided to not have a robust IT presence
 - CC does everything for these customers
 - Tapes are retained, but all data is retained by CC in air-gapped system. Backup cards, when returned, are copied and retained in a set of external drives in two separate fire safes.
 - Vendor is paid to back up and paid to produce copies when PRRs are submitted
 - Vendor complies with retention laws on behalf of customers
 - Original database, election info used to program media backed up as well
 - Nothing is deleted, multiple backups exist



Wisconsin Elections Commission

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DATE: March 9, 2022

TO: Members, Wisconsin Elections Commission

FROM: Jim Witecha
Staff Counsel

SUBJECT: Wisconsin Statute § 227.136(1) Directive to Hold a Preliminary Public Hearing and Comment Period on WEC Scope Statements.

Wisconsin Statute § 227.136(1) provides:

Within 10 days after publication of a statement of the scope of a proposed rule under s. 227.135 (3), either cochair person of the joint committee for the review of administrative rules may submit a written directive to the agency that prepared the statement for the agency to hold a preliminary public hearing and comment period on the statement of scope as provided in this section.

The Wisconsin Elections Commission (“WEC”) received the following notice from the Joint Committee for Review of Administrative Rules (“JCRAR”) on February 11, 2022:

...pursuant to s. 227.136 (1), Stats., I write to direct the Wisconsin Elections Commission (WEC) to hold preliminary public hearings and comment periods on Scope Statements SS 008-22 and SS 010-22, which were published in the Wisconsin Administrative Register on February 7, 2022.

Additionally, pursuant to s. 227.135 (2), Stats., please note that a scope statement may not be approved by the Wisconsin Elections Commission or individuals within the commission until after the preliminary public hearing and comment period are held by the agency, and accordingly, no activity may be conducted in connection with the drafting of a proposed rule until after such hearing and approval have occurred.

Statute also requires that the WEC provide a notice of the preliminary public hearing and comment period to the Legislative Reference Bureau (“LRB”), and WEC may provide the same notice to any other interested parties. Wis. Stat. § 227.136(2). This notice must be approved by the individual or body with policy making powers, and a draft copy has been attached to this memo for the Commission’s consideration and approval, as well a determination of the date upon which this hearing will occur.

LRB will then publish the notice in the Administrative Register. Comments received through the Administrative Register website will then be forwarded directly to the email address from the Commission-approved notice.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

The hearing will be conducted in accordance with Wis. Stat. § 227.18, which provides:

(1) An agency shall hold a public hearing at the date, time and place designated in the notice of hearing. The person conducting the hearing shall:

- (a) Explain the purpose of the hearing and describe how testimony will be received.
- (b) At the beginning of the hearing, present a summary of the factual information on which the proposed rule is based, including any information obtained from an advisory committee, informal conference or consultation.
- (c) Afford each interested person or a representative the opportunity to present facts, opinions or arguments in writing, whether or not there is an opportunity to present them orally.
- (d) Keep a record of the hearing in a manner the agency considers desirable and feasible.

(2) The person conducting the hearing may:

- (a) Limit oral presentations if the hearing would be unduly lengthened by repetitious testimony.
- (b) Question or allow others present to question the persons appearing.
- (c) Administer an oath or affirmation to any person appearing.
- (d) Continue or postpone the hearing to a specified date, time and place.

Notice of Preliminary Public Hearing and Comment Period on Statements of Scope

The Wisconsin Elections Commission (“WEC”) announces that it will hold a public hearing on Statements of Scope SS 008-22 and SS 010-22, statements of scope indicating the WEC’s intent to engage in rulemaking to revise Wis. Adm. Code EL Chapter 12, relating to the Certification and Training of Municipal Clerks, and create Wis. Adm. Code EL Chapter 15, relating to Polling Place Emergency Planning. In accordance with s. 227.136, Stats., the WEC will hold a public hearing and receive public comments regarding the proposed rulemaking as described in SS 008-22 and SS 010-22, as follows, at the time and place shown below.

Hearing Information

Date: March 9, 2022

Time: 9:00am CST

Location: *see below for virtual attendance options*

Virtual

You are invited to a Zoom webinar.

When: Mar 9, 2022 09:00 AM Central Time (US and Canada)

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/84985412408?pwd=bCtOZCtuZlpxRTZNVGp3VWRxa1hPUT09>

Passcode: 789035

Or One tap mobile :

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Webinar ID: 849 8541 2408

Passcode: 789035

International numbers available: <https://us06web.zoom.us/j/84985412408?pwd=bCtOZCtuZlpxRTZNVGp3VWRxa1hPUT09>

Accessibility

This meeting will include the option for captioning. Additional accessibility considerations may be available, and can be requested by contacting elections@wisconsin.gov.

Appearances at the Hearing and Submittal of Written Comments

The statement of scope may be reviewed and comments made at https://docs.legis.wisconsin.gov/code/scope_statements/comment and directly to the WEC at james.witecha@wisconsin.gov no later than _____.

Approved: _____ (insert date).

/s/ _____

Secretary, Wisconsin Elections Commission

**STATEMENT OF SCOPE
PURSUANT TO WIS. STAT. § 227.135
WISCONSIN ELECTIONS COMMISSION**

Rule No.: Wis. Adm. Code EL Chapter 12

Relating to: Certification and Training of Municipal Clerks

Rule Type: Permanent / Amendment

FINDING OF EMERGENCY:

N/A

RULE ANALYSIS:

a) A description of the objective of the proposed rule.

The Wisconsin Elections Commission (“Commission”) unanimously approved directives to Commission staff to create a scope statement for the purpose of amending Chapter EL 12 to comport with the applicable statute on clerk training cycles, while also adding a provision regarding the notification of top elected officials in each municipality where local officials have not met those training obligations in the current cycle. The Commission also directed staff to add a line to Chapter EL 12 indicating that the statewide voter registration system is named “WisVote,” and that the name of the system may change in the future. As such, the Commission now proposes a permanent change in the form of an amendment to Chapter EL 12 of the Wisconsin Administrative Code (“Certification and Training of Municipal Clerks”). Specifically, Wis. Adm. Code § EL 12.03 would be amended to comply with Wis. Stat. § 7.15(1m), the definition of “Election cycle” in Wis. Adm. Code § EL 12.01(2) needs to be similarly amended, and the definition of “Statewide Voter Registration System” in Wis. Adm. Code § EL 12.01(5) would be further clarified. Finally, Wis. Adm. Code § EL 12.02(2) will be expanded to include greater detail on how local officials will be notified when training requirements are not being met by municipal clerks.

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

The rule amendments proposed here would bring the current provisions of Chapter EL 12 of the Wisconsin Administrative Code into full compliance with Wis. Stat. § 7.15(1m). That statute provides:

Each municipal clerk shall, at least once every 2 years during the period beginning on January 1 of each even-numbered year and ending on December 31 of the following year, attend a training program sponsored by the commission under ss. 7.31 and 7.315.

Chapter EL 12 currently defines “election cycle” as follows:

“Election cycle” begins on January 1 of an odd-numbered year and continues through December 31 of the following even-numbered year.

This administrative code training cycle applies to both municipal clerk and election inspector cycles, and thus is now non-compliant with the provisions of Wis. Stat. § 7.15(1m). The actual training cycles for clerks and elections inspectors were modified to comply with Chapter 7 when the statute was originally updated. This was done by implementing one, three-year training cycle that ultimately shifted all subsequent two-year cycles to a start date in even-numbered years, in accordance with Wis. Stat. § 7.15(1m). That change rendered training processes statutorily compliant, but the provisions of administrative code have not been updated to reflect actual practices yet.

As such, the proposed rule amendment will redefine Wis. Adm. Code § EL 12.01(2) to reflect a training cycle from January 1 of even-numbered years through December 31 of odd-numbered years. This definitional change/amendment will also bring Wis. Adm. Code § EL 12.03 into full compliance with Wis. Stat. § 7.15(1m).

Chapter EL 12 of the Wisconsin Administrative Code currently also defines “Statewide Voter Registration System” as follows:

“Statewide Voter Registration System” is the election administration software application provided by the commission to enable local election officials to register voters, track absentee voting, and administer elections.

At the December 1, 2021, meeting of the Wisconsin Elections Commission, Commissioners rendered a decision that this definition did not inherently mean that Chapter EL 12 was out of date simply because the Statewide Voter Registration System is no longer called “SVRS” and was subsequently renamed “WisVote.” Rather, it was determined that a reference to the “Statewide Voter Registration System” in administrative code properly refers to any iteration, branding, or naming of the actual statewide voter registration system, both now and in the future. However, for clarity purposes, the Commission also unanimously passed a motion to seek an amendment to Chapter EL 12 of the Wisconsin Administrative Code noting that the statewide voter registration system is named “WisVote,” and that the name of the system may change in the future. This amendment will be proposed as an addition to the definitional language found in Wis. Adm. Code § EL 12.01(5).

At its December meeting, the Commission also directed staff to pursue an amendment to Wis. Adm. Code § EL 12.02(7). This addition would expand the section to further clarify the processes by which a municipality’s governing body is contacted by Commission staff to notify the body that local officials have not met the required training standards for the applicable election cycle. The modification to code will require staff to solicit the official municipal mailing addresses to which notices will be sent. The update will also require staff to send notice of training deficiencies to the top elected official in a particular municipality by first class mail within thirty days of the election cycle’s end.

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

- Wis. Stat. § 5.05(1): General authority. The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Pursuant to such responsibility, the commission may:
 - (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

- Wis. Stat. § 7.08(3): Election manual. Prepare and publish separate from the election laws an election manual written so as to be easily understood by the general public explaining the duties of the election officials, together with notes and references to the statutes as the commission considers advisable...

- Wis. Stats. § 227.11(2)(a): Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.

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

WEC staff estimates that it will take approximately 40 staff hours to draft a scope statement and carry out the subsequent steps to promulgate an administrative rule.

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

These changes will affect clerks, election officials, and members of municipal governing bodies, only to the extent training is conducted and requirements are enforced. The effect of the proposed rule amendments, and subsequent processes, will have little to no impact on small businesses. In fact, the administrative rule amendments pertaining to training cycles will simply bring the code into compliance with the training cycles that have already been implemented, thus having no impact upon clerks and elections inspectors, as well as local businesses or secondary parties. There are no increased commitments in time or training. The proposed rule amendment pertaining to the definition of the Statewide Voter Registration System will also serve to make existing code clearer, thus reducing the risk that any party trying to interpret the provision will find it difficult and/or contact Commission staff seeking clarification. The remaining changes will be implemented to ensure clerks are up to date in their training responsibilities.

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

The Help America Vote Act of 2002 allocated federal funds to states where that state's chief executive and chief election official provided verification that the funds would be used to modernize election operations in predefined ways, and those requirements included the training of election officials, poll workers, and election volunteers (*see* § 101(b)(1)(D)).

Agency Contact Person:

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Megan Wolfe
Administrator, Wisconsin Elections Commission
January 21, 2022
Date Submitted

STATEMENT OF SCOPE

Wisconsin Elections Commission

Rule No.: EL 15

Relating to: Polling Place Emergency Planning

Rule Type: Permanent

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

The objective of this proposed rule is to require municipalities to create a plan to employ if a public health crisis, natural disaster, or other catastrophic event impacts polling places. An unforeseen crisis can alter the suitability or availability of polling places after the statutory deadline has passed for a governing body or board of election commissioners to establish polling places. This rule seeks to allow municipal clerks who must run an election after a crisis has impacted polling places within 30 days of that election to remain statutorily compliant even if circumstances demand last-minute changes.

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

The existing policy is detailed in Wis. Stat. § 5.25(1)–(3). The statute requires each election to be held at polling places established by, as relevant, the board of election commissioners or a municipality’s governing body at least 30 days before the election. The new policy proposed is for municipalities to also approve backup polling places, alternate uses of primary polling places, and an emergency plan that a municipal clerk may employ as needed while also remaining compliant with all other laws affecting polling places, such as the notice requirements of Wis. Stat. § 10.01(2)(d) and the accessibility requirements of Wis. Stat. § 5.25(4) and 52 U.S. § 20102. Municipalities would retain the discretion to choose how many and what kind of backup polling places to approve as well as to define the scope and requirements of the emergency plan, including specifying how municipal clerks determine when to employ aspects of the plan. Additionally, the rule will require efforts to publicize the existence of the emergency plan, and for clerks to notify impacted voters if such a plan is used. Alternatives that share the goal of polling place emergency planning would differ primarily in what responsibilities are placed on either the municipal clerk or the entity choosing the polling places. The overall policy alternatives are to either require municipalities develop a plan for emergency situations that impact polling places, or to not require municipalities to have a plan in place.

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

Subject to the other requirements of Chapter 227 of the Wisconsin Statutes, under Wis. Stat. 227.11(2)(a): “Each agency may promulgate rules interpreting the provisions of any statute enforced

or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute . . .” Wis. Stat. § 5.05(1) states: “The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing.” Specifically, Wis. Stat. § 5.05(1)(f) provides that the Commission may: “Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.” This proposed rule interprets and helps to more effectively implement Wis. Stat. § 5.25. Additionally, under Wis. Stat. 7.08(3) the Elections Commission shall: “Prepare and publish separate from the election laws an election manual written so as to be easily understood by the general public explaining the duties of the election officials . . .”

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

It will take WEC staff approximately 40 hours to develop this rule and will not require any additional resources.

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

This rule would affect each municipal government in Wisconsin. Specifically, it would direct municipal governing bodies or boards of election commissioners to work with municipal clerks to develop emergency plans for polling places. Additionally, voters would be affected if a plan is employed, though this impact should be less severe than the impact on voters if a municipality lacked an emergency plan.

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

The Elections Commission is not aware of any federal laws or regulations that address emergency plans and backup locations for polling places. However, the Election Assistance Commission does have guidance pertaining to this issue. U.S. Election Assistance Commission, *6 Tips for Contingency and Disaster Planning* 1–5 (2014). The guidance covers identifying disasters, creating contingency scenarios, ensuring contingency plans are comprehensive, planning for communication failures, planning for relocating polling places, planning for staffing shortages, planning for ballot and supply shortages, and planning for technology failures.

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

The overall economic impact of implementing this proposed rule would be minimal to nonexistent. Any economic impact of this rule would be all or nearly all confined to government officials putting in the time and using the resources needed to develop their emergency plans. Once an initial plan is

established, updates should require very little additional time or resources. This rule is not likely to affect small businesses.

Agency Contact Person:

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Megan Wolfe

Administrator, Wisconsin Elections Commission

January 21, 2022

Date Submitted



Wisconsin Elections Commission

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

DATE: March 9, 2022

TO: Members, Wisconsin Elections Commission

FROM: Jim Witecha
Staff Counsel

SUBJECT: Summary of Scope Statement Review Processes and Statuses

Included in today's meeting packet are several scope statements for the creation of administrative rules on the correction of absentee ballot certificate envelope errors and omissions. The first is the scope statement relating the promulgation of an emergency rule, as authorized by the Commission on January 31, 2022, and later approved by the Governor on February 3, 2022. This scope statement requires final Commission approval, and a directive that WEC staff can begin drafting the final rule language and carry out other subsequent processes.

The next two items in your packet are scope statements for permanent administrative rules on this same topic. The Commission directed WEC staff to present a scope statement that embodies the existing guidance on absentee ballot certificate correction, as well as the best alternative, at its December 1, 2021, meeting. The two scopes are exact copies of the two structures presented for the emergency rules at the January meeting. The Commission may approve either of these and direct WEC staff to submit the approved scope to DOA and the Office of the Governor.

Finally, your packets contain three additional scope statements for the promulgation of permanent administrative rules. The drafting of these scope statements was also authorized by the Commission at its December 1, 2021, meeting, and they pertain to election inspector and SVD training, approval and security of electronic voting equipment, and the use of absentee ballot drop boxes. WEC staff recommend approval of these scope statements and the issuance of a directive to submit the scope statements to DOA and the Office of the Governor.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

**STATEMENT OF SCOPE
PURSUANT TO WIS. STAT. § 227.24
WISCONSIN ELECTIONS COMMISSION**

Rule No.: Wis. Adm. Code EL Chapter § 6.06

Relating to: Correction of Absentee Ballot Certificate Envelopes

Rule Type: Emergency/Wis. Stat. § 227.26(2)(b) Order

FINDING OF EMERGENCY:

This Statement of Scope pertains to the promulgation of an emergency rule under Wis. Stat. § 227.24(1)(a). However, the Wisconsin Elections Commission (“Commission”) need not make a finding of emergency, as this rule promulgation was directed by a unanimous vote of the Commission on January 28, 2022, as a response to a Wis. Stat. § 227.26(2)(b) order by the Joint Committee for the Review of Administrative Rules (“JCRAR”) dated January 10, 2022. (*See also* WIS. LEGISLATIVE COUNSEL / WIS. LEGISLATIVE REFERENCE BUREAU, ADMINISTRATIVE RULES PROCEDURES MANUAL, 58 (2020) and Wis. Stat. § 227.24(3))

RULE ANALYSIS:

a) A description of the objective of the proposed rule.

The Wisconsin Elections Commission (“Commission”) issued guidance on October 4, 2016, titled “Missing or Insufficient Witness Address on Absentee Certificate Envelopes” (Amended October 18, 2016). On December 1, 2021, the Commission directed staff to draft a scope statement for the promulgation of that guidance, as well as a scope statement on the best alternative to existing guidance, one of which would be authorized for consideration and promulgation into a permanent administrative rule. The JCRAR later ordered the Commission to also promulgate its guidance into an emergency rule. The Commission directed staff to proceed with a scope statement adhering to the 2016 guidance. The proposed rule will detail that clerks must take corrective actions to remedy a witness address error. If clerks are able to discern any missing information from outside sources, clerks are not required to contact the voter before making that correction directly to the absentee certificate envelope.

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

The rule proposed here would create an additional provision within Chapter EL 6 of the Wisconsin Administrative Code. That section would codify longstanding guidance into a formal rule.

2015 Wisconsin Act 261 created Wis. Stat. § 6.87(6d) which provides, “If a certificate is missing the address of a witness, the ballot may not be counted.” This statute expanded upon the various provisions within Wis. Stat. § 6.87 which details what an absentee ballot certificate envelope’s structure should be, and what is required of the voter’s chosen witness. The Commission created responsive guidance in answer to the potential invalidation of votes due only to certain missing information, and it now seeks to codify that guidance into administrative code.

Specifically, this rule will define what constitutes a complete address, mandate that clerks take corrective measures to try and remedy address insufficiencies, detail what clerks are lawfully able to self-correct, outline how clerks should perform outreach to voters and witnesses, allow for the return of the certificate for correction, and specify when voters or witnesses must appear to correct the certificate in person. Voters may also opt to spoil the ballot and vote a new one.

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

- Wis. Stat. § 5.05(1): General authority. The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Pursuant to such responsibility, the commission may:

- (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

- Wis. Stat. § 6.869: Uniform instructions. The commission shall prescribe uniform instructions for municipalities to provide to absentee electors. The instructions shall include the specific means of electronic communication that an absentee elector may use to file an application for an absentee ballot and, if the absentee elector is required to register, to request a registration form or change his or her registration. The instructions shall include information concerning whether proof of identification is required to be presented or enclosed. The instructions shall also include information concerning the procedure for correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of each elector and preserve the confidentiality of each elector's vote.

- Wis. Stat. § 7.08(3): Election manual. Prepare and publish separate from the election laws an election manual written so as to be easily understood by the general public explaining the duties of the election officials, together with notes and references to the statutes as the commission considers advisable...

- Wis. Stats. § 227.11(2)(a): Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.

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

WEC staff estimates that it will take approximately 40 staff hours to draft a scope statement and carry out the subsequent steps to promulgate an administrative rule.

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

This will affect clerks and election officials, although it is likely to provide necessary clarity, authority, and streamline certificate envelope correction processes. The proposed rule will do so by codifying existing practices and will require minimal compliance outreach and training to clerks because of their familiarity with the 2016 guidance. The effect of the proposed rule, and subsequent processes, will have little to no impact on small businesses. These processes have voter implications as well, but the proposed rule should minimize the risk that the ballot would be invalidated based on witness certification deficiencies.

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

N/A

Agency Contact Person:

Jim Witecha, Staff Attorney
(608)266-0136, james.witecha@wisconsin.gov



Megan Wolfe
Administrator, Wisconsin Elections Commission
February 1, 2022
Date Submitted

**STATEMENT OF SCOPE
PURSUANT TO WIS. STAT. § 227.135
WISCONSIN ELECTIONS COMMISSION**

Rule No.: Wis. Adm. Code EL Chapter § 6.06

Relating to: Correction of Absentee Ballot Certificate Envelopes

Rule Type: Permanent

FINDING OF EMERGENCY:

N/A

RULE ANALYSIS:

a) A description of the objective of the proposed rule.

The Wisconsin Elections Commission (“Commission”) issued guidance on October 4, 2016, titled “Missing or Insufficient Witness Address on Absentee Certificate Envelopes” (Amended October 18, 2016). On December 1, 2021, the Commission directed staff to draft a scope statement for the promulgation of that guidance, as well as a scope statement on the best alternative to existing guidance, one of which would be authorized for consideration and promulgation into a permanent administrative rule. The Commission directed staff to proceed with a scope statement adhering to the 2016 guidance. The proposed rule will detail that clerks must take corrective actions to remedy a witness address error. If clerks are able to discern any missing information from outside sources, clerks are not required to contact the voter before making that correction directly to the absentee certificate envelope.

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

The rule proposed here would create an additional provision within Chapter EL 6 of the Wisconsin Administrative Code. That section would codify longstanding guidance into a formal rule.

2015 Wisconsin Act 261 created Wis. Stat. § 6.87(6d) which provides, “If a certificate is missing the address of a witness, the ballot may not be counted.” This statute expanded upon the various provisions within Wis. Stat. § 6.87, which details what an absentee ballot certificate envelope’s structure should be and what is required of the voter’s chosen witness. The Commission created responsive guidance in answer to the potential invalidation of votes due only to certain missing information, and it now seeks to codify that guidance into administrative code.

Specifically, this rule will define what constitutes a complete address, mandate that clerks take corrective measures to try and remedy address insufficiencies, detail what clerks are lawfully able to self-correct, outline how clerks should perform outreach to voters and witnesses, allow for the return of the certificate for correction, and specify when voters or witnesses must appear to correct the certificate in person. Voters may also opt to spoil the ballot and vote a new one.

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

- Wis. Stat. § 5.05(1): General authority. The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Pursuant to such responsibility, the commission may:

- (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

- Wis. Stat. § 6.869: Uniform instructions. The commission shall prescribe uniform instructions for municipalities to provide to absentee electors. The instructions shall include the specific means of electronic communication that an absentee elector may use to file an application for an absentee ballot and, if the absentee elector is required to register, to request a registration form or change his or her registration. The instructions shall include information concerning whether proof of identification is required to be presented or enclosed. The instructions shall also include information concerning the procedure for correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of each elector and preserve the confidentiality of each elector's vote.

- Wis. Stat. § 7.08(3): Election manual. Prepare and publish separate from the election laws an election manual written so as to be easily understood by the general public explaining the duties of the election officials, together with notes and references to the statutes as the commission considers advisable...

- Wis. Stats. § 227.11(2)(a): Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.

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

WEC staff estimates that it will take approximately 40 staff hours to draft a scope statement and carry out the subsequent steps to promulgate an administrative rule.

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

This will affect clerks and election officials, although it is likely to provide necessary clarity, authority, and streamline certificate envelope correction processes. The proposed rule will do so by codifying existing practices and will require minimal compliance outreach and training to clerks because of their familiarity with the 2016 guidance. The effect of the proposed rule, and subsequent processes, will have little to no impact on small businesses. These processes have voter implications as well, but the proposed rule should minimize the risk that the ballot would be invalidated based on witness certification deficiencies.

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

N/A

Agency Contact Person:

Jim Witecha, Staff Attorney
(608)266-0136, james.witecha@wisconsin.gov



Meagan Wolfe
Administrator, Wisconsin Elections Commission
March 9, 2022
Date Submitted

**STATEMENT OF SCOPE
PURSUANT TO WIS. STAT. § 227.135
WISCONSIN ELECTIONS COMMISSION**

Rule No.: Wis. Adm. Code EL § 6.06

Relating to: Correction of Absentee Ballot Certificate Envelopes

Rule Type: Permanent

FINDING OF EMERGENCY:

N/A

RULE ANALYSIS:

a) A description of the objective of the proposed rule.

The Wisconsin Elections Commission (“Commission”) issued guidance on October 4, 2016, titled “Missing or Insufficient Witness Address on Absentee Certificate Envelopes” (Amended October 18, 2016). On December 1, 2021, the Commission directed staff to draft a scope statement for the promulgation of that guidance, as well as a scope statement on the best alternative to existing guidance, one of which would be authorized for consideration and promulgation into a permanent administrative rule. The Commission directed staff to proceed with a scope statement executing certain improvements to the existing guidance, but largely keeping it intact. The proposed rule will detail how and when clerks should take corrective action to remedy a witness address error. However, clerks would be required to make contact, obtain voter consent before personally making any required corrections to missing information, and explain that the ballot may be invalidated if the correction is not made.

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

The rule proposed here would create an additional provision within Chapter EL 6 of the Wisconsin Administrative Code. That section would codify updated guidance into a formal rule.

2015 Wisconsin Act 261 created Wis. Stat. § 6.87(6d) which provides, “If a certificate is missing the address of a witness, the ballot may not be counted.” This statute expanded upon the various provisions within Wis. Stat. § 6.87 which details what an absentee ballot certificate envelope’s structure should be, and what is required of the voter’s chosen witness. The Commission created responsive guidance in answer to the potential invalidation of votes due only to certain missing information, and it now seeks to codify modernized guidance into administrative code.

Specifically, this rule will define what constitutes a complete address, dictate how/when clerks take corrective measures to try and remedy address insufficiencies, detail what clerks are lawfully able to self-correct after obtaining voter consent, outline how clerks should perform outreach to voters and witnesses, allow for the return of the certificate for correction, and specify when voters or witnesses must appear to correct the certificate in person. Voters may also opt to spoil the ballot and vote a new one.

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

- Wis. Stat. § 5.05(1): General authority. The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Pursuant to such responsibility, the commission may:

- (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

- Wis. Stat. § 6.869: Uniform instructions. The commission shall prescribe uniform instructions for municipalities to provide to absentee electors. The instructions shall include the specific means of electronic communication that an absentee elector may use to file an application for an absentee ballot and, if the absentee elector is required to register, to request a registration form or change his or her registration. The instructions shall include information concerning whether proof of identification is required to be presented or enclosed. The instructions shall also include information concerning the procedure for correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of each elector and preserve the confidentiality of each elector's vote.

- Wis. Stat. § 7.08(3): Election manual. Prepare and publish separate from the election laws an election manual written so as to be easily understood by the general public explaining the duties of the election officials, together with notes and references to the statutes as the commission considers advisable...

- Wis. Stats. § 227.11(2)(a): Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.

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

WEC staff estimates that it will take approximately 40 staff hours to draft a scope statement and carry out the subsequent steps to promulgate an administrative rule.

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

This will affect clerks and election officials, although it is likely to provide necessary clarity, authority, and streamline certificate envelope correction processes. The proposed rule will do so by codifying existing practices with minimal changes, including standards about requiring proactivity by the clerk only if time permits, and a requirement for voter consent before clerk correction. This will require minimal compliance outreach and training for clerks because of their familiarity with the 2016 guidance. The effect of the proposed rule, and subsequent processes, will have little to no impact on small businesses. These processes have voter implications as well, but the proposed rule should minimize the risk that the ballot would be invalidated based on witness certification deficiencies.

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

N/A

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Meagan Wolfe
Administrator, Wisconsin Elections Commission
March 9, 2022
Date Submitted

STATEMENT OF SCOPE
PURSUANT TO WIS. STAT. § 227.135
WISCONSIN ELECTIONS COMMISSION

Rule No.: EL Ch. 13

Relating to: Training for Election Inspectors and Special Voting Deputies

Rule Type: Permanent

- 1. Finding/nature of emergency (Emergency Rule only):** N/A
- 2. Detailed description of the objective of the proposed rule:**

Wis. Stat. § 7.315(1)(a) provides that the Wisconsin Elections Commission (“Commission”) shall promulgate administrative rules that prescribe the contents of training that municipal clerks must provide to election inspectors and special voting deputies. Wis. Stat. § 7.315(4) states that election registration officials shall receive the same training that election inspectors receive from their municipal clerk. The Commission currently publishes comprehensive manuals that municipal clerks use to train their election inspectors, election registration officials and special voting deputies. The Commission proposes to enact EL Ch. 13, which will a) codify information already provided to municipal clerks in the manuals, and b) afford the Legislature the opportunity to review the contents of the training that municipal clerks provide their election inspectors, election registration officials and special voting deputies.

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

Existing policy:

The Commission prescribes the contents of training that municipal clerks must provide to election inspectors, election registration officials and special voting deputies by publishing comprehensive manuals on election administration, election day activities and absentee voting in residential care facilities and retirement homes. The current Elections Administration manual published by the Commission can be accessed here: <http://elections.wi.gov/clerks/education-training/election-administration-manual>. The current Election Day Manual published by the Commission can be accessed here: <http://elections.wi.gov/clerks/education-training/election-day-manual>. The current Absentee Voting in Residential Care Facilities and Retirement Homes manual published by the Commission can be accessed here: <http://elections.wi.gov/publications/manuals/nursing-home-absentee>

Proposed policy:

Similar to current Wis. Admn. Code Ch. EL 12 (training contents for municipal clerks), the Commission seeks to codify the basic contents of the manuals used by municipal clerks to train their election inspectors, election registration officials and special voting deputies.

Alternatives:

If the Commission does not promulgate rules as provided in Wis. Stat. § 7.315(1)(a), the Commission will not be compliant with that statute, but will continue publishing comprehensive manuals that are used by municipal clerks to train election inspectors, election registration officials and special voting deputies.

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

Wis. Stat. § 7.315(1)(a) provides that the “commission shall, by rule, prescribe the contents of the training that municipal clerks must provide to inspectors, other than chief inspectors, and to special voting deputies appointed under s. 6.875.” Wis. Stat. § 7.315(4) states that “election registration officials shall receive the training as provided under this section for inspectors, other than chief inspectors” therefore the content of the training materials as set forth in the rule will apply equally to election inspectors, election registration officials and special voting deputies.

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

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

60 hours.

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

The rules will affect municipal clerks, election inspectors, election registration officials and special voting deputies, but only to the extent that the procedures already guiding training of these officials will now be codified in this rule in addition to being available in the comprehensive manuals drafted and published by the Commission.

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

The Help America Vote Act (“HAVA”) provides that States shall use funds provided under HAVA to perform various federal election-related functions, including training election officials, poll workers, and election volunteers. 42 U.S.C. §§ 15301(b)(1)(D), 15421(b)(2). HAVA also provides that State plans for administering federal elections must include information about how the “State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State” in administering uniform and nondiscriminatory

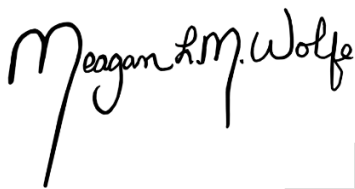
elections. 42 U.S.C. § 15404(a)(3). Finally, HAVA also provides funds to states to “support training in the use of voting systems and technologies[.]” 42 U.S.C. § 15461(c)(1)-(2).

The proposed rules are consistent with these federal provisions, and such rules would help the Commission further effectuate these federal requirements as well as the state statutory requirements under Wis. Stat. § 7.315.

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

The anticipated economic impact from the implementation of the proposed order is minimal to none. There will likely be little impact, economic or otherwise, on current processes already in place to train local election officials. There is no anticipated economic impact on small businesses.

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March, 2022
Date Submitted

**STATEMENT OF SCOPE
PURSUANT TO WIS. STAT. § 227.135
WISCONSIN ELECTIONS COMMISSION**

Rule No.: EL Ch. 7 - Approval and Security of Electronic Voting Equipment and Ballot Security

Relating to: Approval and Security of Electronic Voting Equipment and Ballot Security

Rule Type: Permanent

1. **Finding/nature of emergency (Emergency Rule only):** N/A
2. **Detailed description of the objective of the proposed rule:**

The Wisconsin Elections Commission (“Commission”) proposes to repeal, recreate and rename current Wis. Adm. Code EL Ch. 7 – Approval of Electronic Voting Equipment (“EL Ch. 7”), related to the approval of electronic voting equipment. The original rules governing this topic have not been substantively updated since 2000. The Commission seeks to update the rules which govern the approval of electronic voting equipment to bring them in line with current technology, modes and practices. The new rule will also address ballot and electronic voting system security which was the topic of an emergency rule that has since expired (former Wis. Admin. Code GAB Ch. 5 – Ballot and Electronic Voting System Security). A previous Government Accountability Board statement of scope to repeal and recreate Wis. Adm. Code GAB Ch. 7 was approved in 2015 (SS 046-15). With the Wisconsin Elections Commission beginning operations on June 30, 2016, the Commission now resubmits this statement of scope to repeal and recreate current EL Ch. 7 and incorporate former GAB Ch. 5 to govern these important topics.

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

Existing Policy:

Current EL Ch. 7 was originally published in 2000 (under different chapters based on the agency that oversaw elections at that time) and has not been amended except for renumbering and a correction in 2008. (Register April 2008 No. 628). EL Ch. 7 currently establishes a number of criteria which must be met for an electronic voting system to be approved for use in Wisconsin. It does not include guidelines to address technological and policy issues that have arisen in recent years, such as approval of engineering change orders, commercial off the shelf systems, approval of new components for equipment that was previously federally certified and approved for use in Wisconsin and other equipment that has not been federally certified.

Proposed Policy:

The Commission seeks to update the rules which govern the approval of electronic voting equipment to bring them in line with current technology, modes and practices. The recreated rules would include guidelines to address technological and policy issues that have arisen in recent years, such as approval of engineering change orders, commercial off the shelf systems, approval of new components for equipment that was previously federally certified and approved for use in Wisconsin and other equipment that has not been federally certified. The rules would also ensure the security, review and verification of software components used with each electronic voting system approved by the Commission. The verification procedures will ensure that the software components correspond to the instructions used by the system to count votes. Additionally, provisions governing security of electronic voting equipment and ballots would be incorporated into the new rule, which were previously in place under a separate emergency rule which has since expired. Combining these rules would put this information into one set of rules dealing with the same subject matter.

Alternatives:

If the Commission does not repeal and recreate current EL Ch. 7, current out of date provisions governing the approval of electronic voting equipment would remain in the rule. The Commission could again promulgate a separate chapter of rules dealing with electronic voting equipment and ballot security instead of combining it with the procedures used to test and approve electronic voting equipment used in this State. In addition, policies and procedures enacted by the elections agency related to these topics would not have the force of law afforded by an administrative rule and the legislative oversight of the rules process.

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

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

Wis. Stat. § 5.93, expressly authorizes the board to “promulgate reasonable rules for the administration of this [Electronic Voting Systems] subchapter.”

Wis. Stat. § 5.905(3) states that the Elections Commission “shall promulgate rules to ensure that the security, review and verification of software components used with each electronic voting system approved by the commission.”

Wis. Stat. § 5.87(2) states that the Elections Commission “shall, by rule, prescribe uniform standards for determining the validity of votes cast or attempted to be cast with each electronic voting system approved for use in this state under s. 5.91. The rules shall apply only to situations that may arise in which the validity of a vote or attempted vote cast by an elector utilizing a particular system cannot be determined under s. 7.50.”

Wis. Stat. § 7.08(1)(d) states that the Elections Commission shall “[p]romulgate rules for the administration of the statutory requirements for voting machines and electronic voting systems and any other voting apparatus which may be introduced in this state for use at elections.”

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

300 - 350 hours.

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

This rule will affect manufacturers and vendors of electronic voting equipment, vendors that provide programming of electronic voting equipment, local election officials including county and municipal clerks, election inspectors and voters.

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

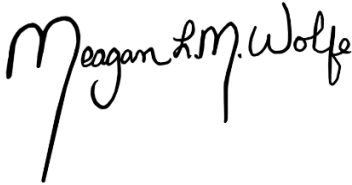
The U.S. Election Assistance Commission (“EAC”) operates a voting system testing and certification program which certifies, decertifies and recertifies voting system hardware and software and accredits testing laboratories to conduct the testing. Voting systems are tested at the federal level to determine if they meet the guidelines and specifications set forth in the Voluntary Voting System Guidelines (VVSG). Documentation, including proof that a system has obtained EAC certification is submitted to the Wisconsin Elections Commission as part of the application process to obtain State certification.

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

The anticipated economic impact from the implementation of the new rules is minimal to none. Voting equipment vendors are already required to pay the actual cost of the testing campaign that the State conducts prior to certification. Nothing in the new rule is

anticipated to significantly impact that requirement. Rather the rule will primarily formalize existing procedures and requirements of the State voting equipment approval process. The proposed rules will not affect small businesses.

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Meagan Wolfe
Administrator
Wisconsin Elections Commission

March __, 2022
Date Submitted

**STATEMENT OF SCOPE
PURSUANT TO WIS. STAT. § 227.135
WISCONSIN ELECTIONS COMMISSION**

Rule No.: Wis. Adm. Code EL § 8.02

Relating to: Absentee Ballot Drop Boxes

Rule Type: Permanent

FINDING OF EMERGENCY:

N/A

RULE ANALYSIS:

a) A description of the objective of the proposed rule.

The Wisconsin Elections Commission (“Commission”) issued two advisory memoranda to local officials on March 31, 2020, and August 19, 2020. On December 1, 2021, the Commission directed staff to draft a scope statement for the promulgation of that nondirective guidance into a permanent administrative rule. The proposed rule will detail the authority and processes for establishing secure drop boxes.

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

The rule proposed here would create an additional Chapter, EL 8, of the Wisconsin Administrative Code. The planned drop box section would codify components of longstanding advisory memoranda into an administrative rule, and more comprehensively authorize municipal drop box usage. It would also implement various parameters and security measures for the establishment of the boxes themselves, as well as the absentee ballot return processes. The eventual rule requirements, when drafted, will include a variety of Commission-approved procedures and requirements.

The Commission’s advisory memoranda came in the form of an “FAQ” document on the use of drop boxes, and a document which disseminated drop box best practice information from a resource developed as part of the Cybersecurity and Infrastructure Security Agency (CISA) Elections Infrastructure Government Coordinating Council and Sector Coordinating Council’s Joint COVID Working Group. These memoranda were not directive in nature, and the proposed rule will create a unified set of requirements and protections pertaining to drop box usage.

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

- Wis. Stat. § 5.05(1): General authority. The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Pursuant to such responsibility, the commission may:

- (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

- Wis. Stat. § 6.855: The governing body of a municipality may elect to designate a site other than the office of the municipal clerk or board of election commissioners as the location from which electors of the municipality may request and vote absentee ballots and to which voted absentee ballots shall be returned by electors for any election. The designated site shall be located as near as practicable to the office of the municipal clerk or board of election commissioners and no site may be designated that affords an advantage to any political party. An election by a governing body to designate an alternate site under this section shall be made no fewer than 14 days prior to the time that absentee ballots are available for the primary under s. 7.15 (1) (cm), if a primary is scheduled to be held, or at least 14 days prior to the time that absentee ballots are available for the election under s. 7.15 (1) (cm), if a primary is not scheduled to be held, and shall remain in effect until at least the day after the election. If the governing body of a municipality makes an election under this section, no function related to voting and return of absentee ballots that is to be conducted at the alternate site may be conducted in the office of the municipal clerk or board of election commissioners.

- Wis. Stat. § 6.87(4)(b)1: ...The elector shall then, still in the presence of the witness, fold the ballots so each is separate and so that the elector conceals the markings thereon and deposit them in the proper envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the elector conceals the markings thereon and deposit the ballot in the proper envelope. If proof of residence under s. 6.34 is required and the document enclosed by the elector under this subdivision does not constitute proof of residence under s. 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope. Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not a military elector or an overseas elector and the elector registered by mail or by electronic application and has not voted in an election in this state. If the elector requested a ballot by means of facsimile transmission or electronic mail under s. 6.86 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an original signature of the elector. The elector may receive assistance under sub. (5). The return envelope shall then be sealed. The witness may not be a candidate. The envelope shall be mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots. If the envelope is mailed from a location outside the United States, the elector shall affix sufficient postage unless the ballot qualifies for delivery free of postage under federal law. Failure to return an unused ballot in a primary does not invalidate the ballot on which the elector's votes are cast. Return of more than one marked ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot used with an electronic voting system in a primary which is marked for candidates of more than one party invalidates all votes cast by the elector for candidates in the primary.

- Wis. Stat. § 6.87(6): The ballot shall be returned so it is delivered to the polling place no later than 8 p.m. on election day. Except in municipalities where absentee ballots are canvassed under s. 7.52, if the municipal clerk receives an absentee ballot on election day, the clerk shall secure the ballot and cause the ballot to be delivered to the polling place serving the elector's residence before 8 p.m. Any ballot not mailed or delivered as provided in this subsection may not be counted.

- Wis. Stat. § 7.08(3): Election manual. Prepare and publish separate from the election laws an election manual written so as to be easily understood by the public explaining the duties of the election officials, together with notes and references to the statutes as the commission considers advisable...

- Wis. Stats. § 227.11(2)(a): Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.

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

WEC staff estimates that it will take approximately 50 staff hours to draft a scope statement and carry out the subsequent steps to promulgate an administrative rule.

- e) A description of all the entities that may be affected by the proposed rule.**

This will affect clerks and election officials, although it is likely to provide necessary procedural clarity, authority, and security. The proposed rule will do so by codifying existing and new Commission-approved practices, and it will require minimal compliance outreach and training to clerks. The effect of the proposed rule, and subsequent processes, will have little to no impact on small businesses. These processes have voter implications as well, but the proposed rule should minimize the risk that ballots would be invalidated or otherwise challenged by improving upon current drop box process ambiguity.

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

N/A

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March 9, 2022
Date Submitted



Wisconsin Elections Commission

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DATE: For the March 9, 2022 Commission Meeting

TO: Commissioners, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by Elections Commission Staff

SUBJECT: Commission Staff Update

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

1. General Activities of Election Administration Staff

Spring Primary

At the Spring Primary on February 15, 2022, voters narrowed the field of candidates for Kewaunee County Circuit Court and various local offices. The results for the Kewaunee County Circuit Court Judge were canvassed by Chair Jacobs on February 28, 2022.

Staff offered extended hours in support of clerks completing their preparations for the Spring Primary beginning on Friday, February 11 and continuing through the following Wednesday.

Friday, February 11, 2022 4:30 p.m. – 6:00 p.m.
Saturday, February 12, 2022 10:00 a.m. – 2:00 p.m.
Monday, February 14, 2022 4:30 p.m. – 6:00 p.m.
Tuesday, February 15, 2022 6:00 a.m. – 10:00 p.m.
Wednesday, February 16, 2022 4:30pm – 6:00p.m.

The Spring Primary is historically a low-turnout event and with only one state contest and a handful of local contests requiring primaries. Overall call volume was low.

Election Administration Project Planning

To prepare for the 2022 election cycle, the Election Administration team has completed multiple projects to better serve our clerk partners, voters, and candidates.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Staff has reviewed and updated many of the training materials available to clerks. To reach clerks across the state, staff has developed more interactive online trainings to better engage clerks in an informative and interactive format. Staff has developed new material for the Election Administration Tabletop Exercise (EA TTX) program to help clerks and poll workers practice a mock election day, solve election day-specific situations, and complete necessary documents. In addition to these projects, staff has also created a comprehensive training series in multiple formats to help clerks prepare and train poll workers on various election day tasks. These training modules were created with advice and input from the Clerk Advisory Committee on training as well as other volunteer clerk partners.

2. WisVote Staff Report

Addressing

Staff has completed local redistricting updates in WisVote for all 72 counties in Wisconsin. State level districts (Assembly, Senate and Congressional) have not yet been provided by the Legislature or the courts, but those changes will be implemented and communicated to the counties and municipalities when they become available.

Staff assisted clerks in updating their Election Plans, which matches polling places with reporting units, for the upcoming Spring elections. Staff will continue to notify clerks where polling places or wards are not assigned within the election plan. WEC staff also updated ballot styles for all municipalities for the 2022 Spring Election to account for new district assignments.

Voter

Additional fields were added to Registration List Alerts to assist clerks in determining if a match is appropriate to accept or not.

Absentee

In January 2022, WEC staff updated the method for generating the intelligent mail barcode (IMB) to be printed on absentee ballot envelopes outgoing to the voter. As previously reported, this code will utilize an 11-digit zip code where available. The addition of the 11-digit zip code allows faster processing at United States Postal Service (USPS) regional processing centers. Very few incidents of undelivered or delayed delivery of absentee ballots were reported for the 2022 Spring Primary.

Staff also adjusted the logic for generating “child” or election specific absentee applications from “parent” (calendar year or indefinitely confined) absentee applications. The new logic accommodates applications created before the 2022 Spring Primary is active and creates child applications immediately if a parent application is activated, instead of overnight.

Candidates

An issue with autofill that prevented some WisVote users from entering candidate records was resolved in February.

MyVote

References to drop boxes were removed from all pages on MyVote on February 16.

Instructions for entering in-person absentee voting information were made available to clerks in January 2022. Clerks may enter their location, dates, and hours of availability for in-person absentee voting for voters to view through MyVote on the “Vote In-Person Absentee” tab.

Election Security

The Election Security .gov Email Domain Subgrant was announced on February 10, 2022. Municipalities that have transitioned to a wi.gov or .gov domain during the grant period (August 24, 2021, to August 15, 2022) are eligible for reimbursement of up to \$600 in related expenses. In addition to the announcement, municipalities who qualify retroactively were contacted regarding the availability of subgrant funds. Subgrant information was also released to the Wisconsin Towns Association (WTA), the Wisconsin Municipal Clerks Association (WMCA), and the League of Wisconsin Municipalities (LWM).

In the week since the subgrant was announced WEC has received over a dozen new .gov domain inquiries and approved 13 subgrant requests averaging \$480 each. Program materials have been updated and all related information is available on the new WEC .gov Domain web page. Municipalities will find subgrant information, up-to-date procedures, forms, and answers to frequently asked questions in one easy to use location.

3. Reconciliation and Statistical Reporting

Commission staff continuously work with municipal and county clerks to meet reporting requirements following all state and federal elections.

Initial reporting of the Election Administration and Voting Statistics Report data is due to be reported to the state no later than 30 days after an election, or 45 days after a General Election. Managing and reconciling the additional data proves challenging for some municipalities and generally requires WEC staff assistance. In cases where a jurisdiction cannot reconcile voting statistics, Commission staff work with individual clerks to ensure all reasonable efforts are applied to ensure the accuracy of their data.

The Election Administration and Voting Statistics Report date deadline for the 2022 Spring Primary is due March 17, 2022. This report will only include those municipalities in Kewaunee County because no other municipalities had a state or federal level contest on their ballots in the primary. There are currently no other elections being tracked for this reporting.

The Election Day Registration (EDR) Postcard Statistics reporting is required to be initially reported within 90 days after an election and then updated monthly until there is a full accounting of all EDR postcards. As of February 24, 2022, Commission staff are monitoring the following elections for this reporting: 2021 Spring Election, 2021 Special Assembly District 37 Partisan Primary Election, 2021 Special Assembly District 37 Election. There are currently 56 municipalities who have not entered any data on these postcards for the 2021 Spring Election. All municipalities involved in the two special elections have reported initial data on the postcards for those elections. The final EDR Postcard Statistics report for the 2021 Spring Primary was posted to the Wisconsin Elections Commission website, with 18 municipalities never reporting any data on their postcards for that election. The initial reporting of the EDR Postcard Statistics for the 2022 Spring Primary is due on May 16, 2022.

4. Education/Training/Outreach/Technical Assistance

Following this memorandum as Attachment 1 is a summary of initial certification and focused election administration and WisVote training conducted by WEC staff since the last commission meeting in December.

Elections staff focused on providing information and guidance about election official certification requirements and training resources as the 2020-2021 training term concluded on December 31, 2021. Outreach efforts are outlined in a separate memorandum to the Commission for its March meeting.

Staff provided specialized election training through its election administration and WisVote webinar training series. The “Wrapping Up 2021, including a review of best practices identified by staff and election officials during the year’s elections and a number of reminders for clerks and election inspectors needing attention as identified by the Legislative Audit Bureau as part of its 2020-2021 audit of the agency. One example is the clerk’s responsibility to initial the absentee ballot envelope to indicate the voter provided acceptable photo ID to receive a ballot. The WisVote team provided clerks new to the WisVote system with a “WisVote 101: Welcome to 2022” tutorial and an update on redistricting.

Other training includes WEC’s certified clerk-trainers conducting 16 in person Municipal Clerk Core and Baseline Chief Inspector training classes and staff presenting at the Wisconsin County Clerks Association Spring Conference in March.

5. Accessible Voting Program

Accessibility Advisory Committee

The Accessibility Advisory Committee most recently met on Friday, February 4, 2022, from 9 a.m. to 12 p.m. via video conference. The Committee discussed the 2022 Polling Place Site Reviews, edits to the Review Survey, updates to IT applications used to support the site review program,

braille ballots, clerk training, possible partnership opportunities, and potential edits to the biennial Accessibility Report.

Accessibility Budget and Supply Program

The accessibility budget will have approximately \$32,415 remaining for FY21 once the WEC is billed for the temporary staff who performed site reviews for the Spring Primary. WEC staff plan on continuing to replenish accessibility supplies as needed to help clerks prepare for the upcoming 2022 elections. As Accessibility Polling Place Reviews are starting up again after having been suspended following the Spring Primary in February of 2020, staff are instead heavily promoting the Accessibility Supply Program, specifically around curbside voting signage.

At the close of FY20 the remainder of the Accessibility Budget was used to stock the Supply Program. In total \$850.00 of Curbside Voting signs, \$3,400.00 of Curbside Voting Please Call signs, \$2,437.00 of wireless doorbells, \$1,800.00 of 12-inch cones, \$950.00 of Ring Bell for Assistance signs, \$1,000.00 of universal symbol of accessibility window decals, \$2,800.00 of page magnifiers, \$500.00 of signature guides, \$1000.00 of credit card sized signature guides, \$237.50 of Accessible Entrance Right signs, and \$237.50 of Accessible Entrance Left signs were purchased. So far in FY2021 the WEC has sent 26 supply orders to 23 municipalities containing a total of 419 items.

Polling Place Reviews

WEC staff is executing the 2022 Accessibility Site Review Plan approved by the Commission. For the Spring Primary on February 15th a combination of three WEC staff and three temporary staff visited 39 polling places in 38 municipalities across Columbia, Dane, Dodge, Green, Jefferson, Rock, and Walworth counties. WEC staff is preparing for the Spring Election on April 5th including coordinating partnership opportunities with Accessibility Advisory Committee member organizations to recruit volunteers with experience in ADA compliance and the aging and disability communities.

Braille Ballots

To address concerns regarding accessible absentee voting, many local disability advocacy organizations recommended researching a braille ballot for voters to request. WEC staff have identified two vendors that are able to print braille ballots for clerks with a two-to-three-week notice. WEC staff have ordered sample braille ballots from both vendors to create training and samples for clerks on how to order, send, and process braille ballots.

Accessibility Concern Form Submissions

Since December 6th of 2021 the WEC has not received any Accessibility Concerns submitted through the form on the Elections website.

6. Website Redesign

With the Commission’s approval of the website redesign project at the December 2021 meeting, the purchase order was written and provided to Carahsoft in late December, signed by WEC and Northern in January 2022 and finalized by Carahsoft in February. The final Statement of Work was signed in February 2022. The total cost came to \$187,250.00 and covers all aspects of creating the new website including design, development, content migration, and user testing, along with follow up support for a period of time after the new website goes live. The “go-live” or launch date for the new website has been narrowed down to the week of July 5, 2022. This avoids moving information pertaining to the August partisan primary needed by clerks and candidates about ballot access and the federal UOCAVA deadlines in June 2022 and gives people a chance to get used to the new site before additional election-related activities pick up in mid-July.

Staff have been working with the team at Northern on early project deliverables including the Requirements Approval Document and Content Migration Plan. With these finalized, Northern staff will begin to recreate website pages and content that is easier to manage, reuse, and keyword search. The website’s navigational structure, updated style guide, and wireframes of highly utilized pages fall into the next phase of work, beginning in early March. The complete timeline and responsibilities outlined by Northern do include a need for dedicated WEC staff time for testing the functionality and reviewing the new and migrated content of the new website in April and May. Usability testing from voters, clerks, and the general public will be conducted by Northern. User feedback will continue drive website design through the project and post-launch.

7. Badger Voters

Badger Voters is a website established by the State of Wisconsin Elections Commission to provide a simple and automated way for the public to request voter data lists and candidate nomination papers. Badger Voters program activity has slowed since the last fiscal year.

Fiscal Year	Requests	Purchased	% Purchased	Net Revenue	Nomination Papers
FY2022	638	570	89.3%	\$233,915	56
FY2021	1,335	1,108	82.9%	\$1,131,859	307
FY2020	1,291	1,134	87.8%	\$619,907	402
FY2019	617	473	76.6%	\$328,015	NA
FY2018	706	517	73.2%	\$182,341	NA
FY2017	643	368	57.2%	\$234,537	NA
FY2016	789	435	55.1%	\$235,820	NA
FY2015	679	418	61.5%	\$242,801	NA
FY2014	371	249	67.1%	\$125,921	NA
FY2013	356	259	72.7%	\$254,840	NA
FY2012	428	354	78.0%	\$127,835	NA

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

8. Voting Equipment

During the current reporting period, staff responsible for voting equipment worked closely with staff counsel to assist with the review of and response to various public records requests. Staff has also worked on outreach projects to contact both voting equipment vendors and county clerks to discuss statutory data retention policies and their implementation by the aforementioned groups. A memorandum related to this outreach is included in the March 9, 2022, meeting materials under separate cover. Staff is currently working with equipment vendors to compile an updated list of voting equipment used in municipalities throughout Wisconsin. This list is updated routinely so that the WEC website has equipment usage correctly listed for interested parties.

9. Badger Books

The Badger Book program continues to grow. Staff successfully onboarded 22 municipalities prior to the spring election cycle and at least 35 will onboard in time to use Badger Books for the fall election cycle. While WEC staff continue to train new municipalities, the Train the Trainer network of experienced Badger Book clerks throughout the state has been instrumental in offering introductory trainings and getting new clerks up to speed. Due to these continued efforts, staff estimates that over 63 new municipalities and 73 legacy municipalities will use Badger Books in the November General Election.

As previously reported, the team spent 2021 focusing on several key aspects of the program, including hardware, training, and improvements to both the Badger Book application and the associated WisVote processes. While the search for other hardware solutions did not result in a new contract, the efforts to improve training resources and functionality of the application were successful. Staff developed, tested, and deployed a major software update to all legacy Badger Book users that optimizes existing features in the application and generally improves the performance of the devices.

Badger Books are an electronic device and are not immune to the supply chain issues that are still affect this segment of the economy. Staff communicate with the hardware provider regularly to stay apprised of any changes to the projected ship dates, as serious delays will affect the ability of new municipalities to receive training and use the devices in the fall election cycle. Delays have not yet significantly impacted the onboarding process and any new developments on this matter will be reported accordingly.

10. Elections HelpDesk/Customer Service Center

The Elections Help Desk staff is supporting more than 2,000 active WisVote users while also answering calls and emails from the public and election officials. Staff is monitoring state enterprise network and data center changes and status, processing voter cancellations and voter address verification postcards. Help Desk staff has been serving on and assisting on various project and development teams. Staff continues to maintain WisVote user and clerk listserv email lists and contact information, administering Elections Commission's O365 email system.

The staff continues to administer the WisVote Active Directory system and the Elections Learning Center, maintaining system security. Recently there has been a sharp increase in requests for poll workers and chief inspectors to have access to the Elections Learning Center.

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

January 2022	2,184
February 22, 2022	1,693
Total for Reporting Period	3,877

Customer Service Email Volume
elections@wi.gov

January 2022	2,785
February 22, 2022	1,686
Total for Reporting Period	4,471

Address Verification Postcards Mailed

January 2022	8,953
February 22, 2022	5,216
Total for Reporting Period	14,169

11. Agency Move

The Wisconsin Elections Commission's current lease expired on December 31, 2021, at 212 East Washington Avenue, but the agency received a three-month extension which expires on March 31, 2022. Agency staff have been working with the Department of Administration, Division of Facilities to find state-owned office space to rent. In June 2021 agency staff completed a space request form and DOA began working on finding suitable space based on our request. As a result of agency space and security needs, the agency will be moving to the Tommy G. Thompson building located at 201 West Washington Avenue, 2nd Floor. This space has increased security for safety of personnel and will allow customers/candidates to have a designated area closed off from agency staff adding another level of security in the office space.

In preparation for the move, agency staff has been working with DOA facilities to design and renovate the new space to accommodate our agency needs. Staff has been meeting bi-weekly since the beginning of January to ensure project timelines are met and the project is on target. Staff has also been taking inventory of existing agency records and determining if they should be sent to the Records center, disposed of, or brought to the new agency location as well as boxing up their personal workspaces in preparation for the move. The remodel is scheduled to be completed by early March, followed by the installation of carpet and workstations. Once that work is complete the movers will begin moving us from our current location to the new location on March 22 –

March 25. After the move to the new location is complete, the movers will decommission the existing systems furniture at our old location and dispose of it. The Wisconsin Elections Commission is responsible for paying for the move, but the Department of Administration is paying for the cost to renovate the space. The estimated cost of the move and decommissioning of existing furniture is approximately \$30,000.

There has been a lot of scheduling and coordinating of vendors to ensure our move is completed successfully and on time.

12. Public Outreach

The agency's Public Information Office is planning a statewide elections education campaign for the fall of 2022. The goal of the campaign is to increase public understanding of a) how elections work in Wisconsin, and b) why elections are so important. Key details include:

- Development of a video curriculum to be used in high school classrooms in September and October 2022. In that same timeframe, the WEC will run a public-facing campaign through media outlets around the state that addresses the same themes as the high school video series.
- Staff are recruiting multiple partners – some confirmed, some not yet confirmed – public and private, including the Wisconsin Newspaper Association, the Wisconsin Broadcasters Association, the county and municipal clerks' associations, Department of Public Instruction, Wisconsin Library Association, and Wisconsin Council for the Social Studies, among others.
- The four-week video series and other supporting materials will be widely accessible and available for use and viewing by anyone. The content will live on the WEC website and, ideally, on lots of other websites around the state as well.
- Agency involvement would include tapping staff experts for help with identifying the right themes for the campaign and building out those themes, and financial support for a still undetermined level of funding.
- The timeline: January, February, and March are targeted to determine partnerships and recruit talent; March, April, and May are for planning the content; June and July are targeted to shoot and produce the videos; August is targeted to announce the campaign in a variety of public ways; and September and October are targeted to roll out one video per week for 4 weeks and to launch the parallel PSA campaign in print and with the broadcasters.

Agency staff are currently working to secure a video production partner for the video series and have also coordinated focus groups with high school students to assess their level of elections knowledge and their media consumption habits. Staff members also plan to present on the project at a March conference of the Wisconsin Council for the Social Studies.

13. Financial Services Activity

The WEC financial staff has performed the following financial services activities since the last Staff Update to the Commission.

- On January 7, 2022, staff prepared and submitted to the State Controller's Office (SCO) our calendar year 2021 1099s review and adjustments.
- On January 7, 2022, financial staff collaborated with our agency Records Officer in completing an Agency Records Disposition Authorization (RDA) Defaults Data Collection survey for financial and procurement attachments in the STAR FIN system.
- On January 20, 2022, staff submitted to the SCO a Division of Facilities Management (DFM) lease report.
- On January 31, 2022, staff received verification from the U.S. Election Assistance Commission (EAC) that our Election Security Federal Financial Report (FFR) and annual Progress Report had both been approved.
- Financial staff collaborated with the WEC program staff in drafting the .gov subgrant Reimbursement Request and Certification document and the subgrant tracking excel, created the internal process, and has begun processing and paying subgrant requests.
- Staff has updated the annual Internal Control Plan (ICP) on financial activities (see attachment 2 (clean copy) & attachment 3 (redline version) of the ICP) to best reflect our agency's current processes. Pursuant to Wis. Stat. § 5.05 (16) (a), management is required to report the policies and procedures to the appropriate standing committees of the Legislature and will submit our updated ICP. Additionally, WEC has a Cooperative Agreement on Accounting, Auditing and Internal Control Activities with the Department of Administration which requires our Internal Control Plan to be reviewed at least annually and for the WEC to certify to the State Controller's Office (SCO) that any identified control deficiencies have been reported to the SCO. The WEC financial team has reviewed our internal controls over financial activities and have not found any control deficiencies or material weaknesses. WEC's 2022 Internal Control Plan includes an updated agency organizational chart, our new Badger Voters appropriation 20.510 (1) (jn), and updated process flows to reflect our current processes for cash disbursements (subgrants), grant applications, and for the information processing section. The documents identified in the ICP as appendices, mostly process flowcharts, are not attached due to volume, but staff can provide them upon request.
- Staff coded the STAR FIN system to better track the Canvass Reporting System expenditures.
- Staff has been working to reorganize and apply record retention laws to our shared financial computer files.
- In addition, staff has performed the following monthly:

- Staff has continued to perform and submit to the SCO scheduled month-end close queries, inquiries, and reports. Staff conducted necessary adjusting entries to resolve any discrepancies.
- Staff has continued to validate Wisconsin Department of Administration (DOA)'s monthly Diverse Spend Reports.
- Staff has continued to participate in monthly DOA virtual user group webinars pertaining to Project Costing and Accounts Receivable and Billing.
- Staff has continued to participate in the virtual Financial Leadership Council meetings at SCO.
- Agencies are no longer asked to complete and submit to the SCO monthly COVID cost tracking reports.

14. Procurements

The following seven Purchase Orders totaling \$224,280.14 have been processed since the January 11, 2022, Commission meeting:

- A \$187,250.00 Purchase Order was written to Carahsoft Technology Corporation for website redesign and migration.
- A \$6,778.89 Purchase Order was written to Audio Architects to remove our agency audio & video equipment in our current office and reinstall it in our new office space.
- A \$6,170.25 Purchase Order was written to Articulate Global, Inc. for five annual subscriptions of StoryLine360.
- A \$1,956.00 Purchase Order was written to DI & Associates for two temporary staffers to train and perform accessibility site audits.
- A \$880.00 Purchase Order was written to Hiring & Staff Services, Inc. for one temporary staffer to train and perform accessibility site audits.
- A \$20,800.00 Purchase Order was written to Armstrong Relocation Company to relocate our agency's office materials that are transitioning to our new office space and to remove all other contents into recycler/dumpsters.
- A \$445.00 Purchase Order was written to Gordon Flesch Co. Inc. to relocate our three office copiers to our new office location.

All purchases accurately followed the Wisconsin State Procurement Process.

15. Meetings and Presentations

WEC staff attended the following events since the December 1, 2021, Commission meeting.

December 8, 2021	WI-ISAC Meeting
December 27, 2021	EI/MS-ISAC Monthly Meeting
January 4, 2022	WI-ISAC Meeting
January 25, 2022	EI/MS-ISAC Monthly Meeting
January 27, 2022	Badger Book Training, Rock County
February 1, 2022	Meeting with USPS Enterprise IT Meeting with DET
February 2, 2022	National Association of Secretaries of State Meeting State IT Director's Council Meeting
February 4, 2022	Accessibility Advisory Committee Meeting
February 11, 2022	Polling Place Accessibility Site Review Training
February 14, 2022	Polling Place Accessibility Site Review Training
February 16, 2022	Presentation to the Assembly Committee on Campaigns & Elections Polling Place Accessibility Site Review Debriefing
February 17, 2022	Badger Book Training, Dane County
February 22, 2022	EI/MS-ISAC Monthly Meeting
February 23, 2022	Enterprise IT Meeting with DET
March 1, 2022	Meeting with USPS
March 2, 2022	State IT Director's Council Meeting
March 3, 2022	Badger Book Training, Chippewa County
March 8, 2022	Enterprise IT Meeting with DET

March 8, 2022

Presentation at Wisconsin County Clerks Association Conference

16. Delegation of Authority

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

- The WEC received a petition from the City of Two Rivers for permission to use paper ballots and voting booths for the February 15, 2022 Spring Primary. The only contest on the City of Two Rivers ballot for the Spring Primary was a Manitowoc Public School District School Board race. The number of residents in the City of Two Rivers eligible to vote in that contest was extremely small, and the City of Two Rivers petitioned the WEC to use paper ballots to avoid costly programming of tabulation equipment when the expected voter turnout was expected to be low. In approving the petition under the delegation of authority, the City of Two Rivers was reminded that all polling places used must still be accessible for individuals with disabilities even if tabulation equipment was not required for the election. The petition was granted on January 31, 2022 and the approval was communicated to the City of Two Rivers that same day.

ATTACHMENT #1

Wisconsin Elections Commission's Training Initiatives
12/2/2021 – 3/9/2022

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Municipal Clerk	<p>2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.</p> <p>MCT Core class is available in the WisVote Learning Center and in-person training classes with certified clerk-trainers.</p>	3 hours	All municipal clerks are required to take the training; other staff may attend. Clerks may attend refresher once per 2-year term.	<p>In-Person: 2</p> <p>16-section online presentation with quizzes</p>	<p>13</p> <p>114</p>
Chief Inspector	<p>Required training for new Chief Inspectors before they can serve as an election official for a municipality during an election.</p> <p>CIT Baseline class is available in the WisVote Learning Center and in-person with certified clerk-trainers.</p>	2-3 hours	Election workers for a municipality. Current chiefs and clerks may attend refresher once per 2-year term.	<p>In-Person: 14</p> <p>7-section online presentation with self-evaluation</p>	<p>327</p> <p>418</p>
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.	<p>2/23/2022: Spoiling and Remaking Ballots;</p> <p>1/19/2022: Absentee Voting; 1/11/2022: WisVote 101, Welcome to 2022; 12/14/2021: Redistricting Updates; 12/8/2021: Wrapping up 2021</p>	50 – 500 per live webinar; posted to website for clerks to use on-demand.

ATTACHMENT #1

Wisconsin Elections Commission's Training Initiatives
12/2/2021 – 3/9/2022

WisVote Training	Online training in core WisVote functions – how to navigate the system, how to add voters, how to set up elections and print poll books.	Varies	New users of the WisVote application software. Two user types, Clerk Role for full access and Data Entry Role for certain tasks.	Online	Not tracked
Clerk Conferences:	March 8, 2022: Wisconsin County Clerks Association Spring Conference				

Wisconsin Elections Commission



Internal Control Plan

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Introduction

The Wisconsin Elections Commission (WEC) has developed the following internal control plan to provide reasonable assurance that all federal and state assets are safeguarded, applicable laws and regulations are followed, and objectives of the Agency are being met.

Control Environment

Mission Statement

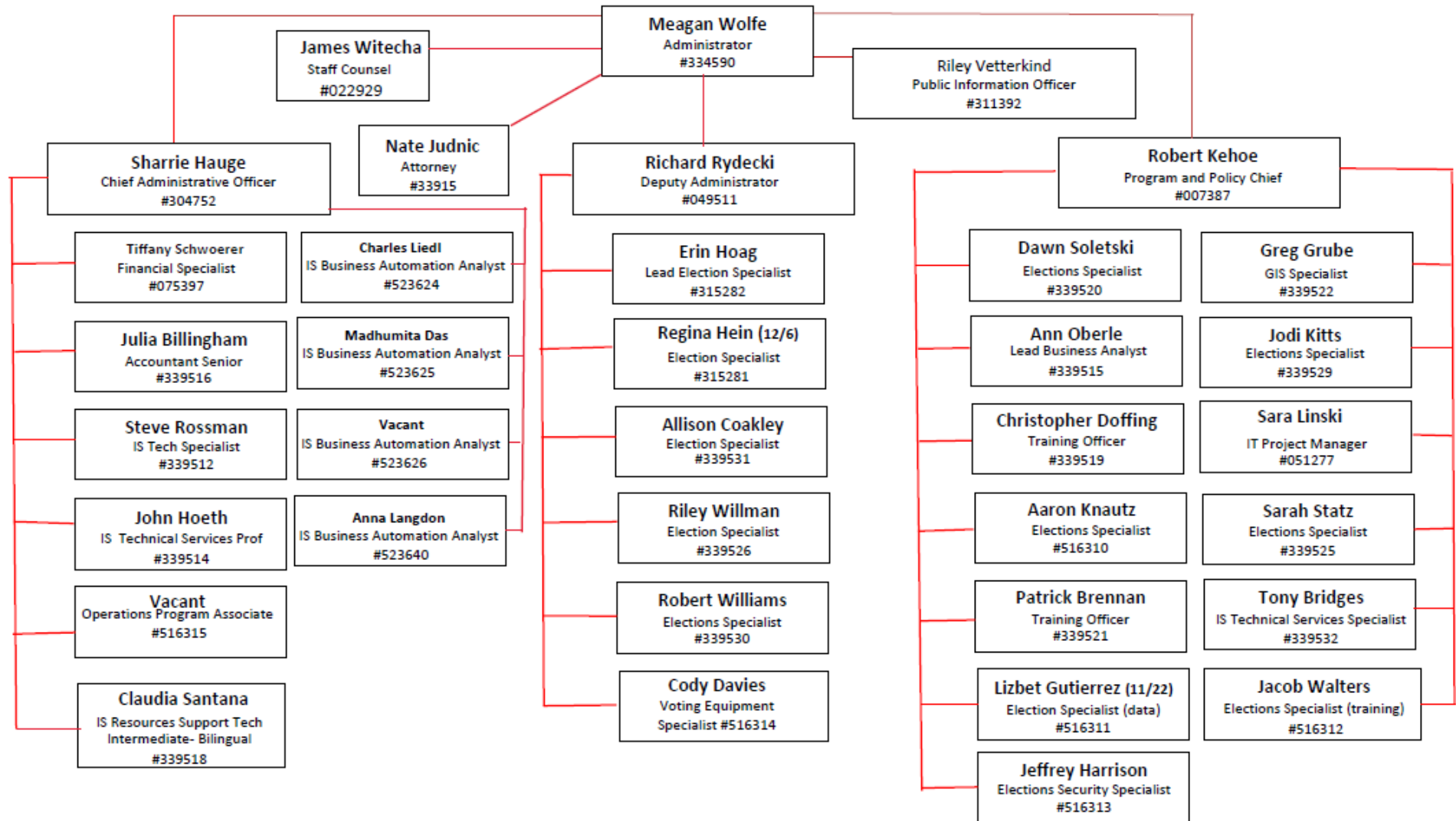
The mission of the Commission is to enhance representative democracy by ensuring the integrity of Wisconsin's electoral process through the administration of Wisconsin's elections laws and the dissemination of information, guidance and services to local election officials, candidates, policymakers, voters, and the public, utilizing both staff expertise and technology solutions.

Agency Description and Organization Chart

The Elections Commission is comprised of six members, who serve for 5-year terms. One member is appointed by the senate majority leader; one appointed by the senate minority leader; one appointed by the speaker of the assembly; one appointed by the assembly minority leader; and two are members who formerly served as county or municipal clerks and who are nominated by the governor with the advice and consent of a majority of the members of the senate. A detailed description of the appointment of Commissioners is provided in WIS. STAT. §15.61. The Elections Commission and the Department of Administration established a rotational term schedule of the Commissioners. The Commission elects a chair and vice-chair from its members by a majority vote.

The Commission Administrator serves as the agency head and the chief election officer of the state. The Commission staff is required to be non-partisan. The agency has a staff of 25.75 GPR and 10.25 SEGF full-time employees.

WISCONSIN ELECTIONS COMMISSION



Personnel Policies and Procedures

All permanent and project WEC staff are required to attend a Department of Administration (DOA) orientation upon appointment. During orientation, staff are directed to the DOA Intranet site <https://dpm-hr-region1.wi.gov/Pages/Home.aspx> where they receive training announcements, wellness information, policies, forms, and job aids. After orientation, all employees receive a formal email from DOA which signifies their understanding that they will abide by work rules, code of ethics and other guidelines contained therein. At WEC, new employees are directed to read Agency Policy Memos 24-29 (Appendix C.1) addressing Classifications, Compensation, Leave Management, Travel Expenses, Recruitment and Selection, and Miscellaneous (Probation).

Nonpartisan Requirement

The staff of the WEC are required by [Wis. Stat. § 5.05\(4\)](#) to be nonpartisan. This quality is instilled in every employee during agency training and is a significant part of the culture at the WEC.

Position Descriptions

Employee position descriptions are available upon request. Agency management periodically reviews employee position descriptions to ensure they match employee work assignments, and then updates them, as necessary. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Other Functional Guidance Materials Provided to Employees

Procurement Manual

The state procurement manual communicates the required policies and procedures for purchasing commodities and services throughout the state and is available online as part of the VendorNet System at <https://vendornet.wi.gov/Home.aspx>. The Wisconsin Procurement Manual is directly available at: <https://doa.wi.gov/ProcurementManual/Pages/default.aspx>

Purchasing Card User Manual

The DOA Purchasing Card User Manual is a document used by the WEC staff which defines a purchasing card, its proper uses, and associated internal control policies and procedures governing usage by Elections Commission staff members. See first page of Appendix G - Purchasing Cardholders and User Manual for a listing of cardholder names and associated programs/grants. The user manual is issued to staff, if it is decided they will need to use purchasing cards as part of their job duties. The DOA Purchasing Card Manual is available at: <https://doa.wi.gov/DEO/PCMANUAL.pdf>

Wisconsin Statutes (Chapters 5 to 10 and 12)

The WEC administers and enforces Wisconsin law pertaining to:

- Chapters 5, Elections – General Provisions; Ballots and Voting Systems
- Chapter 6, The Electors
- Chapter 7, Election Officials; Boards; Section and Duties; Canvassing
- Chapter 8, Nominations, Primaries, Elections

- Chapter 9, Post-Election Actions; Direct Legislation
- Chapter 10, Election Notices
- Chapter 12, Prohibited Election Practices.

Program staff members are expected to have a high-level working knowledge of their controlling statutes, along with various inter-related statutes which may affect the conduct of elections in the state.

Risk Assessment

Risk is defined as the level of vulnerability to fraud, abuse, and/or mismanagement. Risk assessment is the identification and analysis of relevant risks to achievement of objectives, forming a basis for determining how the risks should be managed. The WEC assesses risk by considering the events and circumstances which may occur and could adversely affect the WEC's ability to record, process, summarize, and report agency financial information. Management of the risks associated with the use of the WEC's internal control structure provides reasonable assurance that financial processing functions work as intended.

Agency Appropriations

The WEC's budgetary appropriations under s. 20.510 are as follows:

1. State General Program Operations; General Purpose Revenue (1) (a) – GPR Fund 100 Appropriation 10100 – general program operations of the commission, including the printing of forms, materials, manuals, and election laws under s. 7.08 (1) (b), (3), and (4), and the training of election officials under s. 5.05 (7).
2. Investigations (1) (be) – GPR Fund 100 Appropriation 10500 – funds the cost of investigating potential violations of chs. 5 to 10 and 12, as authorized by the Commission.
3. Training of Chief Inspectors (1) (bm) GPR Fund 100 Appropriation 10600 – for training chief inspectors under s. 7.31.
4. Special Counsel (1) (br) – GPR Fund 100 Appropriation 10700 – for the compensation of special counsel appointed as provided in s. 5.05 (2m) (c) 6.
5. Voter ID Training (1) (c) – GPR Fund 100 Appropriation 10900 – funds training of county and municipal clerks concerning voter identification requirements provided in 2011 Wisconsin Act 23.
6. Election Administration Transfer (1) (d) – GPR Fund 100 Appropriation 11000 – to meet federal requirements for the conduct of federal elections under P.L. 107-252, to be transferred to the appropriation account under par. (t).
7. Elections Administration (1) (e) – GPR Fund 100 Appropriation 11100 – for the administration of chs. 5 to 10 and 12.
8. Recount Fees (1) (g) – PR Fund 100 Appropriation 12000 – petitioners fees to be apportioned to the commission and the county clerks or county board of election commissioners as prescribed in s. 9.01 (1) (ag). All moneys received on account of recount petitions filed with the commission shall be credited to this appropriation account.
9. Materials and Services (1) (h) – PR Fund 100 Appropriation 12100 – for the costs of publishing documents, locating, and copying records, and conducting administrative meetings and conferences, for compiling, disseminating, and making available information prepared by and filed with the commission, and for supplies, postage, and shipping. All

moneys received by the commission from collections for sales of publications, for copies of records, for supplies, for postage, for shipping and records location fees, and for charges assessed to participants in administrative meetings and conferences, except moneys received from requesters from sales of copies of the official registration list, shall be credited to this appropriation account.

10. Gifts and Grants Fund (1) (jm) – PR Fund 100 Appropriation 12300 –to carry out the purposes, not inconsistent with the law, for which gifts, grants, and bequests to the commission are made. All moneys received by the commission from gifts, grants, and bequests shall be credited to this appropriation account.
11. Election Security and Maintenance (1) (jn) – PR Fund 100 Appropriation 12500 – moneys received from requesters from the sales of copies of the official registration list for the purpose of election security and system maintenance. *(Note: Monthly interest income earned on this cash balance is properly allocated monthly.)*
12. Federal Aid Account (1) (m) – PR-F Fund 100 Appropriation 14000 –to be used for the administration of chs. 5 to 10 and 12. All moneys received from the federal government, as authorized by the governor under s. 16.54, that are not appropriated under par. (x), shall be credited to this appropriation account.
13. Election Administration (1) (t) – SEG Fund 220 Appropriation 16000 –from the election administration fund, the amounts in the schedule to meet federal requirements for the conduct of federal elections under P.L. 107-252. All moneys transferred from the appropriation account under par. (d) shall be credited to this appropriation account.
14. Federal Aid; Election Administration Fund (1) (x) – SEG-F Fund 220 Appropriation 18000 – all moneys received from the federal government, as authorized by the governor under s. 16.54, to be used for election administration costs under P.L. 107-252. *(Note: This Appr. was used for the previous federal H101 and H251 grant Help America Vote Act of 2002 (HAVA) awards, now both spent and closed.)*
15. Federal Aid; Election Administration Fund (1) (x) – SEG-F Fund 220 Appropriation 18200 – all moneys received from the federal government, as authorized by the governor under s. 16.54, to be used for election administration costs under P.L. 107-252. *(Note: This Appr. is used for the HAVA Election Security federal grant. The purpose of the Election Security grant is to “improve the administration of elections for Federal office, including to enhance election technology and make election security improvements” to the systems, equipment and processes used in federal elections. Monthly interest income earned on this cash balance is properly allocated monthly.)*

Systems and Tools

STAR

The WEC staff enters financial transactions into STAR (the state's accounting program). WEC performs an internal audit on every transaction before the transaction is approved. Some staff have dual roles, such as processor and approver, that seem to present an issue with separation of duties; however, because of our agency's small size, this is a situation that we cannot prevent and still be able to function when staff is absent or when an approver needs to edit a transaction. Staff does only use one of their roles for any given transaction at a time, preserving the separation of duties in practice, and STAR will not allow a user to both enter and approve the same transaction.

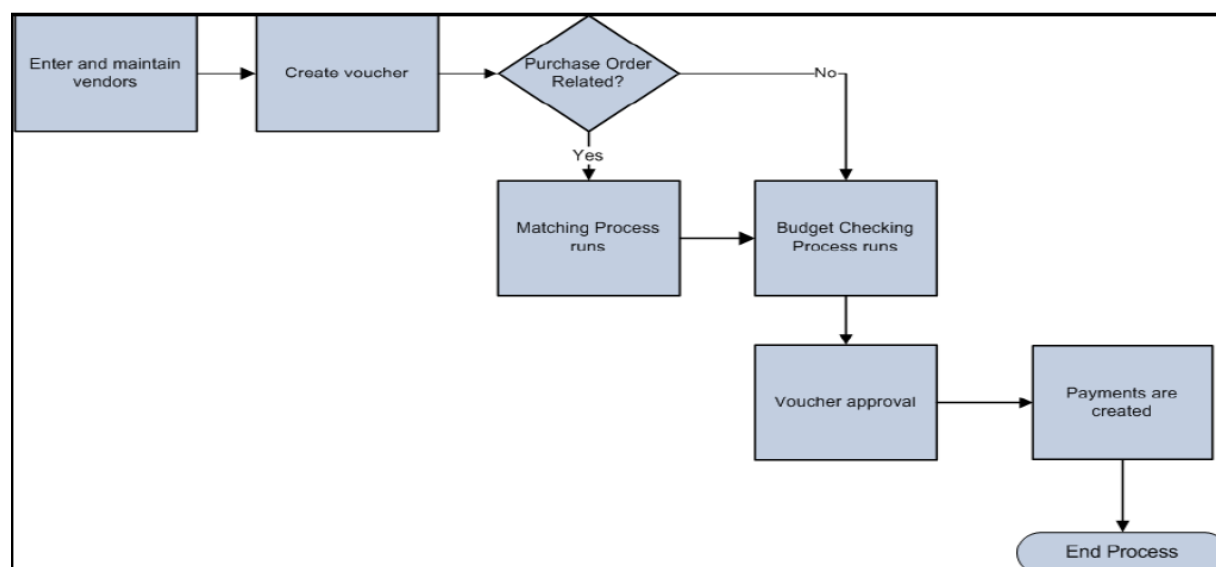
The STAR Payment Process is as follows:

: General Voucher Processing



Accounts Payable End-to-End Process

The Accounts Payable End-to-End process is as follows:



STAR Security Access is Set up as Follows:

Primary Staff involved:

Financial Specialist: currently Tiffany Schwoerer

Senior Accountant/Financial Manager: currently Julia Billingham

Secondary Staff involved:

Operations Program Associate: currently vacant

Chief Administrative Officer: currently Sharrie Hauge

Within the STAR Finance module, security roles have been assigned to staff to process or approve vouchers and for other functionalities within the STAR Finance module. Our agency's internal STAR Security Team initiates a new role request, and another member of our STAR Security Team approves of that request. If that new request necessitates a separation of duty (SOD) override, that role request will also need approval from the DOA STAR Security Team.

The WEC STAR Security Team consists of:

Chief Administrative Officer: currently Sharrie Hauge
IS Technical Services Specialist: currently Steven Rossman
Senior Accountant: currently Julia Billingham

In the assigned financial roles detailed below, even though some staff, such as the accountant, may process OR approve a voucher, STAR will not allow them to approve a voucher they processed.

STAR security levels for payments are set up as follows:

Staff	Security / Approval Levels
Financial Specialist or Operations Program Associate	AP Processor, Reporter, Viewer
Accountant or Chief Administrative Officer	AP Processor, Reporter, Viewer, Approver, Maintainer, and Supervisor

VendorNet

VendorNet is Wisconsin's electronic purchasing information system. VendorNet provides easy access to a wide variety of information of interest to vendors who wish to provide goods and services to the state, as well as to state agencies and municipalities as they procure these goods and services. Bidding and the time required to identify new vendors is minimized, while vendors are automatically notified of opportunities in their area of interest. VendorNet allows WEC staff to post bids and requests for services. VendorNet is also the source for mandatory contract information.

General information on how to do business with the state, along with names, addresses and telephone numbers of state procurement staff, and a summary of what the state buys and how much it spends is included within VendorNet. In addition, information on certified work centers, minority business enterprises, recycling, and affirmative action programs is available.

VendorNet is available at: <https://vendornet.wi.gov/>

STAR HCM (Payroll Time)

STAR HCM is an online system in which employees report all time worked and/or leave time used for each bi-weekly pay period. Supervisors and managers then review and approve all time worked and leave time reported via administrative access to the system. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Federal Time Reporting

All WEC employees who are either funded by federal grant money or work on federal projects report their time spent on specific federal activities directly into STAR HCM. Taskprofiles have been created with individualized Program Codes to track time spent on these specific federal activities. As the employees submit their time in STAR HCM, they are certifying their time spent on allowable activities to maintain compliance with federal cost principles. As supervisors bi-weekly review employees' time, they are certifying their employees' time spent on these federal activities.

During employee onboarding, each employee is educated about which Taskprofiles they should be using to accurately track their time. Upon new tasks creation and also periodically, the WEC Accountant will email all staff with timekeeping reminders and give verbal reminders in our bi-weekly staff meetings so that employees are correctly entering their time based on federal tasks performed. The accountant also performs periodic audits of the payroll data to ascertain those employees are correctly reflecting their tasks in the entering of their Taskprofiles.

All IT Developers who serve the WEC as non-WEC employees complete bi-weekly timesheets that document their time spent on specific federal and state-funded activities and sign to certify their stated time spent on these activities. Their immediate project lead reviews their time submitted then their department supervisor signs and approves their timesheet to verify their time spent on these federal and state-funded activities. These timesheets were created by the Accountant and Financial Specialist in collaboration with the immediate project lead to determine which activities would be allowable under the federal grant(s) and how best to identify those allowable activities.

See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Transaction Cycles

Purchasing Approval

Explanation: A good or service must go through a series of steps before it can be approved for purchase.

Risks:

- Unauthorized purchases.
- Purchasing items without sufficient approvals or authority.
- Approvals being applied on incorrect information.
- Purchases approved which violate state procurement policies and procedures.

See Appendix D-1 for the Purchasing Approval flowchart.

Accounts Payable

Explanation: Payment for purchase of goods or services and/or pre-approved credit issued by vendors when goods or services are purchased or returned.

Risks:

- Paying a bill or invoice for which goods or services were never received nor rendered.
- An invoice is misplaced or lost before financial staff receives it.
- Delay in reconciling financial statements may allow incorrect payments to go unnoticed.

See Appendix D-2 for the Accounts Payable flowchart.

Cash Disbursements (Subgrants)

Explanation: Providing financial assistance, funded by our federal grants, to eligible recipients in accordance with terms of a subgrant agreement.

Risks:

- Recipient uses monies awarded for goods or services outside the scope of the subgrant terms and conditions.
- Recipient falsifies information on subgrant application.
- Recipient does not send back proof of proper expenditures when awarded a non-reimbursable subgrant.

See Appendix D-2.5 for the Cash Disbursements (Subgrants) flowchart.

Grant Applications

Explanation: Applying for financial assistance from the Election Assistance Commission (EAC) in the form of a federal grant award.

Risks:

- Agency fails to follow procedure and accepts federal grant without first getting governor's approval.
- Wire transfer gets lost with DOA and does not get to agency.

See Appendix D-3 for the Grant Applications flowchart.

Accounts Receivable & Cash Receipts

Explanation: Transactions for the billing of goods or services provided to customers, and the receipt of cash, checks, &/or ACH transfers.

Risks:

- A staff person receives a check or cash, and fraudulently deposits it into a personal bank account unbeknownst to management.
- NSF check is returned by bank.
- Customers are billed incorrectly.

See Appendix D-4 for the Accounts Receivable & Cash Receipts flowchart.

General Services Billing

Explanation: Reviewing and paying a general services billing (GSB) invoiced by the Department of Administration (DOA) when the WEC uses DOA's resources or support monthly.

Risks:

- Financial staff fails to recognize an incorrect amount billed and it is paid.
- Billing errors are not immediately requested in writing; DOA does not give credit on the GSB but will subsequently issue a paper refund check for any overbillings.

- Paying the bill for goods and services which were not rendered.

See Appendix D-5 for the General Services Billing flowchart.

Payroll

Explanation: The process of reviewing, approving, and paying for employee wages and recording the expense, along with reconciling federal & state withholdings & remittances.

Risks:

- Payments made to employees out of incorrect funding streams are not adjusted after the fact.
- Cash payments are made to employees for overtime hours worked, instead of compensatory time being earned, unless certain projects are pre-authorized for cash overtime to be paid out.
- Federal or state required withholdings are not timely withheld or remitted.

See Appendix C – Position Numbers, Employee Names, and Classification Titles, along with Appendix D-6 for the payroll flowchart.

Travel Reimbursement for Employees

Explanation: Employees request reimbursement for travel expenses incurred while traveling on official State business, which are processed by the WEC financial staff and then reimbursed through the bi-weekly payroll system.

Risks:

- Employees fill out reimbursement forms incorrectly.
- Employees fail to follow State travel policies and procedures.
- Employees fail to submit all required paperwork to process reimbursement.
- Employees are taxed on reimbursements when they should not have been, or vice versa.

See Appendix C – Position Numbers, Employee Names, and Classification Titles, along with Appendix D-7 for the Travel Reimbursement for Employees flowchart.

Travel Reimbursement for Non-employees

Explanation: Non-employees working indirectly for the WEC may request reimbursement for travel expenses incurred while working on official State business and for the benefit of the WEC.

Risks:

- The non-employee receives invalid reimbursement from the state and/or municipality.
- The non-employee falsifies their travel costs.
- The non-employee receives duplicate reimbursements for the same travel costs.
- The non-employee is reimbursed for travel costs which are not in accordance with state guidelines.

See Appendix D-8 for the Travel Reimbursement for Non-Employees flowchart.

Federal Project Time Reporting & Payroll Adjusting Entry

Explanation: WEC employees working on multiple projects which include a federal grant are required to accurately use the STAR HCM Taskprofiles to account for their time spent on each specific allowable activity within each federal grant and to maintain compliance with federal cost principles. WEC supervisors' reviews entered time and selected Taskprofiles. Accountant reviews all data. If corrections need to be made, Accountant does so via Journal Entries in STAR Financial.

Risks:

- Employee enters time incorrectly or is unable to account for time worked on federal projects.
- Employee or supervisor does not verify time worked, thereby disallowing federal labor costs.
- Accountant does not make correcting entries timely enough for state fiscal close or federal fiscal close.

See Appendix C – Position Numbers, Employee Names, and Classification Titles, along with Appendix D-9 for the Federal Project Time Reporting & Payroll Adjusting Entry flowchart.

Recount for Office

Explanation: Wisconsin statutes require the collection of fees from recount petitioners in certain situations. For State or Federal offices, the WEC is the filing officer and collects the filing fee from petitioners, if required. Wisconsin statute 9.01(1) (ag) requires any fees collected to be distributed to the counties conducting the recount for these offices.

Risks:

- WEC election administration staff incorrectly calculates, or does not collect, the fee payable from the recount petitioner.
- Fees collected are not timely distributed to the proper county.
- Refund due, if applicable, is not distributed to recount petitioner within the statute's timeline.

See Appendix D-10 for the Recount for State Office flowchart.

Control Activities

Control activities are the policies and procedures in place at the WEC which help ensure that necessary actions are taken to address risks identified to achieve our objectives. Relevant control activities in place at the WEC include:

Performance Reviews

Employees are to be formally evaluated on their work performance at six months after the start of their employment then annually, thereafter, based upon pre-established work standards reflecting their position description. These standards serve as the basis for ongoing communication between a supervisor and the employee throughout the year. A copy of all formal evaluations is maintained in the employee's official personnel file. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Physical and Electronic Controls

Control activities in this area are divided into two main categories: physical controls and electronic controls. These activities encompass the security of WEC assets including adequate safeguards over access to assets and secured areas, authorization for access to computer programs and data files, and periodic comparisons with amounts shown on control records.

Physical Controls

- All WEC staff members are issued a photo ID card and building access card.
- The WEC office is open to the public from 7:45am to 4:30pm weekdays. The public may access the office by calling a posted phone number outside the WEC office building. The WEC Reception staff answers that phone number and can allow entry to the public. The building is only accessible via staff access cards. Therefore, during public access times, WEC staff will go down and greet them on the lower level or first floor. Upon hiring, staff receives authorization cards to freely access WEC offices during and outside these normal business hours from the Administrator (or designee) on an as-needed basis. These cards both activate the elevator and open the stairwell doors to the WEC office floor.
- During office hours, WEC staff provides physical security and oversight of agency assets & resources.
- The WEC maintains secured storage areas for confidential records, such as locked file cabinets, secure safes, a secure technology room, and a locked basement storage room for records and additional supplies.
- WEC adheres to the General Records Schedule for Fiscal and Accounting Related Records, as promulgated by the DOA department Public Records Board to be found at: <https://publicrecordsboard.wi.gov/Pages/GRS/Statewide.aspx>
- Confidential records which are not required to be retained in-office are boxed for shipment to the State Records Center, per Records Disposition Authority (RDA).

Electronic Controls

- Each WEC employee is assigned system logon credentials by the DOA required to access state computer systems.
- Employee passwords for many state systems must be reset every 60 days.
- State systems are secured based on industry standard guidelines from CIS and NIST.
- Device health and security are continuously monitored by both the DOA and agency security and IT staff.

- Financial data is maintained in segregated systems and locations with access limited only to relevant staff and IT support.

Information Processing

Purchasing

Control activities are displayed in Appendix D-1 -- Purchasing Approval Flowchart

- Segregation of Duties:
 - Authorization: Purchases of goods and services are authorized by WEC supervisors who determines if that purchase is allowable and necessary. Accountant audits, approves, and dispatches purchase order in STAR.
 - Recordkeeping: Agency Asset Manager, currently agency IS Technical Services Specialist, maintains inventory records of agency's higher-valued assets. All purchasing paperwork is retained for future reference.
 - Custody: WEC staff other than the approvers and program staff email the dispatched purchase order to the supplier. WEC reception staff receive goods.

Purchasing Card

Control activities are displayed in Appendix G -- Purchasing Card User Manual

- Segregation of Duties:
 - Authorization: Purchase of goods is authorized by WEC supervisors or is a reoccurring charge. WEC supervisors will determine if the purchase is allowable and necessary. Accountant audits and approves all purchases bi-weekly. Chief Administrative Officer reviews all purchases bi-weekly.
 - Recordkeeping: Agency Asset Manager, currently agency IS Technical Services Specialist, maintains inventory records of agency's higher-valued assets. All purchasing paperwork is retained for future reference.
 - Custody: WEC reception staff receive goods.

Accounts Payable

Control activities are displayed in Appendix D-2 -- Accounts Payable Flowchart

- Segregation of Duties:
 - Authorization: Internal audit and approval of vouchers for accuracy, completeness, and adequate supporting documentation and proper authorizations is conducted by Accountant.
 - Recordkeeping: Review and reconciling of payment information is performed on a monthly basis. Invoices and vouchers are retained by the financial staff.
 - Custody: Department of Administration generates paper checks or ACH transactions.
- The purchasing form, bill of lading, receiving report, purchase order, and/or requisition are matched prior to payment.

Cash Disbursements (Subgrants)

Control activities are displayed in Appendix D-2.5 -- Cash Disbursements (Subgrants) Flowchart

- Segregation of Duties:

- Authorization: Program staff approves recipients for subgrants. Accountant approves STAR vouchers for payments.
- Recordkeeping: Reviewing and reconciling payment information is performed by Accountant weekly during the subgrant budget period and at the close of the subgrant.
- Custody: DOA Treasury sends subgrant funds via ACH wire transfer or via checks to recipients.

Accounts Receivable & Cash Receipts

Control activities are displayed in Appendix D-4 -- Accounts Receivable & Cash Receipts Flowchart

- Segregation of Duties:
 - Authorization: The audit and approval of deposits for cash and paper checks is initiated by the WEC Accountant and final approval is applied by DOA. E-pay electronic ACH deposits are processed by U.S. Bank and approved by DOA in STAR, without any intervention by WEC staff.
 - Recordkeeping: Deposit information is entered into the STAR accounting system and tracked internally, either manually for cash and paper checks or automatically for ACH deposits.
 - Custody: Via the Financial staff, currency and coin are directly deposited at U.S. Bank, while paper check deposits are hand-delivered to the DOA drop box. DOA deposits and posts these checks to the agency's cash ledger account. Only U.S. Bank has custody of e-payment ACH electronic deposits.
 - NSF checks returned by the bank are recorded, investigated, and secondary payment is requested by WEC staff.

General Services Billing

Control activities are displayed in Appendix D-5 -- General Services Billing Flowchart

- Segregation of Duties:
 - Authorization: GSB charges are verified against fleet approval forms & mileage rates, printing & mailing information, records retention information, servers, and data storage, and/or other supporting documentation, to confirm the agency services were approved. This verification of each transaction is performed by the agency Financial Specialist and the agency IS Technical Services Specialist. Afterward, the voucher and journal entry are audited and approved by the accountant.
 - Recordkeeping: Transaction information is automatically loaded into the STAR accounting system, tracked internally, and reconciled monthly to internal accounting files.
 - Custody: The individuals confirming services were rendered are separate from the individuals receiving the benefits of the services, or these services were overhead costs.

Payroll

Control activities are displayed in Appendix D-6 -- Payroll Flowchart

- Segregation of Duties:

- Authorization: Management reviews and approves work hours recorded by staff.
- Recordkeeping: Staff records hours into STAR HR. Supervisors approve hours and send hours to the DOA payroll office electronically.
- Custody: Payroll checks are generated at DOA and directly deposited into the employee's bank account. Pay stubs are no longer distributed.
- Each bi-weekly payroll register is reviewed by a financial staff member, separate from the manager who requests employee payroll funding additions, changes, and deletions. See also Appendix C – Position Numbers, Employee Names, and Classification Titles.

Travel Reimbursement for Employees

Control activities are displayed in Appendix D-7 – Travel Reimbursement for Employees Flowchart

- Segregation of Duties:
 - Authorization: After travel, supervisors review and approve employee travel reimbursement requests. Financial Specialist reviews these requests for accuracy, completeness, and compliance with State travel policies and procedures and enters them in STAR when appropriate. Accountant audits and approves employee travel expenses.
 - Recordkeeping: Travel reimbursements for costs incurred by staff and all documentation are saved in STAR and paper copies or originals are retained by financial staff.
 - Custody: Travel reimbursements are completed by DOA HR staff and added to an employee's paycheck.
- See also Appendix C – Position Numbers, Employee Names, and Classification Titles.

Travel Reimbursement for Non-Employees

Control activities are displayed in Appendix D-8 – Travel Reimbursement for Non-Employees Flowchart

- Segregation of Duties:
 - Authorization: Program supervisors review and approve non-employee travel reimbursement requests. Financial Specialist reviews these requests for accuracy, completeness, and compliance with State travel policies and procedures and enters them in STAR when appropriate. Accountant audits and approves employee travel expenses.
 - Recordkeeping: Travel reimbursements for costs incurred by non-employee individuals and all documentation are saved in STAR and paper copies or originals are retained by financial staff.
 - Custody: Reimbursement checks or ACH deposit, if sent via a temporary hiring agency or jurisdiction, for example, are generated and sent by DOA.
- All travel costs incurred by the agency and travel reimbursements are reviewed by more than one individual, to ensure that these costs are allowable and in accordance with State travel policies and procedures.

Recount for Office

Control activities are displayed in Appendix D-10 -- Recount for Office Flowchart

- Segregation of Duties:
 - Authorization: If a fee is required, as determined by WEC Election Administration staff, and depending upon the closeness of each political race, counties estimate fee, petitioner pays estimated fee, DOA increases budget authority in our Recount Appropriation, and payment to counties for the actual cost of a recount is authorized by Accountant.
 - Recordkeeping: Financial staff maintains counties' cost estimates, petitioner's payment documentation, counties' actual costs, and any refund or underpayment required to/from petitioner.
 - Custody: DOA receives wire transfer from petitioner and distributes ACH deposits and/or checks to counties and refund check to petitioner.

Information & Communication

Information

STAR – State Transforming Agency Resources (STAR) Accounting and Reporting Tool

STAR is an enterprise-wide system designed to provide better consistency among state agencies, as well as modernization of the State's IT Infrastructure. The comprehensive system allows the state to manage its finance, budget, procurement, business intelligence and human resources functions.

The first release began in July 2015 and was completed in October 2015, with the implementation of Finance and Procurement functionality. The second release began in December 2015 with the implementation of Human Capital Management (HCM) functionality for administrative and self-service users. All state agencies must process their accounting transactions through this system, as it is used to produce the statewide fiscal year financial statements. All financial transactions are entered into STAR.

Strengths:

- Processes and contains all the agency's financial transactions and information.
- Monitored by the Department of Administration.
- Extensive manuals and an email and telephone helpline are available for technical assistance.
- Uses multi-level approval settings for segregation of financial staff duties while processing transactions.
- Multiple tables organize information on a fiscal year and calendar year basis.
- Easy to access old transactions electronically.

Weaknesses:

- Difficult to learn new functionality.
- Not user-friendly; can be difficult to understand input screens which pose a risk of user error.

Tasks to Minimize Weaknesses, Changes, or Improvements:

- Rely on STAR Support and/or State Controller's Office for technical assistance.
- Checks and balances using multiple reviewers and approval layers.

VendorNet

VendorNet is Wisconsin's electronic purchasing information system. VendorNet provides easy access to a wide variety of information of interest to vendors who wish to provide goods and services to the state as well as state agencies and municipalities. Bidding and the time required to identify new vendors is minimized while vendors are automatically notified of opportunities in their area of interest. VendorNet allows WEC staff to post bids and requests for services. VendorNet is also the source for mandatory contracts.

Strengths:

- When properly used, VendorNet ensures state purchasing rules are followed.
- Clearinghouse of purchasing information.
- Updated frequently and immediately, as changes to contracts are made.

Weaknesses:

- Information can sometimes be difficult to locate.
- Information can sometimes be difficult to understand and interpret.

Tasks to Minimize Weaknesses, Changes, or Improvements:

- Training classes by DOA.
- Use the State Procurement Manual as reference.
- Attend State Agencies Purchasing Council (SAPC) monthly meetings and the WI State Procurement Conference for ongoing training opportunities.
- Use DOA support and technical assistance when necessary.

Communication

This process involves providing an understanding to staff about their individual roles and responsibilities as they pertain to the internal control plan. Communication can be written, verbal, or through the actions of management and other personnel. Not only is communication essential within the agency, but also with external sources.

The following are methods used for communicating the roles, responsibilities, and significant matters relating to the internal controls plan within the agency:

- Financial Staff are given an internal control plan for review when starting employment.
- The enacted internal control plan is accessible to all WEC staff on the agency's shared but secured computer drive.
- Financial team meetings.
- WEC general staff meetings.
- Training sessions.
- Memorandums.
- Management ensures the internal control plan is followed.
- Emails, instant messages (IMs), and phone calls.

The following are methods used for communicating the issues, resolutions, and significant matters relating to the internal controls plan outside the agency:

- When communicating with clerks, the agency follows a communication protocol of procedures and policies before sending information to a group of customers.
- Public Information Officer reviews communications prior to sending out.
- When working with vendors on significant procurements or with auditors, the agency uses a single point of contact for all communications.

Monitoring Activities

Monitoring is a process by which the WEC assesses the performance quality of the internal control structure over time. WEC management works with the agency accountant to regularly monitor, audit, and reconcile the processes in place, to maintain sound internal controls for the agency. Monitoring of the internal control plan provides the WEC with reasonable assurance that control objectives are being met.

Monitoring Plan:

Management will periodically assess the performance quality of the internal control plan, focusing on the design and operation of the controls to ensure they are operating as intended. If corrective action is necessary, it will be in a timely manner. Establishing and maintaining internal control is the responsibility of management. The monitoring process will include steps such as:

1. Consistent and ongoing monitoring activities, built into both regular and commonly recurring activities.
2. Occasional internal audits of the strengths and weaknesses of internal controls.
3. Evaluation of communications from entities outside the agency.
4. Focus on evaluation of the quality and performance of internal controls.

Procedures for responding to findings and recommendations reported by auditors:

1. In a timely manner, management will perform an evaluation of the findings and recommendations.
2. Management will develop a proper response to resolve the concerns.
3. The response will be direct to the findings and recommendations.
4. The response will be clear and concise.
5. Any specific or unique positions will be addressed and identified.
6. If action is necessary for implementation of the response, a timeline will be produced with reasonable deadlines for implementation.

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Wisconsin Elections Commission

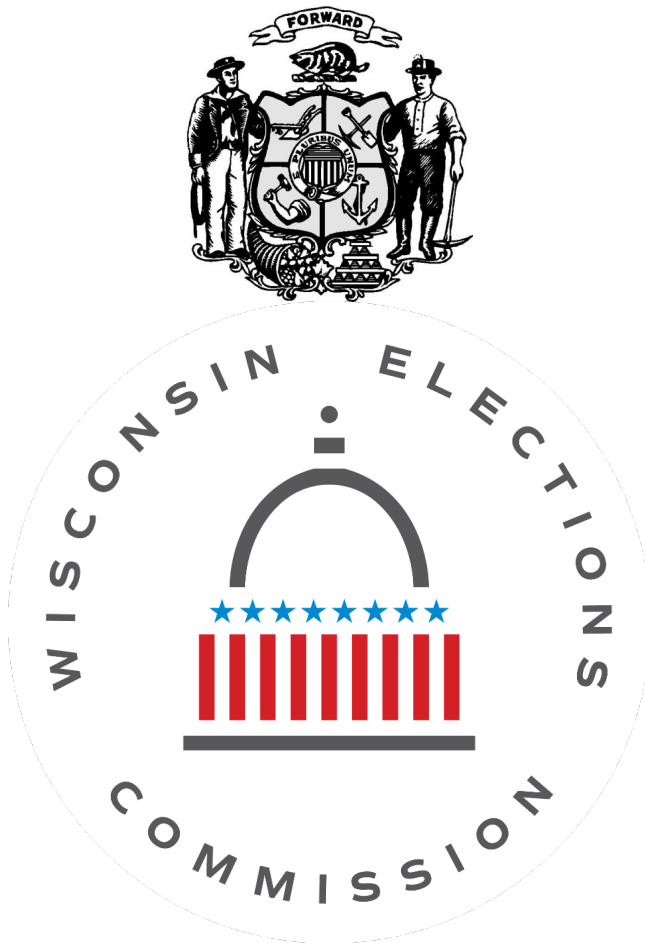
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Internal Control Plan

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Revised: ~~May~~ February 2022¹

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Introduction

The Wisconsin Elections Commission (WEC) has developed the following internal control plan to provide reasonable assurance that all federal and state assets are safeguarded, applicable laws and regulations are followed, and objectives of the Agency are being met.

Control Environment

Mission Statement

The mission of the Commission is to enhance representative democracy by ensuring the integrity of Wisconsin's electoral process through the administration of Wisconsin's elections laws and the dissemination of information, guidance and services to local election officials, candidates, policymakers, voters, and the public, utilizing both staff expertise and technology solutions.

Code of Conduct

~~All permanent and project WEC staff are required to attend a Department of Administration (DOA) orientation upon appointment. During orientation, staff are directed to the DOA Intranet site <https://dpm-hr.region1.wi.gov/Pages/Home.aspx>, where they receive training announcements, wellness information, policies, forms, and job aids. After orientation, all employees receive a formal email from DOA which signifies their understanding that they will abide by work rules, code of ethics and other guidelines contained therein. The staff of the WEC are also required by Wis. Stat. § 5.05(4) to be nonpartisan. This quality is instilled in every employee during agency training and is a significant part of the culture at the WEC.~~

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Agency Description and Organization Chart

The Elections Commission is comprised of six members, who serve for 5-year terms. One member is appointed by the senate majority leader; one appointed by the senate minority leader; one appointed by the speaker of the assembly; one appointed by the assembly minority leader; and two are members who formerly served as county or municipal clerks and who are nominated by the governor with the advice and consent of a majority of the members of the senate. A detailed description of the appointment of Commissioners is provided in WIS. STAT. §15.61. The Elections Commission and the Department of Administration established a rotational term schedule of the Commissioners. The Commission elects a chair and vice-chair from its members by a majority vote.

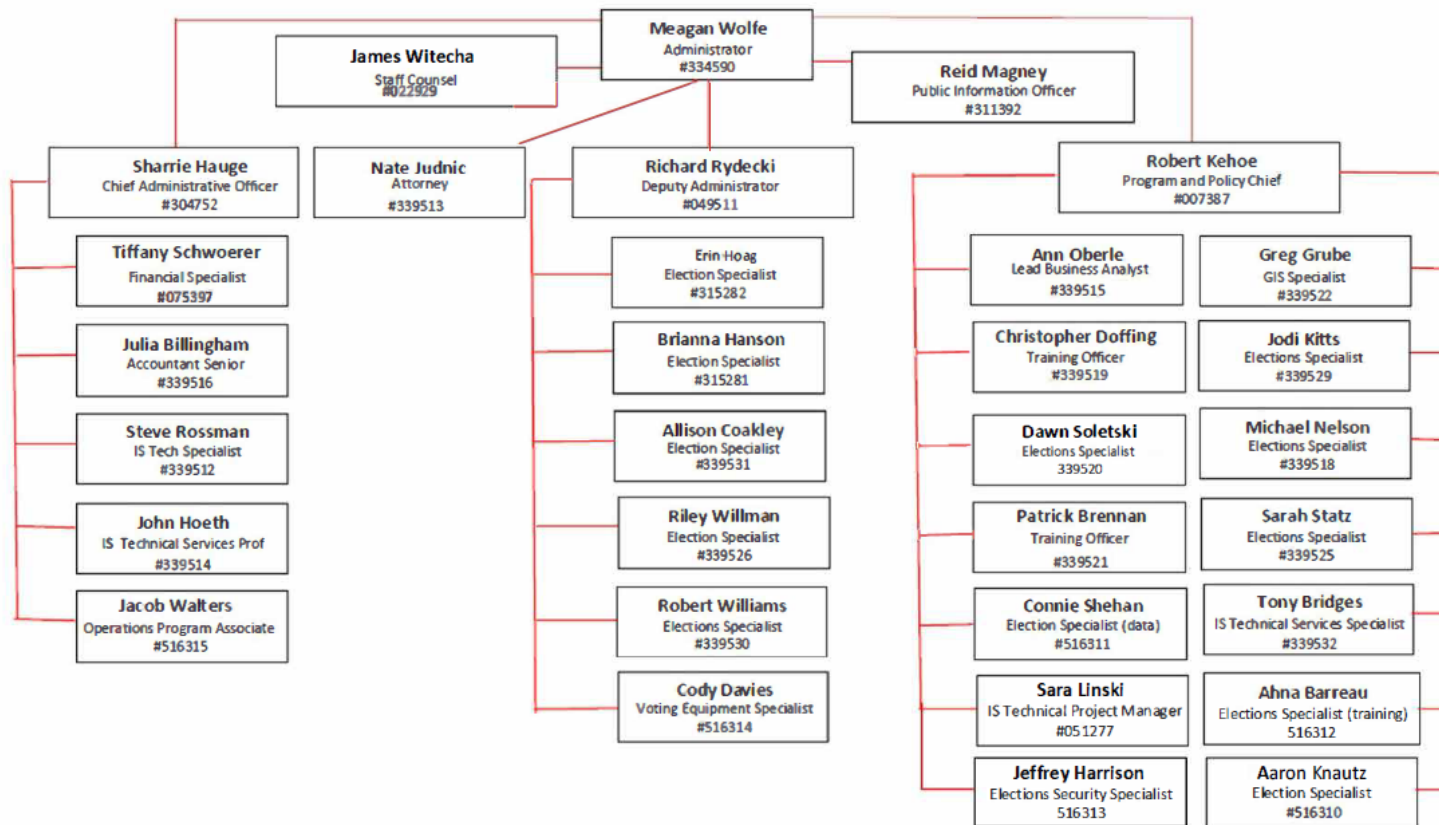
The Commission Administrator serves as the agency head and the chief election officer of the state. The Commission staff is required to be non-partisan. The agency has a staff of 25.75 GPR and ~~6.00~~10.725 SEGF full-time employees.

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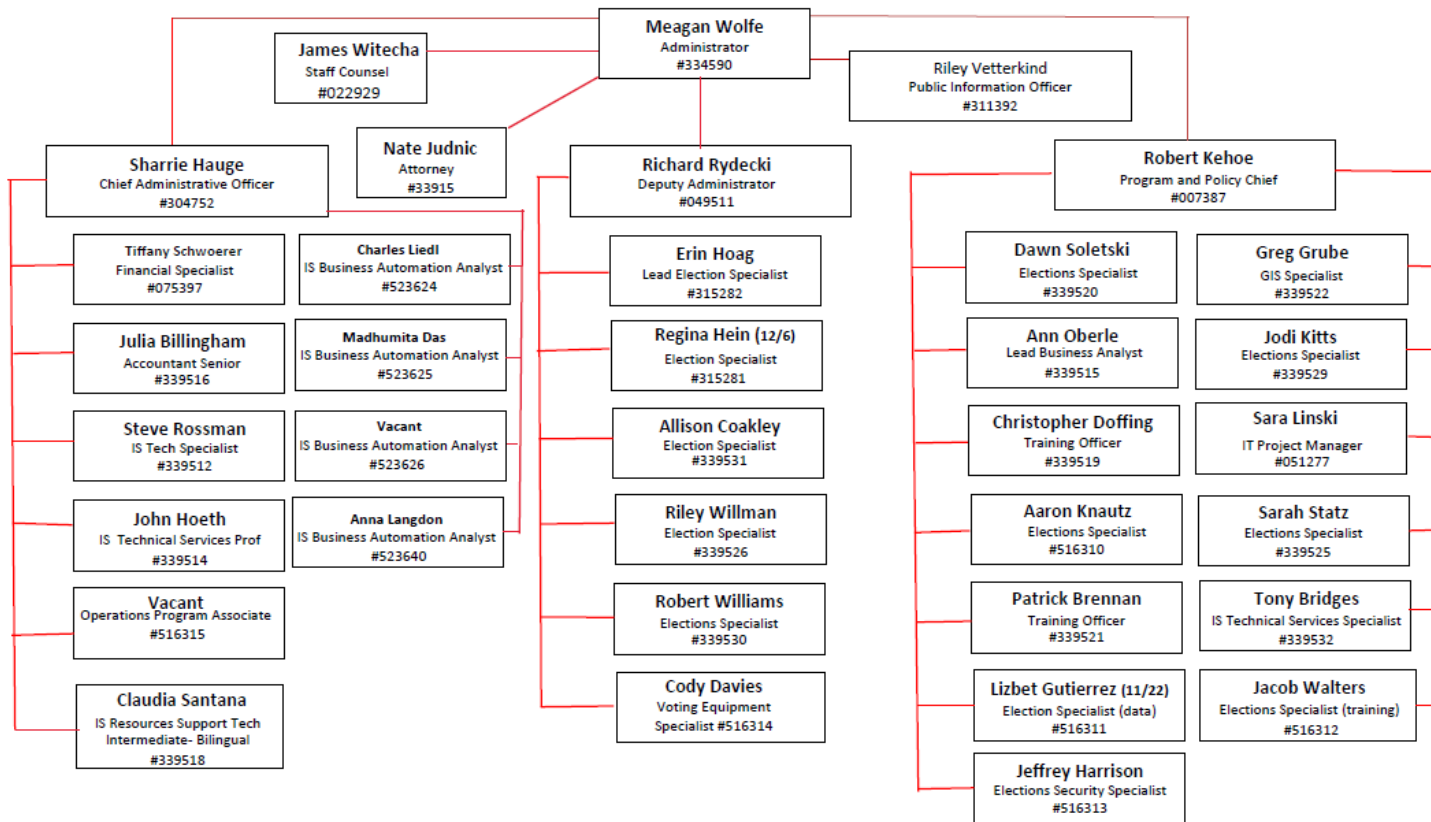
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WISCONSIN ELECTIONS COMMISSION



10/19/2020

WISCONSIN ELECTIONS COMMISSION



Personnel Policies and Procedures

All permanent and project WEC staff are required to attend a Department of Administration (DOA) orientation upon appointment. During orientation, staff are directed to the DOA Intranet site <https://dpm-hr-region1.wi.gov/Pages/Home.aspx>, where they receive training announcements, wellness information, policies, forms, and job aids. After orientation, all employees receive a formal email from DOA which signifies their understanding that they will abide by work rules, code of ethics and other guidelines contained therein. At WEC, new employees are directed to read Agency Policy Memos 24-29 (Appendix C.1) [addressing Classifications, Compensation, Leave Management, Travel Expenses, Recruitment and Selection, and Miscellaneous \(Probation\)](#).

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Code of Conduct Nonpartisan Requirement

~~All permanent and project WEC staff are required to attend a Department of Administration (DOA) orientation upon appointment. During orientation, staff are directed to the DOA Intranet site <https://dpm-hr-region1.wi.gov/Pages/Home.aspx>, where they receive training announcements, wellness information, policies, forms, and job aids. After orientation, all employees receive a formal email from DOA which signifies their understanding that they will abide by work rules, code of ethics and other guidelines contained therein. The staff of the WEC are also required by Wis. Stat. § 5.05(4) to be nonpartisan. This quality is instilled in every employee during agency training and is a significant part of the culture at the WEC.~~

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Position Descriptions

Employee position descriptions are available upon request. Agency management periodically reviews employee position descriptions to ensure they match employee work assignments, and then updates them, as necessary. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Other Functional Guidance Materials Provided to Employees

Procurement Manual

The state procurement manual communicates the required policies and procedures for purchasing commodities and services throughout the state and is available online as part of the VendorNet System [at https://vendornet.wi.gov/Home.aspx](https://vendornet.wi.gov/Home.aspx). The Wisconsin Procurement Manual is directly available at:

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~~<https://doa.wi.gov/ProcurementManual/Pages/default.aspx><http://doa.wi.gov/Divisions/Enterprise-Operations/State-Bureau-of-Procurement/Agency-Information/Procurement-Manual/>~~

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Purchasing Card User Manual

The DOA Purchasing Card User Manual is a document used by the WEC staff which defines a purchasing card, its proper uses, and associated internal control policies and procedures governing usage by Elections Commission staff members. See first page of Appendix G - Purchasing Cardholders and User Manual for a listing of cardholder names and associated

programs/grants. The user manual is issued to staff, if ~~and when~~ it is decided they will need to use purchasing cards as part of their job duties. The DOA Purchasing Card Manual is available at: <https://doa.wi.gov/DEO/PCMANUAL.pdf>

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Wisconsin Statutes (Chapters 5 to 10 and 12)

The WEC administers and enforces Wisconsin law pertaining to:

- Chapters 5, Elections – General Provisions; Ballots and Voting Systems
- Chapter 6, The Electors
- Chapter 7, Election Officials; Boards; Section and Duties; Canvassing
- Chapter 8, Nominations, Primaries, Elections
- Chapter 9, Post-Election Actions; Direct Legislation
- Chapter 10, Election Notices
- Chapter 12, Prohibited Election Practices to 10 and 12.

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Program staff members are expected to have a high-level working knowledge of their controlling statutes, along with various inter-related statutes which may affect the conduct of elections in the state.

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Risk Assessment

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Risk Assessment

Risk is defined as the level of vulnerability to fraud, abuse, and/or mismanagement. Risk assessment is the identification and analysis of relevant risks to achievement of objectives, forming a basis for determining how the risks should be managed. The WEC assesses risk by considering the events and circumstances which may occur and could adversely affect the WEC's ability to record, process, summarize, and report agency financial information. Management of the risks associated with the use of the WEC's internal control structure provides reasonable assurance that financial processing functions work as intended.

Funding Sources Agency Appropriations

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The WEC's ~~funding budgetary appropriations under s. 20.510 comes from several sources~~ are as follows:

1. State General Program Operations; General Purpose Revenue (1) (a) — —GPR ~~and PR and PR-Funds 100 Appropriation 10100 — general program operations of the commission, including the printing of forms, materials, manuals, and election laws under s. 7.08 (1) (b), (3), and (4), and the training of election officials under s. 5.05 (7).~~
- ~~2.1. Help America Vote Act of 2002 (HAVA) (1) (u) — SEG Fund 220 Appropriation 18000 — This Help America Vote Act (HAVA) award was provided for all states to make sweeping reforms in the way elections are conducted. All federal funds with a cash balance earn interest monthly. Once the funds are spent, the state must then take over financial responsibility for maintaining HAVA initiatives.~~
- 3.2. Investigations (1) (be) — —GPR Fund 100 — Appropriation 10500 — funds the cost of investigating potential violations of chs. 5 to 10 and 12, as authorized by the Commission.
- 4.3. Training of Chief Inspectors (1) (bm) — —GPR Fund 100 — Appropriation 10600 — for training chief inspectors under s. 7.31.
- 5.4. Special Counsel (1) (br) — —GPR Fund 100 — Appropriation 10700 — for the compensation of special counsel appointed as provided in s. 5.05 (2m) (c) 6.
- 6.5. Voter ID Training (1) (c) — GPR Fund 100 — Appropriation 10900 — funds training of county and municipal clerks concerning voter identification requirements provided in 2011 Wisconsin Act 23.
- 7.6. Election Administration Transfer (1) (d) — GPR Fund 100 — Appropriation 11000 — to meet federal requirements for the conduct of federal elections under P.L. 107-252, to be transferred to the appropriation account under par. (t).
- 8.7. Elections Administration (1) (e) — GPR Fund 100 — Appropriation 11100 — for the administration of chs. 5 to 10 and 12.

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~~9. Recount Fees~~ (1) (g) – PR Fund 100 Appropriation 12000 – petitioners fees to be apportioned to the commission and the county clerks or county board of election commissioners as prescribed in s. 9.01 (1) (ag). All moneys received on account of recount petitions filed with the commission shall be credited to this appropriation account. Revenue from candidates requesting a recount of ballots cast in an election.

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~~10.8. Materials and Services~~ (1) (h) – PR Fund 100 Appropriation 12100 – for the costs of publishing documents, locating and copying records, and conducting administrative meetings and conferences, for compiling, disseminating, and making available information prepared by and filed with the commission, and for supplies, postage, and shipping. All moneys received by the commission from collections for sales of publications, for copies of records, for supplies, for postage, for shipping and records location fees, and for charges assessed to participants in administrative meetings and conferences, except moneys received from requesters from sales of copies of the official registration list, shall be credited to this appropriation account. Revenue from the sale of copies, forms, and manuals to individuals and organizations.

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~~9. Gifts and Grants Fund~~ (1) (jm) – PR Fund 100 Appropriation 12300 – Account to carry out the purposes, not inconsistent with the law, for which gifts, grants, and bequests to the commission are made. All moneys received by the commission from gifts, grants, and bequests shall be credited to this appropriation account. to receive funds from gifts, grants, or bequests.

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~~11.10. Election Security and Maintenance~~ (1) (jn) – PR Fund 100 Appropriation 12500 – moneys received from requesters from the sales of copies of the official registration list for the purpose of election security and system maintenance. (Note: Monthly interest income earned on this cash balance is properly allocated on a monthly basis.)

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~~12. Federal Aid Account~~ (1) (m) – PR-F Fund 100 Appropriation 14000 – Account to be used for the administration of chs. 5 to 10 and 12. All moneys received from the federal government, as authorized by the governor under s. 16.54, that are not appropriated under par. (x), shall be credited to this appropriation account to receive funds from the federal government to administer elections, but not associated with HAVA funds.

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~~14.12. Election Administration~~ (1) (t) – SEG Fund 220 Appropriation 16000 – From the election administration fund, the amounts in the schedule to meet federal requirements for the conduct of federal elections under P.L. 107-252. All moneys transferred from the appropriation account under par. (d) shall be credited to this appropriation account.

13. Federal Aid; Election Administration Fund Help America Vote Act of 2002 (HAVA) (1) (x) – SEG-F Fund 220 Appropriation 18000 – all moneys received from the federal government, as authorized by the governor under s. 16.54, to be used for election administration costs under P.L. 107-252. (Note: This Appr. was used for the previous federal H101 and H251 grant – This Help America Vote Act of 2002 (HAVA) awards, now both spent and closed.) was provided for all states to make sweeping reforms in the way elections

are conducted. All federal funds with a cash balance earn interest monthly. Once the funds are spent, the state must then take over financial responsibility for maintaining HAVA initiatives.

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14. Federal Aid; Election Administration Fund (1) (x) – SEG-F HAVA Interest Income Earnings Fund 220 Appropriation 18200-R – all moneys received from the federal government, as authorized by the governor under s. 16.54, to be used for election administration costs under P.L. 107-252. *(Note: This Appr. is used for the HAVA Election Security federal grant. The purpose of the Election Security grant is to “improve the administration of elections for Federal office, including to enhance election technology and make election security improvements” to the systems, equipment and processes used in federal elections. Monthly interest income earned on Fund 220this cash balances, which is properly allocated to each respective federal program by reporting category on a monthly basismonthly.)*

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16. Elections Security Grant Fund 220 Appropriation 18200 – The purpose of this award is to “improve the administration of elections for Federal office, including to enhance election technology and make election security improvements” to the systems, equipment and processes used in federal elections.

Systems and Tools

STAR

The WEC staff enters financial transactions into STAR (the state's accounting program). WEC performs an internal audit on every transaction before the transaction is approved. Some staff have dual roles, such as processor and approver, that seem to present an issue with separation of duties; however, because of our agency's small size, this is a situation that we cannot prevent and still be able to function when staff is absent or when-an approver needs to edit a transaction. Staff does only use one of their roles for any given transaction at a time, preserving the separation of duties in practice, and STAR will not allow a user to both enter and approve the same transaction.-

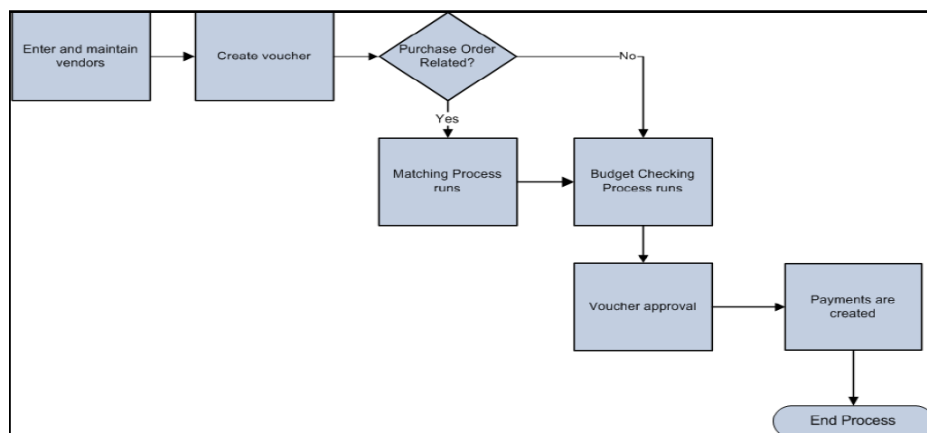
The STAR Payment Process is as follows:

: General Voucher Processing



Accounts Payable End-to-End Process

The Accounts Payable End-to-End process is as follows:



STAR Security Access is Set up as Follows:

Primary Staff involved:

Financial Specialist: currently Tiffany Schwoerer

Senior Accountant/Financial Manager: currently Julia Billingham

Secondary Staff involved:

Operations Program Associate: currently ~~Jacob Walters~~vacant

Chief Administrative Officer: currently Sharrie Hauge

Within the STAR Finance module, ~~Role Mapping~~ security roles have been assigned to staff to process or approve vouchers and for other functionalities within the STAR Finance module. ~~Roles are approved and granted by the DOA, STAR Security Team.~~ Our agency's internal STAR Security Team initiates a new role request, and another member of our STAR Security Team approves of that request. If that new request necessitates a separation of duty (SOD) override, that role request will also need approval from the DOA STAR Security Team.

The WEC STAR Security Team consists of:

Chief Administrative Officer: currently Sharrie Hauge
IS Technical Services Specialist: currently Steven Rossman
Senior Accountant: currently Julia Billingham

~~These employees work together to assign financial user roles that are then approved by DOA's STAR Security Team.~~

In the assigned financial roles detailed below, even though some staff, such as the Accountant, may process OR approve a voucher, STAR will not allow them to approve a voucher they processed.

STAR security levels for payments are set up as follows:

Staff	Security / Approval Levels
Financial Specialist or Operations Program Associate	<u>AP Processor, Reporter, Viewer</u>
Accountant or Chief Administrative Officer	<u>AP Processor, Reporter, Viewer, Approver, Maintainer, and Supervisor a voucher for Payment (if not also the processor on voucher)</u>

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VendorNet

VendorNet is Wisconsin's electronic purchasing information system. VendorNet provides easy access to a wide variety of information of interest to vendors who wish to provide goods and services to the state, as well as to state agencies and municipalities as they procure these goods and services. Bidding and the time required to identify new vendors is minimized, while vendors are automatically notified of opportunities in their area of interest. VendorNet allows WEC staff to post bids and requests for services. VendorNet is also the source for mandatory contract information.

General information on how to do business with the state, along with names, addresses and telephone numbers of state ~~agency~~ procurement staff, and a summary of what the state buys and how much it spends is included within VendorNet. In addition, information on certified work centers, minority business enterprises, recycling, and affirmative action programs is available. VendorNet is available at: <https://vendornet.wi.gov/>

STAR HCM (Payroll Time)

STAR HCM is an online system in which employees report all time worked and/or leave time used for each bi-weekly pay period. Supervisors and managers then review and approve all time worked and leave time reported via administrative access to the system. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Federal Time Reporting

All WEC employees who are either funded by federal grant money or work on federal projects report their time spent on specific federal activities directly into STAR HCM. Taskprofiles have been created with individualized Program Codes to track time spent on these specific federal activities. As the employees submit their time in STAR HCM, they are certifying their time spent on allowable activities to maintain compliance with federal cost principles. As supervisors bi-weekly review employees' time, they are certifying their employees' time spent on these federal activities.

During employee onboarding, each employee is educated about which Taskprofiles they should be using to accurately track their time. Upon new tasks creation and also periodically, the WEC Accountant will email all staff with timekeeping reminders and give verbal reminders in our bi-weekly staff meetings so that employees are correctly entering their time based on federal tasks performed. The Accountant also performs periodic audits of the payroll data to ascertain that employees are correctly reflecting their tasks in the entering of their Taskprofiles.

All IT Developers who serve the WEC as non-WEC employees complete bi-weekly timesheets that document their time spent on specific federal and state-funded activities and sign to certify their stated time spent on these activities. Their immediate project lead reviews their time submitted then their department supervisor signs and approves their timesheet to verify their time spent on these federal and state-funded activities. These timesheets were created by the Accountant and Financial Specialist in collaboration with the immediate project lead to determine which activities would be allowable under the federal grant(s) and how best to identify those allowable activities.

See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Transaction Cycles

Purchasing Approval

Explanation: A good or service must go through a series of steps before it can be approved for purchase.

Risks:

- Unauthorized purchases.
- Purchasing items without sufficient approvals or authority.
- Approvals being applied on incorrect information.
- Purchases approved which violate state procurement policies and procedures.

See Appendix D-1 for the Purchasing Approval flowchart.

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Accounts Payable

Explanation: Payment for purchase of goods or services and/or pre-approved credit issued by vendors when goods or services are purchased or returned.

Risks:

- Paying a bill or invoice for which goods or services were never received nor rendered.
- An invoice is misplaced or lost before financial staff receives it.
- Delay in reconciling financial statements may allow incorrect payments to go unnoticed.

See Appendix D-2 for the Accounts Payable flowchart.

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Cash Disbursements (~~Grants~~Subgrants)

Explanation: Providing financial assistance, funded by our federal grants, to eligible recipients in accordance with terms of a subgrant agreement.

Risks:

- Recipient uses monies awarded for goods or services outside the scope of the subgrant terms and conditions.
- Recipient falsifies information on subgrant application.
- Recipient does not send back proof of proper expenditures when awarded a non-reimbursable subgrant.

See Appendix D-32.5 for the Cash Disbursements (~~Grants~~Subgrants) flowchart.

Grant Applications

Explanation: Applying for financial assistance from the Election Assistance Commission (EAC) in the form of a federal grant award.

Risks:

- Agency fails to follow procedure and accepts federal grant without first getting governor's approval.
- Wire transfer gets lost with DOA and does not get to agency.

See Appendix D-3 for the Grant Applications flowchart.

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Accounts Receivable & Cash Receipts

Explanation: Transactions for the billing of goods or services provided to customers, and the receipt of cash, checks, &/or ACH transfers for licenses and/or fees.

Risks:

- A staff person receives a check or cash, and fraudulently deposits it into a personal bank account unbeknownst to management.
- NSF check is returned by bank.
- Customers are billed incorrectly.

See Appendix D-4 for the Accounts Receivable & Cash Receipts flowchart.

General Services Billing

Explanation: Reviewing and paying a general services billing (GSB) invoiced by the Department of Administration (DOA) when the WEC uses DOA's resources or support on a monthly ~~basis~~.

Risks:

- Financial staff fails to recognize an incorrect amount billed and it is paid.
- Billing errors are not immediately requested in writing; DOA does not give credit on the GSB but will subsequently issue a paper refund check for any overbillings.
- Paying the bill for goods and services which were not rendered.

See Appendix D-5 for the General Services Billing flowchart.

Payroll

Explanation: The process of reviewing, approving, and paying for employee wages and recording the expense, along with reconciling federal & state withholdings & remittances.

Risks:

- Payments made to employees out of incorrect funding streams are not adjusted after the fact.
- Cash payments are made to employees for overtime hours worked, instead of compensatory time being earned, unless certain projects are pre-authorized for cash overtime to be paid out.
- Federal or state required withholdings are not timely withheld or remitted.

See Appendix C – Position Numbers, Employee Names, and Classification Titles, along with Appendix D-6 for the Payroll flowchart.

Travel Reimbursement for Employees

Explanation: Employees request reimbursement for travel expenses incurred while traveling on official State business, which are processed by the WEC financial staff and then reimbursed through the bi-weekly payroll system.

Risks:

- Employees fill out reimbursement forms incorrectly.
- Employees fail to follow State travel policies and procedures.
- Employees fail to submit all required paperwork to process reimbursement.
- Employees are taxed on reimbursements when they should not have been, or vice versa.

See Appendix C – Position Numbers, Employee Names, and Classification Titles, along with Appendix D-7 for the Travel Reimbursement for Employees flowchart.

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Travel Reimbursement for Non-employees

Explanation: Non-employees working indirectly for the WEC may request reimbursement for travel expenses incurred while working on official State business and for the benefit of the WEC.

Risks:

- The non-employee receives invalid reimbursement from the state and/or municipality.
- The non-employee falsifies their travel costs.
- The non-employee receives duplicate reimbursements for the same travel costs.
- The non-employee is reimbursed for travel costs which are not in accordance with state guidelines.

See Appendix D-8 for the Travel Reimbursement for Non-Employees flowchart.

Federal Project Time Reporting & Payroll Adjusting Entry

Explanation: WEC employees working on multiple projects which include a federal grant are required to accurately use the STAR HCM Taskprofiles to account for their time spent on each specific allowable activity within each federal grant and to maintain compliance with federal cost principles. WEC supervisors' reviews entered time and selected Taskprofiles. Accountant reviews all data. If corrections need to be made, Accountant does so via Journal Entries in STAR Financial.

Risks:

- Employee enters time incorrectly or is unable to account for time worked on federal projects.
- Employee or supervisor does not verify time worked, thereby disallowing federal labor costs.
- Accountant does not make correcting entries timely enough for state fiscal close or federal fiscal close.

See Appendix C – Position Numbers, Employee Names, and Classification Titles, along with Appendix D-9 for the Federal Project Time Reporting & Payroll Adjusting Entry flowchart.

Recount for Office

Explanation: Wisconsin statutes require the collection of fees from recount petitioners in certain situations. For State or Federal offices, the WEC is the filing officer and collects the filing fee from petitioners, if required. Wisconsin statute 9.01(1)(ag) requires any fees collected to be distributed to the counties conducting the recount for these offices.

Risks:

- WEC election administration staff incorrectly calculates, or does not collect, the fee payable from the recount petitioner.
- Fees collected are not timely distributed to the proper county.
- Refund due, if applicable, is not distributed to recount petitioner within the statute's timeline.

See Appendix D-10 for the Recount for State Office flowchart.

Control Activities

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Control activities are the policies and procedures in place at the WEC which help ensure that necessary actions are taken to address risks identified to achieve our objectives. Relevant control activities in place at the WEC include:

Performance Reviews

Employees are to be formally evaluated on their work performance at six months after the start of their employment then each year annually thereafter, based upon pre-established work standards reflecting their position description. These standards serve as the basis for ongoing communication between a supervisor and the employee throughout the year. A copy of all formal evaluations is maintained in the employee's official personnel file. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Physical and Electronic Controls

Control activities in this area are divided into two main categories: physical controls and electronic controls. These activities encompass the security of WEC assets including adequate safeguards over access to assets and secured areas, authorization for access to computer programs and data files, and periodic comparisons with amounts shown on control records.

Physical Controls

- All WEC staff members are issued a photo ID card and building access card.
- The WEC office is open to the public from 7:45am to 4:30pm weekdays. The public may access the office by calling a posted phone number outside the WEC office building. The WEC Reception staff answers that phone number and can allow entry to the public. The building is only accessible via staff access cards. Therefore, during public access times, WEC staff will go down and greet them on the lower level or first floor. Upon hiring, staff receives authorization cards to freely access WEC offices during and outside these normal business hours from the Administrator (or designee) on an as-needed basis. These cards both activate the elevator and open the stairwell doors to the WEC office floor.
- During office hours, WEC staff provides physical security and oversight of agency assets & resources.
- The WEC maintains secured storage areas for confidential records, such as locked file cabinets, secure safes, a secure technology room, and a locked basement storage room for records and additional supplies.
- WEC adheres to the General Records Schedule for Fiscal and Accounting Related Records, as promulgated by the DOA department Public Records Board to be found at: <https://publicrecordsboard.wi.gov/Pages/GRS/Statewide.aspx>
- Confidential records which are not required to be retained in-office are boxed for shipment to the State Records Center, per Records Disposition Authority (RDA).

Electronic Controls

- Each WEC employee is assigned system logon credentials by the DOA required to access state computer systems.
- Employee passwords for many state systems must be reset every 60 days.
- State systems are secured based on industry standard guidelines from CIS and NIST.
- Device health and security are continuously monitored by both the DOA and agency security and IT staff.
- Financial data is maintained in segregated systems and locations with access limited only to relevant staff and IT support.

Information Processing

Purchasing

Control activities are displayed in Appendix D-1 -- Purchasing Approval Flowchart

- Segregation of Duties:
 - Authorization: Purchases of goods and services are authorized by WEC supervisors. ~~Staff in charge of compliance determines who determines~~ if ~~that a~~ purchase is allowable and necessary. Accountant audits, approves, and dispatches purchase order in STAR.
 - Recordkeeping: Financial Agency Asset Manager, currently agency IS Technical Services Specialist, staff compiles and reviews information for approval maintains inventory records of agency's higher-valued assets. ~~All p~~ Purchasing paperwork is retained for future reference.
 - Custody: WEC staff other than the approvers ~~s~~ and program staff ~~initiate the purchase in STAR email the dispatched purchase order to the supplier.~~ WEC reception staff receive goods.
- ~~Purchasing is separate from either receiving goods or disbursing cash (unless a purchasing card is used).~~

Purchasing Card

Control activities are displayed in Appendix G -- Purchasing Card User Manual

- Segregation of Duties:
 - Authorization: Purchase of goods is authorized by WEC supervisors or is a reoccurring charge. ~~Staff in charge of compliance~~ WEC supervisors will determines if ~~thea~~ purchase is allowable and necessary. Accountant audits reviews and approves all purchases bi-weekly. ~~Chief Administrative Officer reviews all purchases bi-weekly.~~
 - Recordkeeping: Agency Asset Manager, currently agency IS Technical Services Specialist, maintains inventory records of agency's higher-valued assets assets. ~~Financial staff compiles and reviews information for approval.~~ ~~Accountant reviews and approves all purchases weekly.~~ ~~Chief Administrative Officer reviews all purchases bi-weekly.~~ All p Purchasing paperwork is retained for future reference.
 - Custody: ~~Purchasing cardholder initiates the purchase either online, or by phone, or in person.~~ WEC reception staff receive goods.

Accounts Payable

Control activities are displayed in Appendix D-2 -- Accounts Payable Flowchart

- Segregation of Duties:
 - Authorization: ~~Internal audit~~ Review and approval of ~~invoices and~~ vouchers for accuracy, completeness, and adequate ~~of~~ supporting documentations and proper authorizations is conducted by Accountant.
 - Recordkeeping: Review and reconciling of payment information is performed on a monthly basis. Invoices and vouchers are retained by the financial staff.
 - Custody: Department of Administration generates paper checks or ACH transactions.
- The purchasing form, bill of lading, receiving report, purchase order, and/or requisition are matched prior to payment.

Cash Disbursements (SubGrants)

Control activities are displayed in Appendix D-2.53 -- Cash Disbursements (SubGrants) Flowchart

- Segregation of Duties:
 - Authorization: ~~Accountant creates the Project and the deposit in STAR to accept grant and coordinates with DOA Treasury to correctly receive the federal funds. Program staff approves recipients for subgrants. Accountant approves STAR vouchers for payments.~~
 - Recordkeeping: Reviewing and reconciling payment information is performed by Accountant on a monthly basis weekly during the subgrant budget period and at the close of the subgrant.
 - Custody: DOA Treasury ~~receives~~ sends subgrant funds via ACH wire transfer ~~and creates the accounting journal to transfer funds to the WEC or via checks to recipients.~~

Accounts Receivable & Cash Receipts

Control activities are displayed in Appendix D-4 -- Accounts Receivable & Cash Receipts Flowchart

- Segregation of Duties:
 - Authorization: The audit and approval of deposits ~~approval~~ for cash and paper checks is initiated by the WEC ~~office~~ Accountant and final approval is applied by DOA. E-pay electronic ACH deposits are processed by U.S. Bank and approved by DOA in STAR, without any intervention by WEC staff.
 - Recordkeeping: Deposit information is entered into the STAR accounting system and tracked internally, either manually for cash and paper checks or automatically for ACH deposits. A processor records the deposit, which is then audited and approved by the Accountant in STAR.
 - Custody: Via the Financial staff, currency and coin are directly deposited at U.S. Bank, while paper check deposits are hand-delivered

to the DOA drop box. DOA deposits and posts these checks to the agency's cash ledger account. Only U.S. Bank has custody of e-payment ACH electronic deposits.

- NSF checks returned by the bank are recorded, investigated, and secondary payment is requested by WEC staff.

General Services Billing

Control activities are displayed in Appendix D-5 -- General Services Billing Flowchart

- Segregation of Duties:

- Authorization: GSB charges are verified against fleet approval forms & mileage rates, printing & mailing information, records retention information, servers and data storage, and/or other supporting documentation, to confirm the agency services were approved. This verification of each transaction is performed by the agency Financial Specialist and the agency IS Technical Services Specialist. Afterward, the voucher and journal entry are audited and approved by the Accountant.
- Recordkeeping: Transaction information is automatically loaded into the STAR accounting system, tracked internally, and reconciled monthly to internal accounting files.
- Custody: The individuals confirming services were rendered are separate from the individuals receiving the benefits of the services, or these services were overhead costs.

Payroll

Control activities are displayed in Appendix D-6 -- Payroll Flowchart

- Segregation of Duties:

- Authorization: Management reviews and approves work hours recorded by staff.
 - Recordkeeping: Staff records hours into STAR HR. Supervisors approve hours and send hours to the DOA payroll office electronically.
 - Custody: Payroll checks are generated at DOA and directly deposited into the employee's bank account. Pay stubs are no longer distributed.
- Each bi-weekly payroll register is reviewed by a financial staff member, separate from the manager who requests employee payroll funding additions, changes, and deletions. See also Appendix C – Position Numbers, Employee Names, and Classification Titles.

Travel Reimbursement for Employees

Control activities are displayed in Appendix D-7 – Travel Reimbursement for Employees Flowchart

- Segregation of Duties:

- Authorization: After travel, sSupervisors review and approve employee travel reimbursement requests ~~and their cost incurred after travel.~~ Financial Specialist reviews these requests for accuracy, completeness, and compliance with State travel policies and procedures and enters

them in STAR when appropriate. Accountant audits and approves employee travel expenses.

- Recordkeeping: Travel reimbursements for costs incurred by staff and all documentation are submitted by staff and then reviewed by financial staff for accuracy and completeness, saved in STAR and paper copies or originals are retained by financial staff.
- Custody: Travel expenses incurred by agency employees are processed by a financial staff member. Travel reimbursements are completed by DOA HR staff and added to an employee's paycheck. Financial staff members file and retain reimbursement requests and supporting documentation.
- All travel costs incurred by the agency and travel reimbursements are reviewed by more than one individual, to ensure that these costs are allowable and in accordance with State travel policies and procedures.—See also Appendix C – Position Numbers, Employee Names, and Classification Titles.

Travel Reimbursement for Non-Employees

Control activities are displayed in Appendix D-8 – Travel Reimbursement for Non-Employees Flowchart

- Segregation of Duties:
 - Authorization: Program sSupervisors review and approve non-employee travel reimbursement requests. Financial Specialist reviews these requests for accuracy, completeness, and compliance with State travel policies and procedures and enters them in STAR when appropriate. Accountant audits and approves employee travel expenses.
 - Recordkeeping: Travel reimbursements for costs incurred by non-employee individuals are submitted by the non-employee and reviewed by financial staff for accurate and complete documentation. If the information does not comply with applicable policies and guidelines, the staff notifies the non-employee and attempts to resolve the issue, and all documentation are saved in STAR and paper copies or originals are retained by financial staff.
 - Custody: Travel expenses incurred by non-employees are processed by a financial staff member and related rReimbursement checks or ACH deposit, if sent via a temporary hiring agency or jurisdiction, for example, are generated and sent by DOA.
- All travel costs incurred by the agency and travel reimbursements are reviewed by more than one individual, to ensure that these costs are allowable and in accordance with State travel policies and procedures.

Recount for Office

Control activities are displayed in Appendix D-10 -- Recount for Office Flowchart

- Segregation of Duties:
 - Authorization: If a fee is required, as determined by WEC Election Administration staff, and depending upon the closeness of each political race, counties estimate fee, petitioner pays estimated fee, DOA increases

budget authority in our Recount Appropriation, and payment to counties for the actual cost of a recount is authorized by Accountant ~~and by DOA~~.

- Recordkeeping: Financial staff maintains counties' cost estimates, original petitioner's payment documentation, along with a breakdown of counties which qualify for payment counties' actual costs, and any refund or underpayment required to/from petitioner.
- Custody: ~~Financial staff maintains documentation on payment and authorizes DOA to make payments. DOA receives wire transfer from petitioner and distributes ACH deposits and/or checks to counties and refund check to petitioner.~~

Information & Communication

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Information

STAR – State Transforming Agency Resources (STAR) Accounting and Reporting Tool

STAR is an enterprise-wide system designed to provide better consistency among state agencies, as well as modernization of the State's IT Infrastructure. The comprehensive system allows the state to manage its finance, budget, procurement, business intelligence and human resources functions.

The first release began in July 2015 and was completed in October 2015, with the implementation of Finance and Procurement functionality. The second release began in December 2015 with the implementation of Human Capital Management (HCM) functionality for administrative and self-service users. All state agencies must process their accounting transactions through this system, as it is used to produce the statewide fiscal year financial statements. All financial transactions are entered into STAR.

Strengths:

- Processes and contains all the agency's financial transactions and information.
- Monitored by the Department of Administration.
- Extensive manuals and an [email and](#) telephone helpline are available for technical assistance.
- Uses multi-level approval settings for segregation of financial staff duties while processing transactions.
- [Multiple tables organize information on a fiscal year and calendar year basis.](#)
- [Easy to access old transactions electronically.](#)

Weaknesses:

- Difficult to learn new functionality.
- Not user-friendly; [can be](#) difficult to understand input screens which pose a risk of user error.
- ~~Difficult to access old transactions electronically.~~

Tasks to Minimize Weaknesses, Changes, or Improvements:

- Rely on STAR Support and/or State Controller's Office for technical assistance.
- Checks and balances using multiple reviewers and approval layers.

VendorNet

VendorNet is Wisconsin's electronic purchasing information system. VendorNet provides easy access to a wide variety of information of interest to vendors who wish to provide goods and services to the state as well as state agencies and municipalities. Bidding and the time required to identify new vendors is minimized while vendors are automatically notified of opportunities in their area of interest. VendorNet allows WEC staff to post bids and requests for services. VendorNet is also the source for mandatory contracts.

Strengths:

- When properly used, VendorNet ensures state purchasing rules are followed.
- Clearinghouse of purchasing information.
- Updated frequently and immediately, as changes to contracts are made.

Weaknesses:

- Information can sometimes be difficult to locate.
- Information can sometimes be difficult to understand and interpret.

Tasks to Minimize Weaknesses, Changes, or Improvements:

- Training classes by DOA.
- [Use the State Procurement Manual as reference.](#)
- [Attend State Agencies Purchasing Council \(SAPC\) monthly meetings and the WI State Procurement Conference for ongoing training opportunities.](#)
- Use DOA support and technical assistance when necessary.

Communication

This process involves providing an understanding to staff about their individual roles and responsibilities as they pertain to the internal control plan. Communication can be written, verbal, or through the actions of management and other personnel. Not only is communication essential within the agency, but also with external sources.

The following are methods used for communicating the roles, responsibilities, and significant matters relating to the internal controls plan within the agency:

- Financial Staff are given an internal control plan for review when starting employment.
- [The enacted internal control plan is accessible to all WEC staff on the agency's shared but secured computer drive.](#)
- [Financial team meetings.](#)
- [WEC general sStaff and Elections Division meetings.](#)
- Training sessions.
- Memorandums.
- Management ensures the internal control plan is followed.
- Emails, [instant messages \(IMs\), and phone calls.](#)

The following are methods used for communicating the issues, resolutions, and significant matters relating to the internal controls plan outside the agency:

- When communicating with clerks, the agency follows a communication protocol of procedures and policies before sending information to a group of customers.
- Public Information Officer reviews communications prior to sending out.
- When working with vendors on significant procurements or with auditors, the agency uses a single point of contact for all communications.

Monitoring Activities

Monitoring is a process by which the WEC assesses the performance quality of the internal control structure over time. WEC management works with the agency accountant to regularly monitors, audits, and reconciles the processes in place, to maintain sound internal controls for the agency. Monitoring of the internal control plan provides the WEC with reasonable assurance that control objectives are being met.

Monitoring Plan:

Management will periodically assess the performance quality of the internal control plan, focusing on the design and operation of the controls to ensure they are operating as intended. If corrective action is necessary, it will be in a timely manner. Establishing and maintaining internal control is the responsibility of management. The monitoring process will include steps such as:

1. Consistent and ongoing monitoring activities, built into both regular and commonly recurring activities.
2. Occasional internal audits of the strengths and weaknesses of internal controls.
3. Evaluation of communications from entities outside the agency.
4. Focus on evaluation of the quality and performance of internal controls.

Procedures for responding to findings and recommendations reported by auditors:

1. In a timely manner, management will perform an evaluation of the findings and recommendations.
2. Management will develop a proper response to resolve the concerns.
3. The response will be direct to the findings and recommendations.
4. The response will be clear and concise.
5. Any specific or unique positions will be addressed and identified.
6. If action is necessary for implementation of the response, a timeline will be produced with reasonable deadlines for implementation.



Wisconsin Elections Commission

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MEMORANDUM

DATE: For the March 9, 2022 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: WEC Staff

SUBJECT: Municipal Clerk Training Report for the 2020-2021 Term

Training requirements for municipal clerks are mandated by Wis. Stat. 7.15(1m), 7.315 and EL Admin Code Ch. 12. Municipal clerks must take and report at least six hours of election training to the Wisconsin Elections Commission each two-year training term. Training taken during the 2020-2021 term certifies a clerk to conduct elections in the 2022-2023 term. At its December 1, 2021, meeting, the Commission directed staff to notify the top elected official of a particular municipality by letter if his or her clerk had not completed and reported required training within 30 days of the end of the term, in this case December 31, 2021.

WEC staff employed a variety of methods to inform locally appointed or elected municipal clerks about clerk certification requirements and training resources during the 2020-2021 term to encourage and motivate them to comply with training and reporting requirements. Below is a summary of those efforts. The WEC:

- Provided new clerks with an informational guide of training certification requirements, resources and website links. The guide was recently updated with links to the “New Clerk Checklist” and information about Badger Books.
- Highlighted and discussed state training certification requirements and training resources during eleven live election administration training webinars. These webinars are recorded and posted on the agency website for on-demand viewing.
- Presented information about certification requirements and training resources at the Wisconsin Municipal Clerks Association annual conference in August 2021, the Wisconsin Towns Association annual convention in October 2021, and the WMCA Districts 1 & 2 meeting in October 2021.
- Posted the clerk training hours report and certification requirements memo to the agency website starting on November 2, 2021. The report was updated 10 times before the final update on January 18, 2022. Clerks were advised to check the list, compare their records with the WEC’s and update any deficiencies or omissions they found.
- Directly contacted municipal clerks by email who had reported fewer than the minimum of six hours of training on four occasions, starting in mid-December 2021.
- Included training deadline reminders in nine bi-weekly WEC newsletters starting in September 2021.
- Requested assistance from the 72 county clerks to notify clerks in their respective counties of incomplete training records via personal contacts, training sessions and other communications.

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Administrator
Meagan Wolfe

Commission staff sent a letter to the top elected official in 151 municipalities on January 26, 2022, to inform them their clerk had not reported sufficient training for the 2020-2021 term. The letter provided information regarding state statutory training requirements, the importance of training for conducting an effective election and outlined the training the clerk needed to take and report to the WEC to be compliant with state law. The letter recommended that the clerk take and report the three-hour Municipal Clerk Core Training class, plus three hours of election training, for a total of six hours, by the clerk's first election in 2022. A copy of the letter is included with this memo. The letter was sent to the home address of the top elected official when this information could be gathered; otherwise, it was sent to the municipal address listed in the WisVote system.

The new training term for municipal clerks started on January 1, 2022 and ends on December 31, 2023. WEC staff plans to begin posting the clerk training hours regularly throughout the term and include reminders to report training timely on the election administration training webinar series confirmation pages and other communications. WEC staff is exploring new methods of gathering training information that are intended to increase compliance with reporting required training. Several options are being explored including obtaining attendee lists from clerk conference organizers, directly uploading webinar attendee rosters, changing the agency online Learning Center website to interface directly with clerk training records in WisVote and the development of an online portal for clerks who do not use the WisVote system to enter their training records instead of providing a paper report.

Work on this project is in the planning stages and will continue throughout the 2022-2023 clerk training term. WEC staff will provide the Commission with updates on the progress of this project at subsequent meetings.



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January 26, 2022

Governing Body
Street Address
Municipality, State Zip

Governing Body:

RE: Municipal Clerk Training Recertification for the 2022-2023 Term

According to our records, the clerk for your municipality is not in compliance with State of Wisconsin election training requirements. Wisconsin municipal clerks are required to take and report a minimum of six hours of election training to the WEC for each 2-year term. **Our records indicate the clerk in your municipality has not taken and reported at least 6 hours of election training in the 2020-2021 term in order to be recertified for the current term.** Training taken by the clerk in the 2020-2021 training term recertifies the clerk for the current 2022-2023 training term.

Training requirements for municipal clerks are mandated by Wis. Stat. 7.15(1m), 7.315 and EL Admin Code Ch. 12. Under these requirements, the WEC is required to report to the governing body any clerk noncompliant with state training laws.

In order to achieve compliance with state law, and be certified as a clerk to conduct elections, your clerk must complete the 3-hour MCT Core Curriculum class plus three hours of additional election administration training, for a total six hours. They must also submit their training certification form to our office or enter their training into WisVote if they are a user of the system. It is recommended that this training is completed before their first election in 2022. Your clerk will continue to perform their election-related duties while they complete training.

Training is mandated by state law and is critical in ensuring that elections are conducted effectively and consistently across the state. We have a wide variety of training modules and materials available, both online and in person, as outlined in the memo, Certification Requirements and Resources: <https://elections.wi.gov/node/3549>. This information has previously been communicated to your clerk via clerk memos, election newsletters, clerk conferences, direct emails and as part of our webinar training series.

If you believe our records are in error or have any questions, please contact WEC Training Coordinator Allison Coakley at allison.coakley@wi.gov or (608) 261-2033. Thank you for your attention.

Sincerely,

Wisconsin Elections Commission

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe



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DATE: For the March 9, 2022, Commission Meeting

TO: Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared by Commission Staff

SUBJECT: Electronic Registration Information Center (ERIC) Processes

Introduction

This memo provides an update of the ERIC Movers data, and 2020 General Election voter participation reports.

A. 2021 Movers Review Process

As part of Wisconsin's membership in ERIC, the WEC is required to contact voters who ERIC has flagged as having potentially moved. ERIC obtains data from a variety of sources, such as Wisconsin motor vehicle records, voter registration and motor vehicle records from participating states, and the National Change of Address (NCOA) database from the U.S. Postal Service. The postcard notifies voters that a transaction with WisDOT Division of Motor Vehicles or NCOA indicates their address may be different than their voter registration address. Voters who receive the postcard and have moved may choose to register online, by mail, at their clerk's office, or at their polling place on the next Election Day.

Voter records identified for these mailings to remain active in status and have an updated status reason of 'Movers'; they will appear as "Active/Movers" in WisVote. Records identified as "Active/Movers" in WisVote will also have the "Have you Moved?" watermark on poll books. Clerks have discretion to assess each case individually and may elect to deactivate records or restore the record to "Active/Registered" status. If the postcard is returned to the clerk's office as undeliverable, clerks must still send an Undeliverable 30-Day Notice letter to the voter prior to deactivating the record. If the 30-day notice comes back as undeliverable it would be handled normally and clerks can inactivate the voter record.

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The Quarter 1 (Q1) 2022 mailing work is underway. Q1 is planned to hit the mail stream March 31, 2022, and approximately 56,700 postcards will be mailed. Staff is currently preparing and processing the data for the file.

Table 1: Summary of 2021 Movers Mailings

2021 Movers Summary as of February 23, 2022	Voter Count	Percentage of Mailing
Active - Movers Designations	179,904	78%
Active - Registered (includes merged records)	15,948	7%
Inactivated Records (includes Undeliverable)	34,750	15%
Total Records	230,602	100%

Table 2: Requested Continuation

Quarter	Total Postcards	Requested Continuation (Active Status)	Percentage of Mailing
June Mailing (Q1 & Q2)	97,704	902	0.92%
September Mailing (Q3)	32,691	436	1.33%
December Mailing (Q4)	100,207	640	0.64%
TOTAL	230,602	1978	0.86%

Table 3: Movers Costs

Project (Fiscal Year)	Mail Pieces	Cost per Piece	Total Expense
2017 Mailing (FY18)	341,855	\$0.41	\$141,258
2019 Mailing (FY20)	232,579	\$0.61	\$142,956
2021 June Mailing Q2 (FY21)	97,704	\$0.34	\$33,208
2021 September Mailing Q3 (FY22)	32,691	\$0.41	\$13,350
2021 December Mailing Q4 (FY22)	100,272	\$0.38	\$37,712
2022 March Mailing Q1 (FY22)	Est. 56,700	\$0.38	\$21,546

B. 2020 General Election Voter Participation Process

After every General Election, and when all ERIC member states have their elections reconciled and participation entered, ERIC provides data on potential in-state and cross-state duplicate participation (potentially an individual who has voted in more than one state).

In-State Research and Referrals

The in-state files provided potential matches and were received on July 27, 2021. Staff initially contacted clerks by July 30, 2021, and some have been contacted additional times to research the participation records and identify any possible data entry errors. Of the potential in-state matches, the status as of February 24, 2022:

- 12 were referred to the appropriate DA's office by the clerks
- 2 are awaiting additional clerk information

Cross-State Research and Referrals

The cross-state file provided potential matches with 18 other states and was provided to staff on August 6, 2021. Clerk outreach was completed by August 10, 2021, and additional contact has been made in cases where documentation has yet to be provided.

In-state clerk outreach is the first step of the cross-state research and referral process. Other ERIC states participating in this process also did their own in-state triage and outreach with the initial file. WEC staff completed the triage work in early September and returned their results to ERIC.

Participating states then received a second cross-state file at the end of September. As of November 11, 2021, WEC staff conducted outreach to all states that had potential matches and are awaiting documentation and replies. Of the potential cross-state matches, the status as of February 24, 2022:

- 53 have been resolved
- 9 new potential referrals are being made to commission
- 14 are awaiting additional clerk information
- 77 are pending other state's replies
- 2 pending referrals from January 2022 meeting are awaiting Yuma County, AZ reply

The nine potential new referrals are included in the packet of closed session materials for the commissioners to review.



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DATE: For the March 9, 2022, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared and presented by:

Cody Davies
Elections Specialist

SUBJECT: 2022 Partisan Primary Ballot Templates

2022 Partisan Primary Ballot Templates

Sample ballots for the 2022 Partisan Primary Election accompany this memorandum and are submitted to the Wisconsin Elections Commission (WEC) for approval. As for past elections, the accompanying templates are a representative sample of the full series that will be made available to clerks, voting equipment vendors, and ballot printers.

Partisan Primary ballots differ from other types of ballots in that this is the only type of election in which a crossover vote is possible. To prevent this, these templates contain navigational cues and additional instructions to the voter that do not appear on other ballots.

On optical scan ballots, an additional block of instruction is added to the first column immediately after the general instructions. These instructions advise that a voter may only vote in a single party's primary and that, should they choose a party in the party preference section, only votes cast within the chosen party are eligible to be counted. Additionally, if a voter does not select a party in the party preference section, they are advised that voting for candidates in more than one party will lead to no votes being counted.

The party preference section is followed by distinct party sections for each ballot status party, listed in order of highest to lowest vote totals for that party in the last general election. Each of these party sections is bookended by a header and a footer that clearly mark the beginning and end of each party's respective section of the ballot. To ensure visibility and to reiterate the importance of the instruction, the voter is reminded at the start of each party section that, should they vote in that party's primary, they are not eligible to vote in any other party's primary.

Hand count paper ballots also require instruction in partisan primaries. Unlike in other types of elections, consolidated hand count ballots are not allowed to be used. Instead, jurisdictions that use

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Administrator
Meagan Wolfe

this type of ballot must prepare a ballot “packet,” which includes a cover sheet with in-depth instructions and a separate page containing the party ballot for each ballot status party. The voter is advised to pick one party ballot from the packet on which to vote, remove that ballot from the packet, and to vote only on that ballot. When finished, the voter deposits the voted ballot into the ballot box and disposes the unvoted ballots in a discard box.

To allow counties, equipment vendors, and ballot printers additional time to prepare, the ballot templates for August Partisan Primary are being presented for approval independently of the templates for the November General Election, which will be presented to the Commission for approval at its June meeting. As in the past, sample ballots will be posted to the WEC website upon approval by the Commission.

Overvote Research and Vendor Outreach

At the Commission’s direction, staff contacted the three voting equipment vendors with electronic voting systems approved for use in Wisconsin to obtain additional information on how the systems used to prepare ballots can best be utilized to avoid the false overvote issue that presented itself in the 2020 General Election. These overvotes were a result of crease lines on unscored absentee ballots that were folded in such a way as to cause the crease to run through an oval, thereby causing an overvote in certain contests. The problem was then exacerbated when the procedures for remaking ballots were not followed accordingly and the overvote warning on the affected ballots was instead overridden, resulting in valid votes not being counted. A summary of the questions and responses from Election Systems & Software, Dominion Voting Systems, and Clear Ballot Group is below.

When asked to what degree additional navigational cues could be added to instruct voters how to properly fold their absentee ballots or to warn against creases running through ovals, all three vendors confirmed that additional verbiage could be added where necessary. However, all three also noted that additional blocks of instruction would lead to less space for contests and candidates, which could result in some contests being pushed to the back of what would otherwise be a single-sided ballot or necessitate jurisdictions to employ a larger, more costly ballot to accommodate the added language.

Staff also inquired about the possibility of introducing a “no fold” area on ballots that would alert the voter that, should a fold in the ballot cross through that space, it could potentially affect the disposition of the contest in that area. While the responses differed slightly, all three vendors confirmed that no such option existed in their systems. ES&S advised that a best practice for their customers was to arrange ballots in such a way that a fold would not occur on an oval, but that their ballot design software did not have a native feature to accommodate this. Clear Ballot Group indicated the same, advising that their software does not accommodate scoring and that crease-originated overvotes have not been a problem for their customers.

Dominion Voting Systems software does not allow for the insertion of a “no fold” area, but contests and voting positions are placed on a grid during the programming process that displays the location of the eventual scoring lines and allows the user to avoid placing any voting positions in that area. DVS also highly recommends that all absentee ballots be pre-scored by the ballot printer and that ballots not be folded using a folding machine that, if calibrated incorrectly, could potentially place a fold through a voting position.

Vendors were also asked if their design software could incorporate a dotted line or folding guide of some kind on the ballots that would provide a visual marker the voter could follow when folding their ballot. This is also not something accommodated by ballot design software. DVS reiterated their prior recommendation that all absentee ballots be pre-scored during the printing process. ES&S recommended against placing a dotted line or any other type of line on the ballot, as the placement of such a line within the timing marks would be a highly complex process that would need to be done manually on every different style of ballot in use in a jurisdiction. They added that the addition of such a line would cause contests to shift and create “dead spaces” on the ballot, which would also likely result in longer, more expensive ballots.

An additional recommendation worth mentioning was to increase the size of the absentee certification envelope voters use to return their ballot to their municipal clerk. 14-inch ballots, which are common in the August Partisan Primary, must be folded perfectly to fit into the envelope. While two folds separating the ballot into three sections is the most common method used for absentee ballots, several jurisdictions will fold longer ballots into quarters using three folds to ensure the voter can fit them in the envelope. Folding a ballot three times is easier to accomplish when prescoring or utilizing a folding machine but is much more difficult for a clerk to do manually. This feedback will be incorporated into the absentee certificate envelope redesign process that staff will undertake later this year.

While ballot design software and best practices are specific to each vendor, the general consensus of all three is that pre-scoring or pre-folding ballots that are to be used for absentee voting is the best means of avoiding this issue in the future. Staff will continue to include information on this issue and how best to prevent it in trainings and webinars. This includes reminders about the importance of obtaining an adequate supply of scored/folded absentee ballots, that any ballots that were not pre-scored or pre-folded be tested thoroughly by the clerk to ensure that potential folds do not affect the disposition of any contests on the ballot, and that all election inspectors follow the established procedures for remaking ballots when appropriate.

Supply Chain Issues for Ballot Stock

Following contacts from concerned county clerks, staff also used this vendor outreach opportunity to confirm that ballot stock for longer ballots (14” or longer) would be readily available for the August Partisan Primary. These clerks reported that their ballot printers were still unsure at this time but advised that global supply chain issues could result in limited availability of the paper sizes necessary to accommodate this election.

Generally, vendors are aware of these issues and are being as proactive as possible in addressing them. DVS confirmed that they have been in contact with their paper sources and printers nationwide, who advised that this concern is not limited to Wisconsin. DVS has given estimated numbers to their customers to allow for preordering as soon as possible to secure the necessary inventory. ES&S also confirmed that their paper supply chain is experiencing disruptions in production and shipping. However, they have taken the additional step of ordering a sufficient supply on behalf of their customers and have asked those customers to order as soon as possible to allow for delays in shipping or potential increases in production time, as well as asking that all election materials be proofed as closely as possible to avoid large-scale reprints. Vendor responses do not indicate that securing adequate supply is expected to be a problem at this time, but any changes to this scenario will be communicated accordingly.

Recommended Motion:

The Commission approves the ballot templates presented by staff and directs staff to finalize the templates and make them available for County Clerks to use for the 2022 Partisan Primary Election.

Official Primary Ballot

Partisan Office

_____ Party






August 9, 2022





Notice to Voters: If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials. (See end of ballot for initials).

Instructions to Voters	Statewide (cont.)	Legislative (cont.)
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters: contact your municipal clerk).</p> <p>To vote for a name on the ballot, make an "X" or other mark in the square next to the name like this: <input checked="" type="checkbox"/></p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in."</p> <p>If you vote on this party ballot, you may not vote on any other party ballot</p>	Secretary of State Vote for 1	Representative to the Assembly District _____ Vote for 1
	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
	Write-in: _____	Write-in: _____
	State Treasurer Vote for 1	County
<input type="checkbox"/> Candidate	Sheriff Vote for 1	
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
	Write-in: _____	<input type="checkbox"/> Candidate
Statewide	Congressional	Write-in: _____
Governor Vote for 1	United States Senator Vote for 1	Coroner Vote for 1
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
Write-in: _____	Write-in: _____	Write-in: _____
Lieutenant Governor Vote for 1	Representative in Congress District _____ Vote for 1	Clerk of Circuit Court Vote for 1
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
Write-in: _____	Write-in: _____	Write-in: _____
Attorney General Vote for 1	Legislative	
<input type="checkbox"/> Candidate	State Senator District _____ Vote for 1	
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	
Write-in: _____	<input type="checkbox"/> Candidate	
Continue voting at top of next column.	Write-in: _____	
	Continue voting at top of next column.	

Official Primary Ballot
Partisan Office and Referendum
August 9, 2022

Notice to voters: if you are voting on Election Day, your ballot must be initialed by two (2) election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials (see end of ballot for initials).

General Instructions	Democratic Party Primary (cont.)	Republican Party Primary (cont.)	
If you make a mistake on your ballot or have a question, ask an election inspector for help (absentee voters: contact your municipal clerk). To vote for a name on the ballot, fill in the oval next to the name like this:  To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this: 	Congressional	Secretary of State Vote for 1	
	United States Senator Vote for 1	<input type="radio"/> Candidate	<input type="radio"/> write-in:
	<input type="radio"/> write-in:	State Treasurer Vote for 1	
	Representative in Congress District _____ Vote for 1	<input type="radio"/> Candidate	
Special Instructions for Voting in a Partisan Primary	<input type="radio"/> Candidate	<input type="radio"/> Candidate	
	<input type="radio"/> Candidate	<input type="radio"/> write-in:	
	<input type="radio"/> write-in:	Congressional	
	Legislative	United States Senator Vote for 1	
In the Partisan Primary: <ul style="list-style-type: none">You may vote in only ONE party's primaryIf you choose a party, votes cast in that party will be counted. Votes cast in any other party will not be countedIf you do not choose a party, and you vote in more than one party, no votes will be counted You must vote for individual candidates	State Senator District _____ Vote for 1	<input type="radio"/> Candidate	
	<input type="radio"/> Candidate	<input type="radio"/> write-in:	
	<input type="radio"/> Candidate	Representative in Congress District _____ Vote for 1	
	<input type="radio"/> write-in:	<input type="radio"/> Candidate	
Party Preference Section	Representative to the Assembly District _____ Vote for 1	<input type="radio"/> Candidate	
	<input type="radio"/> Candidate	<input type="radio"/> Candidate	
	<input type="radio"/> write-in:	<input type="radio"/> write-in:	
	<input type="radio"/> write-in:	Legislative	
Choose a party in which to vote	County	State Senator District _____ Vote for 1	
Fill in the oval next to your party choice, like this:  Choose only ONE	Sheriff Vote for 1	<input type="radio"/> Candidate	
<input type="radio"/> Democratic	<input type="radio"/> Candidate	<input type="radio"/> Candidate	
<input type="radio"/> Republican	<input type="radio"/> write-in:	<input type="radio"/> write-in:	
<input type="radio"/> Libertarian	Coroner Vote for 1	Representative to the Assembly District _____ Vote for 1	
<input type="radio"/> Constitution	<input type="radio"/> write-in:	<input type="radio"/> Candidate	
Democratic Party Primary	<input type="radio"/> write-in:	<input type="radio"/> write-in:	
<i>If you vote in this party's primary, you may not vote in any other party's primary.</i>	Coroner Vote for 1	Representative to the Assembly District _____ Vote for 1	
Statewide	<input type="radio"/> write-in:	<input type="radio"/> Candidate	
Governor Vote for 1	Clerk of Circuit Court Vote for 1	<input type="radio"/> write-in:	
<input type="radio"/> Candidate	<input type="radio"/> Candidate	County	
<input type="radio"/> Candidate	<input type="radio"/> write-in:	Sheriff Vote for 1	
<input type="radio"/> Candidate	 End Democratic Party Primary	<input type="radio"/> Candidate	
<input type="radio"/> write-in:	Republican Party Primary	<input type="radio"/> write-in:	
Lieutenant Governor Vote for 1	<i>If you vote in this party's primary, you may not vote in any other party's primary.</i>	Coroner Vote for 1	
<input type="radio"/> Candidate	Statewide	<input type="radio"/> Candidate	
<input type="radio"/> Candidate	Governor Vote for 1	<input type="radio"/> write-in:	
<input type="radio"/> write-in:	<input type="radio"/> Candidate	Clerk of Circuit Court Vote for 1	
Attorney General Vote for 1	<input type="radio"/> Candidate	<input type="radio"/> write-in:	
<input type="radio"/> Candidate	<input type="radio"/> Candidate	 End Republican Party Primary	
<input type="radio"/> Candidate	<input type="radio"/> write-in:	Constitution Party Primary	
<input type="radio"/> write-in:	Lieutenant Governor Vote for 1	<i>If you vote in this party's primary, you may not vote in any other party's primary.</i>	
Secretary of State Vote for 1	<input type="radio"/> Candidate	Statewide	
<input type="radio"/> Candidate	<input type="radio"/> Candidate	Governor Vote for 1	
<input type="radio"/> write-in:	<input type="radio"/> write-in:	<input type="radio"/> Candidate	
State Treasurer Vote for 1	Attorney General Vote for 1	<input type="radio"/> Candidate	
<input type="radio"/> Candidate	<input type="radio"/> Candidate	<input type="radio"/> Candidate	
<input type="radio"/> Candidate	<input type="radio"/> Candidate	<input type="radio"/> write-in:	
<input type="radio"/> write-in:	<input type="radio"/> write-in:		
Democratic Party Primary continues at top of next column.	Republican Party Primary continues at top of next column.	Libertarian Party Primary continues on back of ballot.	

Constitution Party Primary (cont.)		Referendum	
Lieutenant Governor Vote for 1		To vote in favor of a question, fill in the oval next to “Yes,” like this: 	
<input type="radio"/> Candidate		To vote against a question, fill in the oval next to “No,” like this: 	
<input type="radio"/> Candidate		Level of government conducting referendum (State, tech college, county, municipal, school district)	
<input type="radio"/> write-in:			
Attorney General Vote for 1			
		Question (number if necessary)	
<input type="radio"/> Candidate		Shall the...?	
<input type="radio"/> Candidate		<input type="radio"/> Yes	
<input type="radio"/> write-in:		<input type="radio"/> No	
Secretary of State Vote for 1			
<input type="radio"/> Candidate			
<input type="radio"/> write-in:			
State Treasurer Vote for 1			
<input type="radio"/> Candidate			
<input type="radio"/> Candidate			
<input type="radio"/> write-in:			
Congressional			
United States Senator Vote for 1			
<input type="radio"/> Candidate			
<input type="radio"/> write-in:			
Representative in Congress District _____ Vote for 1			
<input type="radio"/> Candidate			
<input type="radio"/> Candidate			
<input type="radio"/> write-in:			
Legislative			
State Senator District _____ Vote for 1			
<input type="radio"/> Candidate			
<input type="radio"/> Candidate			
<input type="radio"/> write-in:			
Representative to the Assembly District _____ Vote for 1			
<input type="radio"/> Candidate			
<input type="radio"/> write-in:			
County			
Sheriff Vote for 1			
<input type="radio"/> Candidate			
<input type="radio"/> write-in:			
Coroner Vote for 1			
<input type="radio"/> Candidate			
<input type="radio"/> write-in:			
Clerk of Circuit Court Vote for 1			
<input type="radio"/> write-in:			
 End Constitution Party Primary			
Continue voting at top of next column.			
<div>Official Primary Ballot Partisan Office and Referendum August 9, 2022 for</div> <div>_____</div> <div>Municipality and ward number(s)</div> <div>Ballot issued by</div> <div>_____</div> <div>_____</div> <div>Initials of election inspectors</div> <div>Absentee ballot issued by</div> <div>_____</div> <div>Initials of Municipal Clerk or Deputy Clerk</div> <div>_____</div> <div>_____</div> <div>If issued by SVDs, both must initial</div> <div>Certification of Voter Assistance</div> <div>I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance.</div> <div>_____</div> <div>Signature of assistor</div> <div>For Official Use Only</div> <div>Inspectors: Identify ballots required to be remade:</div> <div><div><input type="checkbox"/></div>Overvoted</div> <div><div><input type="checkbox"/></div>Damaged</div> <div><div><input type="checkbox"/></div>Other</div> <div>If this is the Original Ballot, write the serial number here:</div> <div>_____</div> <div>If this is the Duplicate Ballot, write the serial number here:</div> <div>_____</div> <div>_____</div> <div>Initials of inspectors who remade ballot</div>			
Page 2 of 2-sided ballot. Ballot begins on other side. 			



Wisconsin Elections Commission

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DATE: For the March 9, 2022, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared by Commission Staff

SUBJECT: Voter Felon Audit Update

The Voter Felon Audit is a required post-election comparison of voters who cast a ballot at an election with the list of persons who were under Department of Corrections (DOC) supervision for a felony conviction at the time the vote was cast. Wis. Stat. §6.56(3m). The audit is conducted for any election that has a state or federal office position on the ballot.

The Voter Felon Audit occurs in several stages. The matches are first reviewed by the Department of Corrections, then by the municipal clerks and finally by Wisconsin Elections Commission staff before a referral is made to county district attorneys for their own investigation. The process provides the Commission the ability to identify any potential voter/felon matches and it also allows the Commission to identify any discrepancies with the matches. It is the final check in identifying potential felon participation in an election, should such activity not be caught earlier through other statutory required processes, such as the felon list check by election officials at the polls. The process also ensures that election officials at all levels have performed their due diligence before cases are referred to a District Attorney.

All voter felon audits have been run for all previous elections through 2021. The 2022 Spring Primary Election audit will run on approximately March 15, 2022.

Staff is also providing its bi-yearly comprehensive update on the status of the past Voter Felon Audits and District Attorney response information. Attachment J.2 contains statistics regarding the number of initial matches between records of voters and records of felons, as well as the disposition of the cases referred to district attorneys that the Commission has been made aware of. Additional details regarding specific cases are included in the Commission's supplemental materials folder.

Attachments:

2022 March Commission Report (Open Session)

VFA Referral Statistics (Open Session)

2022 March Commission Report (Closed Session – includes voter names)

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

DA Tracker - 2010 GENERAL ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
ASHLAND - 02	5 – Referred to DA	11/20/2014		
BROWN - 05	5 – Referred to DA	10/9/2014		
RACINE - 52	5 – Referred to DA	11/20/2014		
RACINE - 52	5 – Referred to DA	11/20/2014		
WAUKESHA - 68	5 – Referred to DA	11/20/2014		

DA Tracker - 2011 SPRING ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
DANE - 13	5 – Referred to DA	11/18/2014	2/13/2018	Under Investigation.
WAUKESHA - 68	5 – Referred to DA	11/20/2014		

DA Tracker - 2012 JUNE 5 RECALL ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
DANE - 13	5 – Referred to DA	11/18/2014	2/13/2018	Under Investigation.
LA CROSSE - 32	5 – Referred to DA	11/18/2014		
RACINE - 52	5 – Referred to DA	11/18/2014		

DA Tracker -2012 PRESIDENTIAL AND GENERAL

County	Stage	Date Notice Sent	DA REPORT	Status
LA CROSSE - 32	5 – Referred to DA	4/9/2014		
RACINE - 52	5 – Referred to DA	4/9/2014		
RACINE - 52	5 – Referred to DA	4/9/2014		
RACINE - 52	5 – Referred to DA	4/9/2014		
RACINE - 52	5 – Referred to DA	4/9/2014		

DA Tracker - 2014 GENERAL ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
ASHLAND - 02	5 -Referred to DA	3/31/2015		
DANE - 14	5 -Referred to DA	3/31/2015		
DANE - 14	5 - Referred to DA	3/31/2015		
DANE - 14	5 - Referred to DA	3/31/2015		
OZAUKEE - 46	5 – Referred to DA	4/2/2015		
RACINE - 52	5 – Referred to DA	4/3/2015		
RACINE - 52	5 – Referred to DA	4/2/2015		
RACINE - 52	5 – Referred to DA	4/3/2015		
RACINE - 52	5 – Referred to DA	3/31/2015		
RACINE - 52	5 – Referred to DA	4/2/2015		
RACINE - 52	5 – Referred to DA	4/3/2015		
RACINE - 52	5 – Referred to DA	3/26/2015		
RACINE - 52	5 – Referred to DA	4/3/2015		
SHEBOYGAN - 60	5 – Referred to DA	3/31/2015	8/8/2017	Under Investigation.
WAUKESHA - 68	5 – Referred to DA	3/31/2015		
WINNEBAGO - 71	5 – Referred to DA	3/31/2015	7/26/2018	Under Investigation.

DA Tracker - 2015 SPRING PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
DOUGLAS- 16	5 - Referred to DA	4/3/2015	8/19/2017	Under Investigation.

DA Tracker - 2015 SPRING ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
ASHLAND - 02	5 - Referred to DA	7/3/2015		
ASHLAND - 02	5 - Referred to DA	7/3/2015		
JACKSON - 27	5 - Referred to DA	7/3/2015		
LANGLADE - 34	5 - Referred to DA	7/3/2015	8/17/2017	Under Investigation.

DA Tracker - 2016 SPRING PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
ONEIDA - 44	5 - Referred to DA	5/6/2016		

DA Tracker - 2016 SPRING ELECTION & PRES.

County	Stage	Date Notice Sent	DA REPORT	Status
BROWN - 05	5 - Referred to DA	8/9/2016		
BROWN - 05	5 - Referred to DA	8/9/2016		
DANE - 13	5 - Referred to DA	8/9/2016	2/13/2018	Under Investigation.
DANE - 13	5 - Referred to DA	8/9/2016	2/13/2018	Under Investigation.
DANE - 13	5 - Referred to DA	8/9/2016	2/13/2018	Under Investigation.
RACINE - 52	5 - Referred to DA	8/9/2016		
SHEBOYGAN - 60	5 - Referred to DA	8/9/2016	8/8/2017	Under Investigation.
WINNEBAGO - 71	5 - Referred to DA	8/9/2016	7/26/2018	Under Investigation.
WINNEBAGO - 71	5 - Referred to DA	8/9/2016	7/26/2018	Under Investigation.

DA Tracker - 2016 PARTISAN PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
DANE - 13	5 - Referred to DA	11/21/2016	2/13/2018	Under Investigation.

DA Tracker - 2016 PRESIDENTIAL AND GENERAL ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
BROWN - 05	5 - Referred to DA	7/14/2017		
BROWN - 05	5 - Referred to DA	7/18/2017		
DANE - 13	5 - Referred to DA	7/14/2017	2/13/2018	Under Investigation.
DANE - 13	5 - Referred to DA	7/14/2017	2/13/2018	Under Investigation.
DANE - 13	5 - Referred to DA	7/14/2017	2/13/2018	Under Investigation.
DANE - 13	5 - Referred to DA	7/14/2017	2/13/2018	Under Investigation.
DANE - 13	5 - Referred to DA	7/14/2017	2/13/2018	Under Investigation.
DANE - 13	5 - Referred to DA	7/14/2017	2/13/2018	Under Investigation.
DOOR - 15	5 - Referred to DA	7/17/2017		
EAU CLAIRE - 18	5 - Referred to DA	7/18/2017	11/21/2017	Charges Filed.
MENOMINEE - 40	5 - Referred to DA	7/19/2017		
MILWAUKEE - 41	5 - Referred to DA	7/14/2017	8/25/2017	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	7/14/2017	8/25/2017	Under Investigation.

MILWAUKEE - 41	5 - Referred to DA	7/14/2017	8/25/2017	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	7/14/2017	8/25/2017	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	7/14/2014	8/25/2017	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	7/17/2017	8/25/2017	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	7/14/2017	8/25/2017	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation.
MONROE - 42	5 - Referred to DA	7/19/2017		
ONEIDA - 44	5 - Referred to DA	7/17/2017		
POLK - 49	5 - Referred to DA	7/17/2017		
PORTAGE - 50	5 - Referred to DA	7/17/2017		
RACINE - 52	5 - Referred to DA	7/14/2017		
RACINE - 52	5 - Referred to DA	7/17/2017		
RACINE - 52	5 - Referred to DA	7/17/2017		
RACINE - 52	5 - Referred to DA	4/11/2017		
RACINE - 52	5 - Referred to DA	7/17/2017		
RACINE - 52	5 - Referred to DA	7/19/2017		
RACINE - 52	5 - Referred to DA	7/19/2017		
ROCK - 54	5 - Referred to DA	7/14/2017		
ROCK - 54	5 - Referred to DA	7/14/2017		
ST. CROIX - 56	5 - Referred to DA	7/17/2017		
SAUK - 57	5 - Referred to DA	7/17/2017		
SAWYER - 58	5 - Referred to DA	7/19/2017	9/15/2017	Under Investigation.
SHEBOYGAN - 60	5 - Referred to DA	7/17/2017	8/8/2017	Under Investigation.

DA Tracker - 2017 SPRING ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
MILWAUKEE - 41	5 - Referred to DA	8/18/2017	5/26/2017	Under Investigation.

DA Tracker - 2018 SPRING ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
WAUKESHA - 68	5 - Referred to DA	7/18/2018		

DA Tracker - 2018 PARTISAN PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
ASHLAND - 02	5 - Referred to DA	2/15/2019		
BROWN - 05	5 - Referred to DA	2/18/2019		
CRAWFORD - 12	5 - Referred to DA	2/18/2019		
DANE - 13	5 - Referred to DA	2/15/2019	3/5/2019	Under Investigation.
MENOMINEE - 40	5 - Referred to DA	2/18/2019	2/18/2019	Under Investigation.

DA Tracker - 2018 GENERAL ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
BROWN - 05	5 - Referred to DA	6/3/2019		
BROWN - 05	5 - Referred to DA	8/27/2019		
BROWN - 05	5 - Referred to DA	6/3/2019		

DANE - 13	5 - Referred to DA	6/4/2019		
DANE - 13	5 - Referred to DA	6/3/2019	1/27/2022	Under Investigation.
DANE - 13	5 - Referred to DA	6/3/2019		
DANE - 13	5 - Referred to DA	6/3/2019		
DANE - 13	5 - Referred to DA	9/9/2019		
DANE - 13	5 - Referred to DA	6/5/2019		
GRANT - 22	5 - Referred to DA	6/3/2019		
JACKSON - 27	5 - Referred to DA	9/9/2019	9/16/2019	Under Investigation.
KENOSHA - 30	5 - Referred to DA	6/3/2019		
KENOSHA - 30	5 - Referred to DA	6/3/2019		
MILWAUKEE - 41	5 - Referred to DA	6/4/2019	5/26/2021	Charges Filed.
MILWAUKEE - 41	5 - Referred to DA	6/4/2019	5/26/2021	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	6/4/2019	5/26/2021	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	6/4/2019	1/4/2021	Charges Filed.
MILWAUKEE - 41	5 - Referred to DA	6/4/2019	5/26/2021	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	6/4/2019	5/26/2021	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	6/5/2019	5/26/2021	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	6/5/2019	5/26/2021	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	6/4/2019	5/26/2021	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	6/5/2019	5/26/2021	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	6/5/2019	5/26/2021	Charges Filed.
MILWAUKEE - 41	5 - Referred to DA	6/4/2019	5/26/2021	Charges Filed.
MILWAUKEE - 41	5 - Referred to DA	6/5/2019	8/17/2020	Charges Filed.
PORTAGE - 50	5 - Referred to DA	8/27/2019		
PORTAGE - 50	5 - Referred to DA	8/27/2019		
RACINE - 52	5 - Referred to DA	8/27/2019		
ST. CROIX - 56	5 - Referred to DA	8/27/2019		
SAUK - 57	5 - Referred to DA	6/6/2019		
SHEBOYGAN - 60	5 - Referred to DA	8/27/2019		
WASHINGTON - 67	5 - Referred to DA	8/27/2019		
WAUSHARA - 70	5 - Referred to DA	8/27/2019		
WINNEBAGO - 71	5 - Referred to DA	6/3/2019		

DA Tracker - 2019 SPRING PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
BROWN - 05	5 - Assigned to DA	9/9/2019		

DA Tracker - 2019 SPRING ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
KENOSHA - 30	5 - Referred to DA	9/18/2019		
WAUKESHA - 68	5 - Referred to DA	9/19/2019		

DA Tracker - 2020 SPRING PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
DANE - 13	5 - Referred to DA	4/12/2021		
EAU CLAIRE - 18	3 - Assigned to Clerk			
MILWAUKEE - 41	5 - Referred to DA	5/5/2021	5/26/2021	Under Investigation.
SAWYER - 58	5 - Referred to DA	8/23/2021		

DA Tracker - 2020 SPRING ELECTION & PRESIDENTIAL

County	Stage	Date Notice Sent	DA REPORT	Status
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DANE - 13	5 - Referred to DA	5/6/2021		
DODGE - 14	5 - Referred to DA	5/6/2021		
KENOSHA - 30	5 - Referred to DA	5/6/2021		
KENOSHA - 30	5 - Referred to DA	8/23/2021		
MILWAUKEE - 41	3 - Assigned to Clerk			
MILWAUKEE - 41	3 - Assigned to Clerk			

DA Tracker - 2020 PARTISAN PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
DOOR - 15	5 - Referred to DA	10/1/2021		
LANGLADE - 34	5 - Referred to DA	9/22/2021		
MILWAUKEE - 41	3 - Assigned to Clerk			

DA Tracker - 2020 GENERAL ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
ASHLAND - 01	5 - Referred to DA	8/23/2021		
BAYFIELD - 04	5 - Referred to DA	8/20/2021	1/18/2022	Under Investigation.
BROWN - 05	5 - Referred to DA	9/17/2021		
BROWN - 05	5 - Referred to DA	9/17/2021		
BUFFALO - 06	5 - Referred to DA	9/15/2021		
CHIPPEWA - 09	5 - Referred to DA	8/23/2021	11/12/2021	Charges Filed.
CLARK - 10	3 - Assigned to Clerk			
COLUMBIA - 11	5 - Referred to DA	8/26/2021		
COLUMBIA - 11	5 - Referred to DA	8/20/2021		
COLUMBIA - 11	5 - Referred to DA	8/25/2021		
DANE - 13	5 - Referred to DA	8/20/2021	1/27/2022	Under Investigation.
DANE - 13	5 - Referred to DA	9/16/2021	1/27/2022	Under Investigation.
DANE - 13	5 - Referred to DA	8/20/2021	1/27/2022	Under Investigation.
DANE - 13	5 - Referred to DA	8/20/2021	1/27/2022	Under Investigation.
DANE - 13	5 - Referred to DA	8/23/2021	1/27/2022	Under Investigation.
DANE - 13	5 - Referred to DA	8/23/2021	1/27/2022	Under Investigation.
DANE - 13	5 - Referred to DA	8/23/2021	1/27/2022	Under Investigation.
DODGE - 14	3 - Assigned to Clerk			
FLORENCE - 19	5 - Referred to DA	8/20/2021		
FOND DU LAC - 20	5 - Referred to DA	8/24/2021	1/27/2022	Charges Filed.
FOND DU LAC - 20	5 - Referred to DA	9/21/2021	1/27/2022	Charges Filed.
FOREST - 21	5 - Referred to DA	9/15/2021		
JEFFERSON - 28	5 - Referred to DA	8/20/2021	10/14/2021	Charges Filed.
KENOSHA - 30	3 - Assigned to Clerk			
KENOSHA - 30	5 - Referred to DA	2/18/2022		
MANITOWOC - 36	5 - Referred to DA	8/20/2021	1/12/2022	Charges Filed.
MARATHON - 37	5 - Referred to DA	8/19/2021		
MARQUETTE - 39	5 - Referred to DA	9/16/2021	1/6/2022	Charges Filed.
MILWAUKEE - 41	3 - Assigned to Clerk			
MILWAUKEE - 41	5 - Referred to DA	2/24/2022		
MILWAUKEE - 41	5 - Referred to DA	2/24/2022		
MILWAUKEE - 41	5 - Referred to DA	1/6/2022	2/2/2022	Charges Filed.
MILWAUKEE - 41	5 - Referred to DA	9/17/2021	10/27/2021	Charges Filed.
MILWAUKEE - 41	5 - Referred to DA	8/23/2021	10/21/2021	Under Investigation.
MILWAUKEE - 41	5 - Referred to DA	9/15/2021	10/27/2021	Charges Filed.
MILWAUKEE - 41	5 - Referred to DA	9/15/2021	10/27/2021	Charges Filed.
MILWAUKEE - 41	5 - Referred to DA	9/15/2021	10/27/2021	Charges Filed.

MILWAUKEE - 41	5 – Referred to DA	9/15/2021	2/2/2022	Under Investigation.
MILWAUKEE - 41	5 – Referred to DA	9/15/2021	2/2/2022	Under Investigation.
MILWAUKEE - 41	5 – Referred to DA	9/23/2021	2/2/2022	Under Investigation.
MILWAUKEE - 41	5 – Referred to DA	9/16/2021	10/27/2021	Charges Filed.
MILWAUKEE - 41	5 – Referred to DA	9/16/2021	10/27/2021	Charges Filed.
MILWAUKEE - 41	5 – Referred to DA	10/20/2021		
OUTAGAMIE - 45	5 – Referred to DA	11/5/2021	2/3/2022	Under Investigation.
POLK - 49	5 – Referred to DA	9/20/2021		
RACINE - 52	5 – Referred to DA	8/20/2021		
RUSK - 55	5 – Referred to DA	8/23/2021		
SAUK - 57	5 – Referred to DA	8/20/2021	1/28/2021	Under Investigation.
SAUK - 57	5 – Referred to DA	8/20/2021	1/28/2021	Charges Filed.
SAWYER - 58	5 – Referred to DA	8/24/2021		
SAWYER - 58	5 – Referred to DA	8/19/2021		
SAWYER - 58	5 – Referred to DA	8/24/2021		
SHEBOYGAN - 60	5 – Referred to DA	8/23/2021		
ST. CROIX - 56	3 – Assigned to Clerk			
ST. CROIX - 56	3 – Assigned to Clerk			
ST. CROIX - 56	5 – Referred to DA	8/23/2021		
VERNON - 63	5 – Referred to DA	10/1/2021	1/25/2022	Charges Filed.
WALWORTH - 65	3 – Assigned to Clerk			
WALWORTH - 65	5 – Referred to DA	9/16/2021		
WALWORTH - 65	5 – Referred to DA	8/20/2021		
WASHINGTON - 67	5 – Referred to DA	8/23/2021	1/27/2022	Charges Filed.
WAUKESHA - 68	5 – Referred to DA	8/19/2021		
WAUKESHA - 68	5 – Referred to DA	8/20/2021		
WAUKESHA - 68	5 – Referred to DA	8/27/2021		
WAUKESHA - 68	5 – Referred to DA	9/8/2021		
WAUKESHA - 68	5 – Referred to DA	8/23/2021		
WAUKESHA - 68	5 – Referred to DA	8/20/2021		
WAUKESHA - 68	5 – Referred to DA	9/16/2021		
WAUKESHA - 68	5 – Referred to DA	8/20/2021		
WAUPACA - 69	5 – Referred to DA	8/23/2021		
WAUPACA - 69	5 – Referred to DA	8/20/2021		
WAUPACA - 69	5 – Referred to DA	9/17/2021		
WINNEBAGO - 71	5 – Referred to DA	8/20/2021		
WINNEBAGO - 71	5 – Referred to DA	8/20/2021		
WINNEBAGO - 71	5 – Referred to DA	8/20/2021		

DA Tracker - 2021 SPRING PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
KENOSHA - 30	3 – Assigned to Clerk			
MILWAUKEE - 41	3 – Assigned to Clerk			

DA Tracker - 2021 SPRING ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
KENOSHA - 30	5 – Referred to DA	2/18/2022		
OUTAGAMIE - 45	5 – Referred to DA	11/9/2021	2/3/2022	Under Investigation.

ELECTION	Number of voters matched with felons per Election	Number of matches referred to district attorneys	Number of referrals closed by DA without charges	Number of referrals resulting in a conviction	Number of remaining referrals with current charges filed status	Number of matches or cases referred remaining open or under investigation	Number of matches closed	All matches have reached final disposition	Total number of voters	Referrals as a percentage of total number of voters
2021 Spring Election	8	4	2	0	0	2	6		953,414	0.00042%
2021 Spring Primary	2	0	0	0	0	0	0			
2020 General Election	147	94	28	0	15	51	72		3,297,524	0.00285%
2020 Partisan Primary	11	4	2	0	0	2	8		959,348	0.00042%
2020 May 12 Special Election	3	1	0	0	0	1	2		191,720	0.00052%
2020 Spring Election and Presidential Preference Vote	32	8	4	0	0	4	26		1,605,912	0.00050%
2020 Spring Primary	15	6	6	0	0	3	11		729,307	0.00082%
2019 Spring Election	10	4	1	1	0	2	8		1,225,087	0.000327%
2019 Spring Primary	2	2	1	0	0	1	1		8,295	0.024111%
2018 General Election	79	52	17	2	4	29	46		2,688,879	0.001934%
8/14/2018 Partisan Primary	15	8	2	1	0	5	10		1,043,074	0.000767%
4/3/2018 2018 Spring Election	8	2	0	1	0	1	7		1,017,513	0.000197%
4/4/2017 Spring Election	4	4	3	0	0	1	3		747,671	0.000535%
11/8/2016 General Election	111	79	24	14	1	40	70		3,004,051	0.002630%
8/9/2016 Partisan Primary	4	2	1	0	0	1	3		645,619	0.000310%
4/5/2016 Spring Election and Presidential Pref.	33	24	11	4	0	9	24		2,130,221	0.001127%
2/16/2016 Spring Primary	7	3	2	0	0	1	6		578,083	0.000519%
4/7/2015 Spring Election	9	6	2	0	0	4	5		858,683	0.000699%
2/17/15 Spring Primary Election	6	3	2	0	0	1	5		32,119	0.009340%
11/4/2014 General Election	229	43	20	7	0	16	213		2,420,811	0.001776%
11/6/2012 Presidential and General Election	89	36	22	7	0	5	84		3,085,450	0.001167%
6/5/2012 Recall Election	53	22	14	5	0	3	50		2,516,371	0.000874%
4/3/2012 Presidential Pref. and Spring Election	13	7	6	1	0	0	13		1,144,351	0.000612%
4/5/2011 Spring Election	16	7	4	1	0	2	14		1,524,528	0.000459%
11/2/2010 General Election	60	21	11	5	0	5	55		2,185,017	0.000961%
Total for all not fully closed elections	956	438	183	49	20	187	736			

AUDITS - FULLY CLOSED

ELECTION	Number of voters matched with felons per Election	Number of matches referred to district attorneys	Number of referrals closed by DA without charges	Number of referrals resulting in a conviction	Number of remaining referrals with current charges filed status	Number of matches or cases referred remaining open or under investigation	Number of matches closed	All matches have reached final disposition	Total number of voters	Referrals as a percentage of total number of voters
2/16/2010 Spring Primary	1	0	0	0	0	0	1	yes	152,532	0%
4/6/2010 Spring Election	6	2	1	1	0	0	6	yes	574,130	0.000348%
9/14/2010 Partisan Primary	8	3	3	0	0	0	8	yes	930,511	0.000322%
2/15/2011 Spring Primary	5	2	2	0	0	0	5	yes	444,766	0.000450%
2/21/2012 Spring Primary	3	2	2	0	0	0	3	yes	139,343	0.001435%
4/3/2012 Presidential Pref. and Spring Election	13	7	6	1	0	0	13	yes	1,144,351	0.000612%
5/8/2012 Recall Primary Election	13	3	1	2	0	0	13	yes	1,360,750	0.000220%
8/14/2012 Partisan Primary	3	2	2	0	0	0	3	yes	851,572	0.000235%
2/19/2013 Spring Primary	1	0	0	0	0	0	1	yes	374,631	0.000000%
4/2/2013 Spring Election	8	3	2	1	0	0	8	yes	889,008	0.000337%
2/18/2014 Spring Primary	0	0	0	0	0	0	0	yes	4,310	0.000000%
4/1/2014 Spring Election	8	5	3	2	0	0	8	yes	506,566	0.000987%
8/12/2014 Partisan Primary	10	1	0	1	0	0	10	yes	638,677	0.000157%
6/23/15 Special Primary State Senate 33	0	0	0	0	0	0	0	yes	11,449	0%
7/21/15 Special Election State Senate 33	0	0	0	0	0	0	0	yes	10,012	0%
9/1/2015 Special Primary Assembly 99	0	0	0	0	0	0	0	yes	3,422	0%
9/29/15 Special Election Assembly 99	0	0	0	0	0	0	0	yes	1,591	0%
2/21/17 Spring Primary	0	0	0	0	0	0	0	yes	375,216	0%
2/20/18 Spring Primary	3	0	0	0	0	0	3	yes	541,627	0%
5/15/2018 Special Partisan Primary Senate District 1	0	0	0	0	0	0	0	yes	10,149	0%
5/15/2018 Special Partisan Primary Assembly District 42	0	0	0	0	0	0	0	yes	2,851	0%
6/12/2018 Special Partisan Election Senate District 1	0	0	0	0	0	0	0	yes	23,342	0%
6/12/2018 Special Partisan Election Assembly District 42	0	0	0	0	0	0	0	yes	10,760	0%
2/20/2018 Spring Primary	3	0	0	0	0	0	3	yes	541,627	0%
10/2/2018 Trempealeau County DA Recall	0	0	0	0	0	0	0	yes	2,711	0%
2019 Representative to the Assembly District 64	0	0	0	0	0	0	0	yes	6,581	0.00000

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