
Wisconsin Elections Commission

Meeting of the Commission
Monday, December 3, 2018
9:00 a.m.

Agenda
Open and Closed Session

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

A.	Call to Order	
B.	Administrator’s Report of Appropriate Meeting Notice	
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1. Litigation Update

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

O. Adjourn

WISCONSIN ELECTIONS COMMISSION

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COMMISSIONERS

DEAN KNUDSON, CHAIR
BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
JODI JENSEN
MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

Wisconsin Elections Commission
Commission Offices, Third Floor
212 East Washington Avenue
Madison, Wisconsin
10:00 a.m. September 11, 2018

Open Session Minutes

Present: Commissioner Dean Knudson, Commissioner Beverly Gill, Commissioner Julie Glancey, Commissioner Ann Jacobs, Commissioner Jodi Jensen and Commissioner Mark Thomsen (all by telephone)

Staff present: Meagan Wolfe, Richard Rydecki, Michael Haas, Sharrie Hauge, Reid Magney and Nathan Judnic

A. Call to Order

Commission Chair Dean Knudson called the meeting to order at 10:00 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Certify Candidates for Trempealeau County District Attorney Recall Election

Administrator Wolfe made a presentation based on a memorandum provided with the September 11, 2018 Commission meeting materials regarding certification of candidates for the recall election for Trempealeau County District Attorney, which will be held in conjunction with the November 6 General Election. The primary will be October 2. The Candidate Tracking by Office report contains the names of two candidates, Democrat John H. Sacia and Republican Rick Niemeier, who filled ballot access paperwork, which was sufficient. Incumbent Taavi McMahon, a Democrat, is automatically on the ballot.

MOTION: Certify primary ballot status for the two Democratic candidates and certify election ballot status for the Republican candidate whose names appear on the Candidate Tracking by Office report. Moved by Commissioner Thomsen, seconded by Commissioner Jensen. Motion carried unanimously.

D. Update on Agency 2019-2021 Budget Proposal

Ms. Wolfe and Chief Administrative Officer Sharrie Hauge made a presentation regarding preparations of the WEC’s FY 2019-21 Biennial Budget request. The budget request is due to the Governor’s Office on September 17, which is before the Commission’s next regular meeting. Ms. Hauge discussed three budget scenarios: including all decision items, zero growth and 5 percent reduction in costs.

Commissioners and staff discussed implications of a zero-growth budget or a 5 percent reduction in costs.

E. Adjourn

MOTION: Adjourn the meeting. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried unanimously.

The Commission adjourned at 10:20 a.m.

####

The next meeting of the Wisconsin Elections Commission is scheduled for Tuesday, September 25, 2018, at the State Capitol in Madison, Wisconsin beginning at 10:00 a.m.

September 11, 2018 Wisconsin Elections Commission meeting minutes prepared by:

Reid Magney, Public Information Officer

November 26, 2018

September 11, 2018 Wisconsin Elections Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

December 3, 2018

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INTERIM ADMINISTRATOR MEAGAN WOLFE

Wisconsin Elections Commission
Joint Committee on Finance Hearing Room, 413 North
State Capitol
Madison, Wisconsin
10:00 a.m. September 25, 2018

Open Session Minutes

Present: Commissioner Dean Knudson, Commissioner Beverly Gill, Commissioner Julie Glancey
Commissioner Ann Jacobs, Commissioner Jodi Jensen and Commissioner Mark
Thomsen

Staff present: Meagan Wolfe, Richard Rydecki, Michael Haas, Sharrie Hauge, Reid Magney and
Nathan Judnic

A. Call to Order

Commission Chair Dean Knudson called the meeting to order at 10:00 a.m. and called the roll.
All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Minutes of Previous Meetings

- 1. June 11, 2018**
- 2. August 22, 2018**

MOTION: Approve open session minutes of Wisconsin Elections Commission meetings of
June 11 and August 22, 2018. Moved by Commissioner Thomsen, seconded by Commissioner
Jacobs. Motion carried unanimously.

D. Personal Appearances

Attorney Clifford Tatum appeared on behalf of the U.S. Election Assistance Commission to
make a presentation about services the U.S. EAC makes available to state election agencies. He
also discussed post-election audits and voter registration.

Patty Healey of Oconomowoc appeared on her own behalf to discuss her experiences as a special voting deputy and observer at care facilities in Waukesha County. She asked the Commission to clarify for clerks that observers may accompany each SVD team.

Mary Ann Hanson of Brookfield appeared on her own behalf to discuss problems she has observed in nursing homes when staff will give special voting deputies a piece of paper indicating a resident does not wish to vote. She said that if a resident does not wish to vote, she needs to hear that directly from the resident.

Attorney Molly McGrath appeared on behalf of the ACLU of Wisconsin to express concern about deactivation of voters and to ask the Commission to use all reasonable means to contact voters on the supplemental poll list and inform them of the list, as well as to train poll workers to use the supplemental poll list.

Neil Albrecht appeared on behalf of the Milwaukee City Election Commission to request the Commission authorize its staff to reactivate voters in Milwaukee who were deactivated as a result of the ERIC movers postcard process.

Commissioners Jacobs and Knudson and Mr. Albrecht discussed issues related to the Milwaukee deactivations and the supplemental poll list. Mr. Albrecht said use of supplemental poll lists at the city's in-person absentee voting sites would be difficult because each of the eight sites would need a printed list of the approximately 35,000 voters on the supplemental list.

Karen McKim of Waunakee appeared on behalf of Wisconsin Election Integrity to support the staff's recommendation to strengthen post-election audits following the November General Election.

Erin Grunze of Madison appeared on behalf of the League of Women Voters of Wisconsin regarding voter registration, voting equipment audit trails and post-election audits. She urged lawmakers to provide the Commission with sufficient funding for audits and voter ID education.

Dane County Clerk Scott McDonell appeared on behalf of the Wisconsin County Clerks Association to discuss post-election audits. He said clerks feel strongly that if there is a potential recount, audits should be delayed so there will be no suggestion that evidence may have been tampered with.

Alex Jones, Chicago regional director for infrastructure protection with the U.S. Department of Homeland Security, appeared and made a presentation regarding DHS cyber security services available to state and local election officials.

Commissioners Thomsen and Knudson discussed Russian hacking threats with Mr. Jones, as well as communication between DHS and the Commission.

Town of Waukesha Clerk Kathy Nicholas appeared to thank the Commission for its election security training and to comment on issues related to post-election audits and proof-of-residence documentation.

David Cagigal and Bill Nash appeared on behalf of the Wisconsin Department of Administration's Division of Enterprise Technology to make a presentation regarding services and security they provide to the Commission's information technology systems. They discussed the state's robust security program and the implementation of multi-factor authentication for users of the WisVote system.

Commissioner Thomsen discussed election security issues regarding social media and voting equipment with Mr. Cagigal and Mr. Nash.

E. Supplemental Poll Lists for General Election

Administrator Wolfe made a presentation based on a memorandum starting on page 13 of the September 25 Commission meeting materials regarding supplemental poll lists. She said staff recommends continuation of the supplemental poll lists of voters who were deactivated as a result of the ERIC movers postcard process in early 2018. Staff also recommends permitting municipal clerks to reactivate registrations of voters on the list if the clerk determines that it does not constitute reliable information that the voter has changed their residence. After the November election, staff recommends the Commission take a fresh look at a new process for ERIC movers mailings.

Commissioners and staff discussed issues related to the ERIC movers postcard mailing and the City of Milwaukee. Commissioner Knudson discussed adding a sentence to the first recommended motion indicating WEC staff will assist municipal clerks who decide to reactive voters on the ERIC supplemental poll list.

MOTION: Approve the staff plan described above to continue use of the ERIC Supplemental Poll List process at the 2018 General Election but permits municipal clerks to reactivate registrations of voters on the list if the clerk determines that it does not constitute reliable information that the voter has changed their residence. Direct staff to assist municipal clerks who decide to reactivate voters on the list. Moved by Commissioner Knudson, seconded by Commissioner Thomsen. Motion carried unanimously.

Commissioners discussed the second recommended motion regarding reimbursement of Milwaukee for the cost of its mailing to Milwaukee voters which supplemented the WEC's mailing to voters who appeared to have moved based on the ERIC matching process.

Hearing no motion, the Chair moved to the next agenda item.

F. Election Security – Update and Collecting Feedback

Administrator Wolfe made a presentation based on a memorandum starting on page 17 of the September 25 Commission meeting materials regarding election security preparations for the November 6 General Election. These include implementation of multi-factor authentication for user access to the WisVote system, Homeland Security vulnerability testing, and tabletop training exercises in election security for local election officials.

In addition, Administrator Wolfe introduced several staff members recently hired into new election security positions with the assistance of the federal Help America Vote Act election security supplemental funding. She also thanked the Department of Homeland Security and the Division of Enterprise Technology for their continued assistance in securing Wisconsin's election infrastructure.

Commissioner Knudson said the Commission would consider agenda item H next, prior to breaking for lunch, during which they would take up the Closed Session agenda items.

H. General Election Preparations

Administrator Wolfe made a presentation based on a memorandum starting on page 59 of the September 25 Commission meeting materials regarding staff preparations for the November 6 General Election. She discussed higher call volume to the Help Desk, development and testing work on the WisVote system, and public outreach efforts.

M. Closed Session

Adjourn to closed session as required by statutes to discuss violations of election law and to confer with counsel concerning potential litigation and to discuss a personnel matter.

MOTION: Move to closed session pursuant to Wis. Stat. §§ 19.851 and 19.85(1)(g) to discuss violations of election law and confer with counsel concerning potential litigation. Moved by Commissioner Thomsen, seconded by Commissioner Jacobs.

Roll call vote: Gill:	Aye	Glancey:	Aye
Jensen:	Aye	Jacobs:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried unanimously. The Commission convened in closed session at 12:54 p.m.

The Commission reconvened in open session at 1:18 p.m.

G. Post-Election Audits

Assistant Administrator Richard Rydecki and Elections Specialist Robert Williams made a presentation based on memoranda starting on page 25 of the September 25 Commission meeting materials regarding the mandatory voting equipment audits and voluntary post-election audits.

1. Voting Equipment Audit

Mr. Rydecki discussed the scope of the voting equipment audit and staff recommendations to expand the audits this year and require them to be completed before the Commission certifies the final statewide results.

Commissioners and staff discussed deadlines, the size of the random sample of reporting units, concerns about the chain of custody of ballots in the event of a recount, reimbursements to clerks, and what might happen if an audit reveals a problem. Commissioners discussed changing the completion deadline from December 1 to November 28.

MOTION: Adopt the 2018 post-election audit parameters and procedures outlined in the staff memorandum, including the selection criteria, timeline for completion, and reimbursement, subject to changing the date of completion to November 28 to allow the Commission to certify the election by December 3. Moved by Commissioner Thomsen, seconded by Commissioner Jensen.

Commissioners further discussed when to require clerks to request a waiver if they are unable to meet the November 28 deadline. Commissioner Jacobs offered a friendly amendment to the motion to include that the Commission staff will notify clerks selected to conduct audits on November 7, that any waiver request must be received no later than November 12 and staff shall respond by November 13, that all audits shall be completed by November 28, and that in any municipality subject to a recount, the audit request is suspended until completion of the recount. The friendly amendment was accepted.

Motion carried unanimously.

2. Risk-Limiting Audits

Elections Specialists Bill Wirkus and Riley Willman made a presentation based on memoranda starting on page 37 of the September 25 Commission meeting materials regarding voluntary post-election audits. As it did prior to the Partisan Primary in August, staff recommends providing guidance to county clerks that post-election audits may be conducted as part of the county canvass as well as specific guidance related to conducting such audits via full hand tally of randomly selected reporting units.

Commissioners and staff discussed post-election audits, including risk-limiting audits staff observed in Colorado in July. Commissioner Knudson said he found resistance by county clerks to voluntary post-election audits frustrating, noting that if clerks do not voluntarily audit results, there will be political pressure for them to do so. Administrator Wolfe noted that many national election administration groups are recommending post-election audits as a best practice.

MOTION: Direct staff to issue guidance related to post-election audits for the 2018 General Election as described in Appendix B of the memorandum. The Commission encourages county boards of canvassers to consider performing such post-election audits after the General Election, and to do so prior to certifying official county canvass results, if county resources and certification deadlines permit. Also, authorize reimbursement to the counties for conducting a post-election audit up to \$300 per county for actual costs incurred. Any actual costs incurred over \$300 may be submitted and considered, if funds are available. Moved by Commissioner Thomsen, seconded by Commissioner Jensen. Motion carried unanimously.

I. Proof of Residence – Wis. Stat. §6.34(3)(a)9. “Bank Statement”

Senior Elections Specialist Nathan Judnic made a presentation based on a memorandum starting on page 73 of the September 2018 Commission meeting materials regarding what constitutes a “bank statement” for purposes of proof of residence in voter registration.

Commissioner Thomsen moved the following three recommended motions, seconded by Commissioner Gill:

MOTION: The Commission concludes that the term “bank statement” in Wis. Stat. § 6.34(3)(a)9 includes any account statement from a bank or credit union, regardless of the type of account listed, including, but not limited to a checking, savings, mortgage loan or home equity line of credit.

MOTION: The Commission further concludes that a credit card statement qualifies as a “bank statement” under Wis. Stat. s. 6.34(3)(a)9 and may be used as a valid form of proof of residence when registering to vote.

MOTION: The Commission directs staff to update its proof of residence guidance documents to be consistent with the discussion and guidance approved by the Commission on “bank statements.”

Motion carried unanimously.

J. Future Commission Meeting Schedule

Administrator Wolfe directed Commissioners to a memorandum starting on page 79 of the September 2018 Commission meeting materials regarding the future meeting schedule:

Friday, January 11, 2019 - Wisconsin Elections Commission Teleconference Meeting
Tuesday, March 12, 2019 - Wisconsin Elections Commission Meeting
Tuesday, June 11, 2019 - Wisconsin Elections Commission Meeting
Tuesday, September 24, 2019 –Wisconsin Elections Commission Meeting
Tuesday, December 10, 2019 Wisconsin Elections Commission Meeting
Tuesday, January 14, 2020 - Wisconsin Elections Commission Teleconference Meeting

MOTION: Adopt the proposed meeting schedule for the 2019 calendar year and January 2020. Moved by Commissioner Thomsen, seconded by Commissioner Glancey. Motion carried unanimously.

K. Fiscal 2019-2021 Budget Update

Ms. Wolfe reported that the FY 2019-2021 Budget approved by the Commission was submitted to the Governor on September 17.

L. Commission Staff Update

Ms. Wolfe directed Commissioners to the Commission Staff Update memorandum starting on page 90 of the September 2018 Commission meeting materials. She discussed highlights of the Partisan Primary and the successful launch of Badger Book electronic poll books in eight municipalities.

Regarding item 7 on WisVote, Administrator Wolfe asked the Commission to approve spending authority not to exceed \$190,000 to purchase software assurance for the Microsoft Dynamics CRM platform, which will allow staff to upgrade to the most current version in the future. This expenditure is in the current budget.

MOTION: Authorize the administrator spending authority not to exceed \$190,000 for the purchase of software assurance for Microsoft Dynamics CRM. Moved by Commissioner Jacobs, seconded by Commissioner Jensen. Motion carried unanimously.

Administrator Wolfe directed Commissioners to the memorandum starting on page 94 of the September 2018 Commission meeting materials regarding problems with the new canvass module in WisVote for the Partisan Primary. Staff was not able to completely load-test the new module prior to implementation, and heavy server loads in the days after the primary caused timeouts that resulted in some duplication of results. Staff recommends reverting to the former Canvass Reporting System for the General Election.

MOTION: Direct staff to use the Canvass Reporting System for counties to transmit official results for federal and state contests to the Wisconsin Elections Commission and for certification of any official results. The Commission further directs staff to continue testing and improving the Election Results module in WisVote to prepare it to be relaunched for use in future elections. Moved by Commissioner Thomsen, seconded by Commissioner Jacobs. Motion carried unanimously.

H. Adjourn

MOTION: Adjourn. Moved by Commissioner Thomsen, seconded by Commissioner Knudson. Motion carried unanimously.

The Commission adjourned at 3:49 p.m.

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The next meeting of the Wisconsin Elections Commission is scheduled for Monday, December 3, 2018, at the State Capitol in Madison, Wisconsin beginning at 9:00 a.m.

September 25, 2018 Wisconsin Elections Commission meeting minutes prepared by:

Reid Magney, Public Information Officer

November 26, 2018

September 25, 2018 Wisconsin Elections Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

December 3, 2018

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the December 3, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator, Wisconsin Elections Commission

Prepared and presented by:

Richard Rydecki William Wirkus
Assistant Administrator Elections Specialist

SUBJECT: 2018 Voluntary County Canvass Audit and Post-Election Audit of Electronic Voting Equipment Report

Voluntary County Canvass Audits

At its September 25, 2018 meeting, the Commission encouraged counties to consider implementing voluntary audits as part of their county canvass procedures, if their time and resources allowed. These voluntary audits are aimed at confirming the accurate tabulation of votes and increasing public confidence in the counting of votes prior to certification of election results. These audits would serve as a spot check on both hand-count paper as well as electronically-cast ballot tabulation and are conducted on the county-level, a different level of government than that which originally administered and counted the votes on Election Day.

To date, we have ascertained that at least 7 counties participated in a Voluntary County Canvass Audit. Those counties include Dane, Milwaukee, Marathon, Portage, Shawano, Washington, and Wood. These audits have verified the reported results in the selected reporting units and to the Commission staff's knowledge, have not identified any discrepancies.

The Commission authorized each county participating in the voluntary audits a reimbursement up to \$300 per county for actual expenses incurred as a result of the audit. As of November 23, 2018, the Commission has received reimbursement requests totaling \$478.25 from two counties.

Post-Election Voting Equipment Audit Introduction

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

(6) Enforcement of federal voting system standards. Following each general election audit the performance of each voting system used in this state to determine the error rate of the system in counting ballots that are validly cast by electors. If the error rate exceeds the rate permitted under standards of the federal election commission in effect on October 29, 2002, the commission shall take remedial action and order remedial action to be taken by affected counties and municipalities to ensure compliance with the standards.¹ Each county and municipality shall comply with any order received under this subsection.

The Commission approves the sample size, procedures and timeline for conducting the audit. Each selected municipality is required to conduct the audit, and some local election officials receive assistance from their county clerk's office. The post-election voting equipment audit has been conducted after each General Election since 2006.

Reporting Unit Selection Process

The Wisconsin Elections Commission randomly selected a pre-determined number of reporting units across Wisconsin for participation in the post-election voting equipment audit. The selection took place as part of a public meeting on November 7, 2018 in accordance with the guidelines approved at the September 25, 2018 meeting of the Wisconsin Elections Commission.

For the 2018 post-election audit, the Commission approved an increase of the sample size to 5% of all reporting units statewide. The three previous audits had been conducted using a sample of a minimum of 100 reporting units statewide. The increase in sample size increase resulted in a minimum of 183 reporting units selected for the 2018 audit. Staff also recommended that at least one reporting unit from each county be included in the sample selected for audit.

In summary, the Commission approved the following selection criteria for the 2018 audit:

1. An increase in the audit sample to 5% of all reporting units statewide for a minimum of 183 total audits.
2. Ensure that at least one (1) piece of voting equipment is selected for audit in each of the 72 Wisconsin counties.
3. Ensure that a minimum of five (5) reporting units are selected for each piece of equipment certified for use in Wisconsin that records and tabulates votes.
4. Limit to two (2) the number of reporting units selected from the same municipality.

Reporting Unit and Contest Selection Outcome and Clerk Notification

Staff selected 185 total reporting units that were ultimately subject to audit, with 9 additional reporting units excused due to zero voters residing within those wards. With 3,681 total reporting units across the state, the final selection represents just over 5% of all statewide reporting units. Every county is represented by at least one reporting unit and 170 different municipalities will participate in the audit

¹ The current federal standard is 1 in 500,000 ballots. Accordingly, auditing teams must reconcile the Voter Verified Paper Record with ballots or records tabulated and recorded by equipment and eliminate any potential non-tabulation related sources of error including printer malfunctions, voter generated ballot marking errors, poll worker errors, or chief inspector errors.

including 16 municipalities required to conduct audits of two reporting units. A complete list of all selected reporting units is included with this memorandum as **Appendix A**.

The total ballots cast for the 2018 General Election in selected reporting units represents approximately 5.6% of all ballots cast statewide, with roughly 150,000 ballots hand-counted during the audit process. In addition, over one million ballots were cast in municipalities subject to audit, or 41% of the total ballots cast across the state. The random selection process also resulted in reporting units from each of the top 10 most populous Wisconsin municipalities being audited.

In addition, staff selected the contests for audit during the public meeting. All contests that appeared on ballots across the state were included as possible selections, with the addition of State Senate. As this contest is never on all ballots statewide, it had never been included as part of the audit. Staff included this contest in the list of possible selections, along with the caveat that if State Senate was selected an alternative contest would be selected for reporting units whose State Senator was not up for election this cycle. To increase transparency in the selection process, a member of the public who attended the meeting was selected by staff to make the random selection of contests. The result of the contest selection is as follows:

1. Governor/Lieutenant Governor (required)
2. Representative to Congress
3. Representative to the Assembly
4. State Senate or Sheriff: Selected municipalities with a **State Senate** race on the ballot audited that contest. If that contest was not on the ballot in that reporting unit, the **Sheriff** contest was audited instead.

Staff reviewed the initial sample selected for audit to ensure that all voting equipment that records and tabulates votes were represented by at least 5 reporting units. Included in this sample were reporting units where the Clear Ballot Group ClearCast system is used, marking the first time this newly approved system will be part of the audit. The only exceptions to the 5-reporting unit rule were the ES&S DS850, a high-speed scanner and tabulator, which is used only by the City of Milwaukee to tabulate absentee ballots at their central count facility and the Populex, which is accessible voting equipment used only by the Town of Fern in Florence County. A full list of the voting equipment subject to audit can be found in **Appendix B**.

All selected municipalities were notified of their selection by email on November 7, 2018. Included in the email was a [link to a page on the agency website](#) where audit materials were posted, including a training webinar, instructions, tally sheets, reporting forms and municipal reimbursement information. Notification of selection for audit was sent to both municipal and county clerks for impacted jurisdictions.

Audit Completion Timeline

For the 2018 post-election voting equipment audit, the Commission determined that all post-election audits should be conducted prior to the state deadline to certify election results on December 3, 2018. The Commission specifically established November 28, 2018 as the deadline to complete and report the results to the WEC. Staff also recommended that any selected municipality may request an extension

waiver if it shows cause that it will not be able to meet this deadline and the Commission set a submission deadline of November 12 for those requests. As of November 26, 2018, staff has received 99 audit reports from 92 individual municipalities. Please note that this number will be updated in advance of the Commission Meeting on December 3, 2018 and a final report on the results of the audit will be presented to the Commission at a future meeting.

Post-Audit Procedures and Municipal Reimbursement

Each municipality conducting an audit was required to submit the designated reporting forms and supporting documents from the audit, including tally sheets, to WEC staff to indicate the audit was completed and describe any discrepancies that were found. Staff followed up with municipalities to clarify audit results when necessary, and to ensure that all required materials had been submitted. All submitted results were reviewed by staff to ensure that the audits did not identify voting equipment results that were incongruent with the hand-count tallies.

The Wisconsin Elections Commission elected to offer municipalities reimbursement for actual costs incurred, up to \$300 per reporting unit, for conducting each audit. Each municipality seeking reimbursement was required to submit an itemized request that included the names of the auditors, the pay rate at which they were compensated, the total sum requested for reimbursement and information on where the WEC can transmit any approved reimbursement amount. To date, WEC has received 67 reimbursement requests totaling \$18,288.02 and the agency financial team is working on processing those reimbursements. Staff also received 13 requests that exceeded the \$300 per reporting unit total. These requests total \$6,994.48 with several of the requests less than \$100 over the maximum and the highest requested amount being \$1,052.17.

2018 Voting Equipment Audit Summary

This summary section contains analysis of the audits results received as of November 26, 2018 and is intended to serve as a resource for Commissioners during the certification process for the 2018 General Election results. The audit results as reported by local election officials and reviewed by WEC did not identify any issues with the tabulation functionality of the voting equipment nor did it uncover any programming issues with the machines on which results were audited.

Included in the totals below are the results of the two audits for reporting units in the Village of Menomonee Falls. Staff approached the Village about conducting these audits on the Village's behalf as an opportunity for staff to gain experience conducting audits and to determine the efficiency of suggested audit procedures, training materials and tally sheets. These audits were conducted as part of a public meeting on November 23, 2018 in the WEC offices.

Accessible Voting Equipment Audit Results Summary

Accessible Voting Equipment that Records Tallies Votes	Audits Conducted
Sequoia Edge	63
AccuVote-TSX	5
iVotronic	5
Populex	1
Ballot Marking Devices that Assist Voters with Marking Ballots Processed by Optical Scan Equipment	Audited as Part of Optical Scan Ballots
AutoMark	51
ExpressVote	40
ClearAccess	5
ImageCast Evolution	16

There are four approved accessible voting systems that record and tabulate votes that are in use in Wisconsin. These types of equipment are often referred to as Direct Recording Electronic machines, or DREs. In addition to DREs, there are four different ballot marking devices approved for use in Wisconsin. Voters use a touchscreen interface or tactile keypad on these devices to make their ballot choices. When the voter is finished, the machine provides them with a paper ballot marked with their choices and those ballots are then inserted into and tabulated by the optical scan equipment or hand-tallied.

All voting equipment audits of DREs were completed by municipal or county clerks. The audit reports indicate the machine tallying function on all audited devices tabulated correctly, with no identifiable bugs, errors, or failures occurring between the individual cast vote record and the total tabulated vote record. The only noted issue arose with auditors not being able to verify several ballots cast on the Sequoia Edge due to paper jams of the Voter Verified Paper Audit Trail (VVPAT) on Election Day. Until cleared, the paper jams may not allow for the recording of votes by the VVPAT.

Ballots marked by the four different ballot marking devices were audited along with the rest of the ballots processed by the optical scan tabulator. These ballots are not segregated from other optical scan ballots, so it is difficult to determine how many ballots marked by these devices were audited. Auditors did not report any discrepancies that could be attributed to ballot marking devices.

Tabulation Voting Equipment (Optical Scan) Results Summary

Optical Scan Equipment	Audits Conducted
Sequoia Insight	19
ES&S M100	6
Optech Eagle	1
AccuVote-OS	5
ES&S DS200	84
Dominion ICE	16
ES&S DS850	2
Clear Ballot Group ClearCast	5
Hand-Count Paper Ballots – No OS Equipment	48

All voting equipment audits of tabulation equipment were completed by municipal or county clerks. The individual audits indicate the tabulation voting equipment performed up to certification standards and accurately recorded and tabulated votes. Minor discrepancies were reconciled between the audit hand count totals and the election results produced by the voting equipment from Election Day. Staff contacted municipalities for clarification if any discrepancies were reported to WEC and a representative summary of those issues is itemized below:

- A blank ballot found in the ballot bag was counted as part of the audit resulting in an additional undervote for each audited contest. Auditors later determined that the blank ballot was not processed by the equipment on Election Day.
- Write in votes where a candidate name was written in without the accompanying oval filled in or arrow connected were initially tallied as write in votes in several instances during the audit. Per Wis Stats. §7.50 the write-in votes *should* be counted by election inspectors, but the voting equipment requires a good mark next the write-in line for the machine to tally a vote for a contest. In these cases, the voting equipment performed up to expectations and those votes should be hand tallied by election inspectors who would then adjust the results tape during results reconciliation.
- A marginal mark was identified that was determined to be inconclusive as to whether the machine counted this mark as a vote. Auditors initially felt the equipment would have counted the vote, but that assumption lead to an extra candidate vote in the audit totals leaving the auditors to believe the mark was not recognized by the machine. All other results from this audit reconciled.
- The ballot pool for an audit initially contained 8 ballots from another reporting unit leading to inaccurate audit results. The offending ballots were identified and removed from the pool and the adjusted totals reconciled with the machine totals from Election Night.
- Various voter intent related issues were identified when reviewing ballots as part of the audit. For example, a voter marked the oval for a write in line, but crossed off the candidate name they initially wrote in. The machine tallied this mark as a write in on the results tape, but no vote was able to be counted by the election inspectors in this situation.

Many of the initial reported discrepancies occurred because voter intent was taken into account when hand counting ballots. The instructions provided to local election officials clearly state that the purpose of this process is to verify the performance of the voting equipment, not to determine the voter's intent as to ballots which the equipment cannot read. For example, if a voter circled the name of a candidate on their ballot, the voting equipment would not record a vote for that candidate. A visual inspection of the ballot could allow the election official to determine voter intent but voting equipment cannot be expected to recognize improper marks, so no vote for that candidate should be tallied during the audit process.

Conclusion

Both the accessible voting equipment and tabulation equipment used and audited for the 2018 General Election recorded and tabulated votes as expected and according to certification standards. The audit results indicated there were no identifiable bugs, errors, or failures of the tabulation voting equipment and discrepancies identified during the audit were the result of human error when conducting the audit. In addition, the results of the audit did not identify any programming errors that impacted how the voting equipment subject to audit counted votes. The audit results did not identify any reason for the Commission to delay the certification of official results of the 2018 General Election.

Throughout the course of the audit, over 150,000 ballots from 186 randomly selected reporting units were counted by hand. The municipalities where equipment was audited represented over 40% percent of all of the ballots cast statewide for this election. The 2018 post-election voting equipment audit was the largest sampling of reporting units involved in the audit since this program was implemented in 2006. The expanded audit and random selection process effectively confirmed the accuracy of voting equipment used in Wisconsin at the election.

Recommended Motions:

1. Staff recommends that the Commission continue to encourage counties to consider conducting a voluntary audit as part of their canvass procedures for the 2019 Spring election cycle and will continue to offer reimbursements for up to \$300 per reporting unit for each audit conducted, up to a maximum of two reporting units.
2. Staff recommends that the Commission accept this preliminary report of the 2018 Voluntary County Canvass and Post-Election Voting Equipment Audits and directs staff to provide a supplemental report regarding the two audit programs, including comprehensive reimbursement request information, for its March 2019 meeting.

Appendix A

Table of 2018 Municipalities Audited

County	Municipality	Reporting Unit	Optical/Digital Scan Tabulator	Accessible Voting Equipment
ADAMS	CITY OF ADAMS	Wards 1-4	Optech- Eagle	ES&S Automark
ASHLAND	CITY OF ASHLAND	Ward 9	ES&S M100	ES&S Automark
BARRON	TOWN OF BARRON	Wards 1-2	None	AVC Edge
BARRON	TOWN OF PRAIRIE LAKE	Wards 1-2	None	AVC Edge
BARRON	TOWN OF RICE LAKE	Wards 1-4	Optech Insight	AVC Edge
BARRON	TOWN OF SIOUX CREEK	Ward 1	None	AVC Edge
BAYFIELD	TOWN OF EILEEN	Wards 1-2	ES&S M100	ES&S Automark
BROWN	CITY OF GREEN BAY	Ward 2	ES&S DS200	ES&S Automark
BROWN	CITY OF GREEN BAY	Ward 7	ES&S DS200	ES&S Automark
BROWN	TOWN OF HOLLAND	Wards 1-2	ES&S DS200	ES&S Automark
BROWN	TOWN OF SCOTT	Wards 1-4	ES&S DS200	ES&S Automark
BROWN	TOWN OF WRIGHTSTOWN	Wards 1-3	ES&S DS200	ES&S Automark
BROWN	VILLAGE OF ALLOUEZ	Wards 1-2	ES&S DS200	ES&S Automark
BUFFALO	TOWN OF MILTON	Ward 1	None	AVC Edge
BURNETT	TOWN OF OAKLAND	Wards 1-2	None	AVC Edge
CALUMET	CITY OF KAUKAUNA	Ward 11	Accuvote-OS	Accuvote TSX
CALUMET	TOWN OF BROTHERTOWN	Wards 1-2	Accuvote-OS	Accuvote TSX
CALUMET	TOWN OF NEW HOLSTEIN	Wards 1-3	Accuvote-OS	Accuvote TSX
CALUMET	VILLAGE OF HARRISON	Wards 7-9,14	Accuvote-OS/ES&S DS200	Accuvote TSX/ES&S ExpressVote
CALUMET	VILLAGE OF STOCKBRIDGE	Ward 1	Accuvote-OS	Accuvote TSX
CHIPPEWA	CITY OF BLOOMER	Wards 1-4	Optech Insight	AVC Edge
CHIPPEWA	TOWN OF COLBURN	Ward 1	Optech Insight	AVC Edge
CHIPPEWA	TOWN OF ESTELLA	Ward 1	Optech Insight	AVC Edge
CHIPPEWA	TOWN OF WHEATON	Wards 1-3	Optech Insight	AVC Edge
CHIPPEWA	VILLAGE OF NEW AUBURN	Ward 1	Optech Insight	AVC Edge
CLARK	TOWN OF BUTLER	Ward 1	None	ES&S iVotronic
CLARK	TOWN OF WESTON	Wards 1-2	ES&S M100	ES&S iVotronic
COLUMBIA	CITY OF WISCONSIN DELLS	Wards 11-12	ES&S DS200	ES&S Automark
COLUMBIA	TOWN OF MARCELLON	Wards 1-2	ES&S DS200	ES&S Automark
COLUMBIA	VILLAGE OF PARDEEVILLE	Wards 1-3	ES&S DS200	ES&S Automark
CRAWFORD	TOWN OF HANEY	Ward 1	None	AVC Edge
DANE	CITY OF MADISON	Ward 17	ES&S DS200	ES&S ExpressVote
DANE	CITY OF MADISON	Ward 68	ES&S DS200	ES&S ExpressVote
DANE	CITY OF STOUGHTON	Wards 7-8	ES&S DS200	ES&S Automark
DANE	TOWN OF MONTROSE	Wards 1-2	ES&S DS200	ES&S Automark
DANE	TOWN OF OREGON	Wards 1-4	ES&S DS200	ES&S Automark

DANE	TOWN OF SPRINGDALE	Wards 1-2	ES&S DS200	ES&S Automark
DANE	VILLAGE OF BELLEVILLE	Wards 1-2	ES&S DS200	ES&S Automark
DANE	VILLAGE OF DEFOREST	Wards 13,19,22	ES&S DS200	ES&S ExpressVote
DANE	VILLAGE OF MCFARLAND	Wards 1-12	ES&S DS200	ES&S ExpressVote
DANE	VILLAGE OF Windsor	Wards 3-5	ES&S DS200	ES&S ExpressVote
DODGE	CITY OF BEAVER DAM	Wards 7,12-13	ES&S DS200	ES&S ExpressVote
DODGE	CITY OF FOX LAKE	Wards 1-3	ES&S DS200	ES&S ExpressVote
DODGE	CITY OF WAUPUN	Wards 1-8	ES&S DS200	ES&S ExpressVote
DODGE	TOWN OF HUBBARD	Wards 5-6	ES&S DS200	ES&S ExpressVote
DOOR	TOWN OF BAILEYS HARBOR	Wards 1-2	Dominion ImageCast Evolution	Dominion ImageCast Evolution
DOUGLAS	TOWN OF PARKLAND	Wards 1-2	ES&S DS200	ES&S ExpressVote
DOUGLAS	TOWN OF SOLON SPRINGS	Wards 1-3	ES&S DS200	ES&S ExpressVote
DOUGLAS	VILLAGE OF OLIVER	Ward 1	ES&S DS200	ES&S ExpressVote
DUNN	TOWN OF EAU GALLE	Ward 1	Optech Insight	AVC Edge
DUNN	TOWN OF ELK MOUND	Wards 1-3	Optech Insight	AVC Edge
DUNN	TOWN OF SPRING BROOK	Wards 1-2	Optech Insight	AVC Edge
EAU CLAIRE	CITY OF EAU CLAIRE	Ward 3	ES&S DS200	ES&S ExpressVote
EAU CLAIRE	TOWN OF DRAMMEN	Ward 1	ES&S DS200	ES&S ExpressVote
FLORENCE	TOWN OF FENCE	Ward 1	None	AVC Edge
FLORENCE	TOWN OF FERN	Ward 1	None	Populex-Populex 2.3
FOND DU LAC	CITY OF FOND DU LAC	Ward 31	Dominion ImageCast Evolution	Dominion ImageCast Evolution
FOND DU LAC	TOWN OF FOREST	Wards 1-2	Dominion ImageCast Evolution	Dominion ImageCast Evolution
FOREST	TOWN OF LINCOLN	Wards 1-3	None	AVC Edge
GRANT	TOWN OF PARIS	Wards 1-2	None	AVC Edge
GRANT	TOWN OF PLATTEVILLE	Wards 1-3	None	AVC Edge
GRANT	TOWN OF WATERLOO	Ward 1	None	AVC Edge
GREEN	VILLAGE OF MONTICELLO	Wards 1-2	Dominion ImageCast Evolution	Dominion ImageCast Evolution
GREEN LAKE	TOWN OF GREEN LAKE	Wards 1-2	Optech Insight	AVC Edge
IOWA	TOWN OF MOSCOW	Wards 1-2	None	AVC Edge
IRON	TOWN OF CAREY	Ward 1	None	AVC Edge
JACKSON	TOWN OF ALBION	Wards 1-4	None	AVC Edge
JACKSON	TOWN OF BEAR BLUFF	Ward 1	None	AVC Edge
JEFFERSON	TOWN OF JEFFERSON	Wards 1-3	ES&S DS200	ES&S ExpressVote
JUNEAU	CITY OF NEW LISBON	Wards 1-7	None	AVC Edge
JUNEAU	TOWN OF LISBON	Ward 3	None	AVC Edge
JUNEAU	TOWN OF NECEDAH	Wards 1-4	None	AVC Edge

JUNEAU	VILLAGE OF HUSTLER	Ward 1	None	AVC Edge
KENOSHA	CITY OF KENOSHA	Ward 22	ES&S DS200	ES&S ExpressVote
KENOSHA	CITY OF KENOSHA	Ward 50	ES&S DS200	ES&S ExpressVote
KENOSHA	TOWN OF BRIGHTON	Wards 1-4	ES&S DS200	ES&S ExpressVote
KENOSHA	VILLAGE OF SOMERS	Ward 12	ES&S DS200	ES&S ExpressVote
KENOSHA	VILLAGE OF TWIN LAKES	Wards 1-8	ES&S DS200	ES&S ExpressVote
KEWAUNEE	TOWN OF CARLTON	Wards 1-2	Optech Insight	AVC Edge
LA CROSSE	CITY OF LA CROSSE	Ward 18	ES&S DS200	ES&S Automark
LA CROSSE	CITY OF LA CROSSE	Ward 26	ES&S DS200	ES&S Automark
LA CROSSE	TOWN OF HAMILTON	Wards 1-5	ES&S DS200	ES&S Automark
LAFAYETTE	TOWN OF GRATIOT	Ward 1	None	AVC Edge
LAFAYETTE	TOWN OF WIOTA	Ward 1	None	AVC Edge
LANGLADE	TOWN OF AINSWORTH	Ward 1	None	AVC Edge
LANGLADE	TOWN OF EVERGREEN	Ward 1	None	AVC Edge
LINCOLN	CITY OF TOMAHAWK	Wards 1-2	ES&S DS200	ES&S Automark
MANITOWOC	CITY OF TWO RIVERS	Wards 1-2	ES&S M100	ES&S Automark
MANITOWOC	CITY OF TWO RIVERS	Wards 7-8	ES&S M100	ES&S Automark
MANITOWOC	TOWN OF FRANKLIN	Wards 1-3	ES&S M100	ES&S Automark
MANITOWOC	TOWN OF MEEME	Wards 2-3	ES&S M100	ES&S Automark
MARATHON	CITY OF MARSHFIELD	Wards 12,20-21,24	ES&S DS200	ES&S Automark
MARATHON	CITY OF WAUSAU	Ward 1	ES&S DS200	ES&S Automark
MARATHON	CITY OF WAUSAU	Ward 30	ES&S DS200	ES&S Automark
MARATHON	TOWN OF EAU PLEINE	Ward 1	ES&S DS200	ES&S Automark
MARATHON	TOWN OF RIB FALLS	Ward 1	ES&S DS200	ES&S Automark
MARATHON	TOWN OF RINGLE	Wards 1-2	ES&S DS200	ES&S Automark
MARATHON	VILLAGE OF DORCHESTER	Ward 2	ES&S M100	ES&S iVotronic
MARATHON	VILLAGE OF ELDERON	Ward 1	ES&S DS200	ES&S Automark
MARINETTE	TOWN OF PESHTIGO	Wards 1,4	None	AVC Edge
MARQUETTE	TOWN OF MECAN	Ward 1	None	AVC Edge
MARQUETTE	TOWN OF NESHKORO	Wards 1-2	None	AVC Edge
MENOMINEE	TOWN OF MENOMINEE	Ward 2	ES&S DS200	ES&S Automark
MILWAUKEE	CITY OF FRANKLIN	Ward 15B	ES&S DS200	ES&S Automark
MILWAUKEE	CITY OF FRANKLIN	Ward 18	ES&S DS200	ES&S Automark
MILWAUKEE	CITY OF GLENDALE	Ward 8	ES&S DS200	ES&S Automark
MILWAUKEE	CITY OF GREENFIELD	Ward 12	ES&S DS200	ES&S Automark
MILWAUKEE	CITY OF GREENFIELD	Ward 20	ES&S DS200	ES&S Automark
MILWAUKEE	CITY OF MILWAUKEE	Ward 116	ES&S DS200/DS850	ES&S Automark
MILWAUKEE	CITY OF MILWAUKEE	Ward 315	ES&S DS200/DS850	ES&S Automark
MILWAUKEE	CITY OF OAK CREEK	Wards 7-9	ES&S DS200	ES&S Automark
MILWAUKEE	CITY OF SOUTH MILWAUKEE	Wards 5-8	ES&S DS200	ES&S Automark
MILWAUKEE	CITY OF ST. FRANCIS	Wards 9-12	ES&S DS200	ES&S Automark

MILWAUKEE	CITY OF WEST ALLIS	Ward 25	ES&S DS200	ES&S Automark
MILWAUKEE	VILLAGE OF HALES CORNERS	Wards 4-6	ES&S DS200	ES&S Automark
MILWAUKEE	VILLAGE OF WHITEFISH BAY	Ward 12	ES&S DS200	ES&S Automark
MONROE	CITY OF SPARTA	Wards 7-11	Optech Insight	AVC Edge
MONROE	CITY OF TOMAH	Wards 1-5A,6	Optech Insight	AVC Edge
MONROE	CITY OF TOMAH	Wards 5B,24	Optech Insight	AVC Edge
MONROE	TOWN OF GREENFIELD	Wards 1-2	None	AVC Edge
MONROE	TOWN OF WILTON	Wards 1-5	None	AVC Edge
OCONTO	TOWN OF MAPLE VALLEY	Ward 1	None	AVC Edge
ONEIDA	CITY OF RHINELANDER	Ward 10	Optech Insight	AVC Edge
ONEIDA	TOWN OF CASSIAN	Wards 1-2	Optech Insight	AVC Edge
ONEIDA	TOWN OF CRESCENT	Wards 1-3	Optech Insight	AVC Edge
OUTAGAMIE	CITY OF APPLETON	Ward 29	ES&S DS200	ES&S ExpressVote
OUTAGAMIE	CITY OF APPLETON	Ward 35	ES&S DS200	ES&S ExpressVote
OUTAGAMIE	TOWN OF GRAND CHUTE	Wards 1-3	ES&S DS200	ES&S ExpressVote
OUTAGAMIE	TOWN OF GRAND CHUTE	Wards 7-8	ES&S DS200	ES&S ExpressVote
OUTAGAMIE	VILLAGE OF HARRISON	Wards 1-2	Accuvote-OS/ES&S DS200	Accuvote TSX/ES&S ExpressVote
OZAUKEE	CITY OF MEQUON	Wards 13-14	Dominion ImageCast Evolution	Dominion ImageCast Evolution
OZAUKEE	TOWN OF SAUKVILLE	Wards 1-3	Dominion ImageCast Evolution	Dominion ImageCast Evolution
PEPIN	TOWN OF FRANKFORT	Ward 1	None	AVC Edge
PIERCE	TOWN OF EL PASO	Ward 1	ES&S DS200	ES&S ExpressVote
PIERCE	CITY OF RIVER FALLS	Ward 5	ES&S DS200	ES&S ExpressVote
POLK	TOWN OF BLACK BROOK	Wards 1-2	None	AVC Edge
PORTAGE	CITY OF STEVENS POINT	Wards 7-9	ES&S DS200	ES&S Automark
PORTAGE	CITY OF STEVENS POINT	Wards 36,38,41,45	ES&S DS200	ES&S Automark
PORTAGE	TOWN OF HULL	Wards 6-8	ES&S DS200	ES&S Automark
PRICE	TOWN OF EISENSTEIN	Wards 1-2	None	AVC Edge
RACINE	CITY OF RACINE	Ward 23	Dominion ImageCast Evolution	Dominion ImageCast Evolution
RACINE	VILLAGE OF CALEDONIA	Ward 3B	Dominion ImageCast Evolution	Dominion ImageCast Evolution
RICHLAND	CITY OF RICHLAND CENTER	Ward 7	None	AVC Edge
ROCK	CITY OF БЕЛОIT	Ward 19	ES&S DS200	ES&S Automark
ROCK	CITY OF БЕЛОIT	Ward 24	ES&S DS200	ES&S Automark
ROCK	CITY OF JANESVILLE	Ward 25	ES&S DS200	ES&S Automark
RUSK	TOWN OF STUBBS	Wards 1-2	None	AVC Edge
RUSK	TOWN OF TRUE	Ward 1	None	AVC Edge
RUSK	TOWN OF WILSON	Ward 1	None	AVC Edge

SAUK	TOWN OF FAIRFIELD	Wards 1-2	ES&S DS200	ES&S ExpressVote
SAUK	TOWN OF LA VALLE	Wards 1-3	ES&S DS200	ES&S ExpressVote
SAUK	VILLAGE OF LIME RIDGE	Ward 1	ES&S DS200	ES&S ExpressVote
SAUK	VILLAGE OF SAUK CITY	Wards 1-5	ES&S DS200	ES&S ExpressVote
SAWYER	TOWN OF COUDERAY	Ward 1	None	AVC Edge
SHAWANO	CITY OF MARION	Wards 4-6	Optech Insight	AVC Edge
SHAWANO	TOWN OF HARTLAND	Ward 1	Optech Insight	AVC Edge
SHAWANO	VILLAGE OF BOWLER	Ward 1	None	AVC Edge
SHEBOYGAN	CITY OF SHEBOYGAN	Ward 16	CBG, Clear Cast	Clear Ballot Group, Inc. - Clear Access
SHEBOYGAN	CITY OF SHEBOYGAN	Ward 18	CBG, Clear Cast	Clear Ballot Group, Inc. - Clear Access
SHEBOYGAN	TOWN OF HERMAN	Wards 1-3	CBG, Clear Cast	Clear Ballot Group, Inc. - Clear Access
SHEBOYGAN	VILLAGE OF RANDOM LAKE	Wards 1-2	CBG, Clear Cast	Clear Ballot Group, Inc. - Clear Access
SHEBOYGAN	TOWN OF WILSON	Wards 1-4	CBG, Clear Cast	Clear Ballot Group, Inc. - Clear Access
ST. CROIX	TOWN OF CYLON	Ward 1	ES&S DS200	ES&S ExpressVote
ST. CROIX	TOWN OF FOREST	Ward 1	ES&S DS200	ES&S ExpressVote
ST. CROIX	VILLAGE OF DEER PARK	Ward 1	ES&S DS200	ES&S ExpressVote
ST. CROIX	VILLAGE OF ROBERTS	Wards 1-4	ES&S DS200	ES&S ExpressVote
TAYLOR	TOWN OF GOODRICH	Ward 1	None	ES&S iVotronic
TAYLOR	VILLAGE OF LUBLIN	Ward 1	None	ES&S iVotronic
TREMPEALEAU	TOWN OF ARCADIA	Wards 1-4	None	AVC Edge
TREMPEALEAU	TOWN OF PIGEON	Wards 1-2	None	AVC Edge
VERNON	TOWN OF FRANKLIN	Wards 1-2	None	AVC Edge
VILAS	TOWN OF BOULDER JUNCTION	Wards 1-2	Dominion ImageCast Evolution	Dominion ImageCast Evolution
WALWORTH	CITY OF LAKE GENEVA	Wards 5-6,10	Dominion ImageCast Evolution	Dominion ImageCast Evolution
WALWORTH	TOWN OF EAST TROY	Ward 1	Dominion ImageCast Evolution	Dominion ImageCast Evolution
WASHBURN	TOWN OF EVERGREEN	Wards 1-2	None	AVC Edge
WASHBURN	TOWN OF STONE LAKE	Ward 1	None	AVC Edge
WASHINGTON	CITY OF WEST BEND	Wards 1-3	Dominion ImageCast Evolution	Dominion ImageCast Evolution
WASHINGTON	TOWN OF JACKSON	Wards 1-6	Dominion ImageCast Evolution	Dominion ImageCast Evolution
WASHINGTON	VILLAGE OF GERMANTOWN	Wards 12-15	Dominion ImageCast Evolution	Dominion ImageCast Evolution

WASHINGTON	VILLAGE OF RICHFIELD	Wards 5-6	Dominion ImageCast Evolution	Dominion ImageCast Evolution
WAUKESHA	CITY OF NEW BERLIN	Ward 3	ES&S DS200	ES&S ExpressVote
WAUKESHA	CITY OF WAUKESHA	Ward 2	ES&S DS200	ES&S ExpressVote
WAUKESHA	CITY OF WAUKESHA	Ward 36	ES&S DS200	ES&S ExpressVote
WAUKESHA	VILLAGE OF HARTLAND	Wards 1-14	ES&S DS200	ES&S ExpressVote
WAUKESHA	VILLAGE OF MENOM. FALLS	Ward 4	ES&S DS200	ES&S ExpressVote
WAUKESHA	VILLAGE OF MENOM. FALLS	Ward 21	ES&S DS200	ES&S ExpressVote
WAUPACA	TOWN OF UNION	Wards 1-2	Optech Insight	AVC Edge
WAUSHARA	TOWN OF BLOOMFIELD	Wards 1-2	None	AVC Edge
WINNEBAGO	CITY OF OSHKOSH	Ward 6	Dominion ImageCast Evolution	Dominion ImageCast Evolution
WINNEBAGO	CITY OF OSHKOSH	Ward 13	Dominion ImageCast Evolution	Dominion ImageCast Evolution
WINNEBAGO	TOWN OF NEKIMI	Wards 1-2	Dominion ImageCast Evolution	Dominion ImageCast Evolution
WINNEBAGO	TOWN OF NEPEUSKUN	Ward 1	Dominion ImageCast Evolution	Dominion ImageCast Evolution
WOOD	CITY OF WISCONSIN RAPIDS	Wards 11-21,24-29	ES&S DS200	ES&S Automark
WOOD	VILLAGE OF PORT EDWARDS	Wards 1-3	ES&S DS200	ES&S Automark

Appendix B
Voting Equipment Subject to the Post-Election Audit

Accessible Equipment

1. *Sequoia Edge*

The Board approved Sequoia's AVC-Edge with VeriVote Printer DRE system, version 5.024 on March 22, 2006. This system was approved under NASED # N-1-07-22-22-002. Most municipalities who use the AVC-Edge utilize them to meet accessibility requirements and use another system, usually traditional paper or optical scan, to fulfill the majority of voting needs.

2. *ES&S iVotronic*

The Board approved ES&S's iVotronic DRE with Real Time Audit Log, version 9.1.4.0 on April 26, 2006. This system was approved under NASED # N-2-02-22-22-005. Most municipalities that use the iVotronic utilize it to meet accessibility requirements and use another system, usually traditional paper or optical scan, to fulfill the majority of their voting needs.

3. *AccuVote TSX*

The Board first approved Diebold's AccuVote TSX DRE Touch Screen and AccuView Printer Module, version 4.6.3 on March 22, 2006. This system was approved under NASED # N-1-06-22-22-001. Most municipalities that use the AccuVote TSX utilize it to meet accessibility requirements and use another system, usually traditional paper or optical scan, to fulfill the majority of their voting needs.

4. *Populex*

Populex Digital Paper Ballot Voting System, version was approved by the State Elections Board at the May 17, 2006 meeting.

Optical Scan Tabulators

1. *Dominion ImageCast Evolution*

ImageCast Evolution version 410A was originally approved for use in Wisconsin by the Board on June 18, 2015.

2. *ES&S M100*

System assigned NASED # N-2-02-22-22-005. This equipment was approved by the State Elections Board April 26, 2006.

3. *ES&S DS200*

DS200 digital scanner, version 1.6.1.0, was originally approved by the Board on August 28, 2012.

4. *ES&S DS850*

DS850 central count digital scanner, version 1.6.1.0, was last approved by the Commission on June 20, 2017.

5. *Optech Insight*

Formerly a Sequoia Product that has been acquired by Dominion Voting, the Optech Insight optical scan ballot reader, version. APXK2.10/HPX K1.42 was assigned NASED system ID # N-1-07-22-22-002. The State Elections Board approved this equipment on March 22, 2006.

6. *Optech Eagle*

The Optech IIP Eagle originally made by Business Records Corporation and later (as a result of merger and an antitrust decision, by both Sequoia Voting Systems and by Election Systems and Software). It has been in use in Wisconsin for over 20 years in some jurisdictions. As of December 31, 2018, the Optech Eagle will have its approval certification revoked. As a result, these machines will no longer be approved for use in elections throughout the state of Wisconsin. Currently, WEC records indicate that only one municipality used an Optech Eagle for the November General Election.

7. *Diebold/Premier-AccuVote-OS*

This was formerly a Diebold Elections System Product that has been acquired by Dominion Voting. The AccuVote-OS (model D) Optical Scan, version 1.96.6, was approved by the State along with a series of security recommendations, at the March 22, 2006 meeting. The system was assigned NASED system ID # N-1-06-22-22-001.

8. *ClearBallot Group ClearCast*

ClearCast is a COTS based polling place ballot tabulator originally approved for use by the Wisconsin Elections Commission on December 12, 2017.

ERIC Supplemental Lists - 2018 General Election

Municipal clerks were instructed to print the ERIC Supplemental Poll List along with their poll books in a memo posted on October 2, 2018. Reminders were also included in the Pre and Post-Election Checklists (published September 11 and October 23, 2018), which were posted under Clerk Communications on the Wisconsin Elections Commission website.

Clerks were directed to scan any pages of the ERIC supplemental list where voters signed and email them to the Help Desk after Election Day. WisVote staff handled the processing of the majority of ERIC supplemental voters, reactivating the voter records and recording the election participation in WisVote on behalf of the clerks.

The use of the ERIC Supplemental Poll Lists for the 2018 General Election appeared to go smoothly. WEC staff took very few ERIC related phone calls from either voters or clerks on Election Day.

Statistics

As of November 21, 2018, WEC staff has heard from 702 of the 1,852 Wisconsin municipalities regarding use of the ERIC Supplemental Poll List. From these municipalities 1,784 individual voters used the ERIC Supplemental Poll List and were allowed to vote. These voters certified that they had not changed their voting residence even though they were identified by ERIC as having a new address in a government database. These voter records were reactivated in WisVote so they will now appear on the regular poll book. Of the 702 municipalities that responded, 254 reported they had no voters use the list. 1,150 municipalities have not yet replied to WEC staff.

Clerks have 45 days to enter voter participation records into the WisVote system. This includes submission of ERIC supplemental lists to the WEC. Because this process is still underway for the November 2018 General Election, complete statistics on the use of the supplemental list are not yet available. Staff will report complete statistics to the Commission at a future meeting.

Clerk Feedback

At the September 25, 2018 Elections Commission meeting, the Commission reaffirmed clerks' authority to reactivate voters, and directed staff to provide technical assistance to clerks who requested it. Three municipalities requested WEC assistance in reactivating all of their voters on the ERIC Supplemental list: City of Milwaukee, City of Green Bay and Village of Hobart.

Recommendations for 2019 Elections

Commission staff recommends that the ERIC Supplemental Poll List process no longer be used for the 2019 elections. Clerks still have the authority to reactivate registrations of any ERIC voters they believe have not moved. Clerks have had approximately 9 months to review and investigate the voters who were deactivated as part of the ERIC movers process. There have been four elections where voters were able to present themselves and indicate they did not move. The data used for the ERIC mailing is now over one year old, making it less current, especially in light of changes in voter records related to intervening elections.

Instead, staff recommends a fail-safe phone call procedure to be used for the 2019 elections. If a voter appears at the polling place and is not on the poll book, election workers would contact their municipal clerk who can check in WisVote to determine why the voter's record was deactivated. If the municipal clerk confirms that the voter was deactivated as a result of the ERIC movers process and believes that the voter was deactivated in error, they would approve the reactivation and the voter would be manually added to the hand-written supplemental list at the polling place and be allowed to vote. WEC staff believes that this process will be feasible to administer in the low-turnout spring elections. It is also consistent with current practice for an individual whose name does not appear on the poll list but who the clerk can confirm has an active registration in WisVote.

Recommended Motion:

The Elections Commission approves the staff plan described above to discontinue use of the ERIC Supplemental List process at the 2019 Spring Primary and Spring Election and establish a phone call process that allows election inspectors to verify why a voter was removed from the poll list and allow the municipal clerk to use their authority to reinstate the voter's registration.

WISCONSIN ELECTIONS COMMISSION

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the December 3, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator, Wisconsin Elections Commission

Prepared and Presented by:
Tony Bridges, Election Security Lead
Michelle R. Hawley, Training Officer
Riley Willman, Election Administration Specialist

SUBJECT: Elections Security Staff Update

I. Introduction

In March 2018, the Wisconsin Elections Commission (WEC) received a \$6.9 million grant award to improve the administration of elections for Federal office, which included technology enhancements and election security improvements to its systems, equipment, and processes used in federal elections. State law required compliance with the §16.54 process for our state agency to accept federal funds. The Department of Administration provided confirmation for approval of the grant award.

The initial stage of implementing security measures, prior to the November General Election using HAVA funds, included recruiting and onboarding staff for six federally-funded positions, updating the WisVote Access policy to include the completion of cybersecurity-focused electronic learning modules, creating and implementing a robust election security tabletop exercise (TTX) training program for local election officials, and successfully implementing multi-factor authentication for access to the voter registration database.

The Wisconsin Elections Commission acknowledges that election security will always be at the forefront of keeping Wisconsin elections safe, and that our methods will require adaptability, evolution, and partnerships. As a result, the second phase, consisting of preparations for future elections in 2019 and 2020, is underway and has been initiated by soliciting feedback from the public, other election officials, and key election security partners.

II. Technical Implementations

In addition to the ongoing support the WEC provides to local election officials, staff continues to pursue several different options to improve technical controls that secure access to WisVote and other critical systems. These are combinations of software and hardware that make it more difficult for malicious or simply careless actions to jeopardize the security of WEC systems and data. Earlier this year, WEC staff presented the Commission with a two-phased approach for utilizing the HAVA security grant funds for making improvements to elections security in Wisconsin. The first phase focused on immediate technological and training needs at the State level. The Commission approved expenditures on the phase-one immediate needs. An update on those projects is provided below.

A. Multi-Factor Authentication

Multi-Factor Authentication (MFA) is an important technology for preventing malicious access to user accounts. Proper implementation of MFA can prevent an attacker from gaining access to a user account, even after one has stolen the user's password. WEC staff rolled over 2,500 WisVote users into the MFA program prior to the November election. The remaining few had technical or business process issues that provided an additional barrier to implementation. Staff will continue to help users solve those issues over the coming months to reach 100% adoption.

Early in the development process, staff was planning to offer multiple options to all users (Windows 10 application, FIDO key, or automated telephone callback). After further consideration of the security risks and the logistics of implementation, staff decided to encourage all users to use FIDO keys. A FIDO key is similar to a USB drive which is inserted into a computer port and registers the user's fingerprint to unlock access to WisVote. The keys are the most secure method, and for most users, the most convenient. To that end, staff procured 3,000 keys and distributed them to all the municipalities that use WisVote, with considerable assistance from county clerks.

Staff provided instructional materials and phone support, and the overwhelming majority of users are now authenticating to WisVote with the combination of login, password, and FIDO key. Users that had barriers with the keys are using the telephone callback service until a resolution can be found. Staff continues to investigate the Windows 10 application option for cases where the regular use of keys may be prohibitively challenging.

B. Active Directory Federated Services

The WEC uses an industry-standard authentication technology called Active Directory to manage the user accounts and passwords that allow access to WisVote. Active Directory works seamlessly within a network for server access, but to provide access to a website like WisVote, it requires an intermediary service called Active Directory Federated Service (AD FS). Currently, WisVote uses an AD FS server operated by the Department of Enterprise Technology (DET). This setup allowed WisVote to launch in 2016, in accordance with the deployment schedule, and currently relieves WEC of some development and maintenance requirements. However, it also ties the authentication of WisVote users to the authentication of several other State of Wisconsin systems. This configuration makes it more difficult for WEC developers to make any changes to the log-in process for WisVote.

WEC staff continues to investigate separating these systems to better meet WEC business needs. However, changes in this system would have significantly delayed the implementation of Multi-Factor Authentication. Transitioning to a separate AD FS will resume after the implementation of MFA is complete.

C. Centralization of Web Applications

The WEC provides access to several web applications for clerks and for the general public. Several of these systems previously have been designated as high-security systems and are maintained within the state network on virtual servers provided by DET. This setup affords them a high degree of initial security, including strong perimeter security, protection against bandwidth attacks (DDOS), top-tier endpoint security, third-party penetration testing, and more. However, some sites that previously had not been designated high security have been hosted by a third-party vendor. Based on a number of factors, including a reassessment of the impact of malicious modification of those sites, WEC staff decided those sites should be hosted on the state network as well. Staff has proven the process for migrating these sites, requisitioned virtual servers from DET, and arranged for contractors to assist with a smooth migration. This project is expected to be complete by mid-December.

D. Vulnerability Scanning

Agency servers exposed to the internet are regularly scanned by the Department of Homeland Security (DHS) for known vulnerabilities, and servers within the state network are regularly scanned by DET. However, DHS does not do internal scanning, and initially DET did not provide the WEC with comprehensive reports outlining the results of scanning efforts. Because we had an awareness the scans may provide useful action items to help ensure that new vulnerabilities are addressed in a timely manner, WEC requested scanning results from DET. Since our request, DET regularly runs scheduled scans and provides the agency with the results.

In addition, as part of the agency's ongoing relationship with DHS, staff participated in an on-site risk vulnerability assessment which tested agency security in detail. Valuable action items were generated by that assessment which will significantly improve agency security. Further assessments are scheduled for the future, to ensure that any issues have been appropriately addressed and that no new vulnerabilities are found.

III. Local Election Official Security Training Update

A. Local Election Official Security Training

After attending an elections security training and tabletop exercise hosted by the Defending Digital Democracy project at Harvard Kennedy School of Government's Belfer Center in March 2018, WEC staff planned and implemented a robust security election security training program in May 2018. Staff requested partnerships with county clerks to serve as regional trainers and conducted seven train-the-trainer events with participation from a total of 85 county representatives. Since that time, this training has touched approximately 900 local election officials statewide.

WEC staff continues to work with county clerks to aid in the facilitation of this training, providing both staffing and materials resources. Training materials are housed on the WEC Learning Center website and include all necessary documents to conduct an exercise, in addition to supplemental documents like an Election Day Emergency Response Plan template, a Communications Plan template, and a memorandum to governing bodies regarding the importance of election security.

The goal of this training was to provide a safe, relatively low-stress environment for election officials to test their institutional knowledge and election day emergency response plans against the incident injects to 1) test the effectiveness of existing knowledge, policies, and practices as they relate to election security (operational, physical, cyber), 2) provide an increased awareness and preparedness, and 3) adapt and implement the training and lessons learned. The training was developed to encourage participants to work through scenarios, to practice their communication plans, and to take action, without the risks or potential repercussions they may face in real life. Based on the abundance of positive feedback from elections officials across the State, we believe this training model was a success and are currently in the process of outlining our plan going forward to improve and enhance the election security TTX training model for the next calendar year.

B. WisVote Access Policy

As part of our continuing efforts to keep WisVote safe and recognizing that we have over 2,500 voter registration database users with varying degrees of computer skills and knowledge, the WEC implemented a new WisVote Access Policy effective July 23, 2018. The new policy consists of three main requirements:

1. Completing the Securing WisVote Series, a collection of six electronic learning modules available on the agency's electronic Learning Center platform. These modules were created by WEC staff and the content includes basic cyber hygiene best practices in courses titled:
 - a. Security Awareness
 - b. WisVote Access Policy
 - c. Phishing Facts
 - d. Password Protocols
 - e. Browsing Safely
 - f. Computer Safeguards
2. Electronically (via WisVote) acknowledging and accepting the terms and conditions of our new WisVote Access Agreement; and
3. Electronically (via WisVote) acknowledging and accepting the terms and conditions of our updated WisVote Confidentiality Agreement.

Prior to assigning WisVote credentials to new users, these new requirements must be completed, in addition to any and all training associated with the WisVote access level the new user is seeking. Existing WisVote users are also required to complete these new requirements and were previously provided instructions. The deadline for existing users to complete the training modules is December 31, 2018.

The learning modules are also available to municipal clerks and election inspectors who may not access WisVote, and yet are interested in the election security training opportunity. While maintaining and securing the personally identifiable information of countless electors is important to election security, even if clerks do not have access to WisVote, these modules provide important cybersecurity best practices that may be applicable to the other official duties of municipal clerks, and the manner in which everyone keeps personal data secure. We also recommended clerks consider including these modules as part of election inspector training, for example, showing videos as part of group training and providing opportunities for discussion. Election officials receive training credit for their participation and are responsible for submitting their training hours to the WEC. As of Wednesday, November 21, 2018, over 1,500 WisVote users completed the required training.

IV. Collecting Information and Feedback from Key Election Security Partners

Keeping Wisconsin elections secure requires a high level of collaboration and information sharing between WEC staff and key election security partners to ensure needs are being met and potential security incidents are being prevented. The 2018 HAVA funds allowed for WEC staff and local election partners to make necessary security updates to keep our elections secure. The WEC recognizes the importance of soliciting and obtaining additional information and feedback from these local election partners and the public as it relates to election security.

WEC staff has been partaking in cyber defense webinars from the Multi-State Information Sharing and Analysis Center (MS-ISAC) and the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC). These organizations have been identified as a key cyber security resource by the Department of Homeland Security for their ability to bring together election security officials from various states. The updates and information in the MS-ISAC and EI-ISAC webinars assume a large knowledge about information technology and cybersecurity practices. WEC staff made the decision that the MS-ISAC and EI-ISAC updates will be monitored by staff who will then send pertinent information to the local election officials to ensure that information is getting to all involved officials in a timely and productive manner.

WEC staff has also been soliciting and collecting feedback regarding election security during county and municipal clerk conferences and trainings, via written correspondence, and at public meetings. In addition to soliciting feedback from county and municipal clerks in person, WEC staff created and disseminated a public survey as a mechanism to collect feedback from key election security partners such as DHS, DET, county clerks, municipal clerks, and members of the public to provide feedback on how the HAVA security funds should be spent. This survey was disseminated via press release, the WEC website, and on agency social media accounts.

The survey was open and available for comment for approximately 45-days and after compiling the results, WEC staff noted that the common ideas proposed by the public were:

- Post-election audits performed before state certification
- A need for paper ballots throughout the state
- An increase in system updates for voting equipment and computers accessing voting-related applications

Many suggestions received through the survey covered topics already acted upon by the WEC or were outside WEC's jurisdiction. Feedback regarding a post-election audit program was already received and processed by WEC staff. The WEC does not have the legal ability to mandate counties to perform a post-election audit, but issued guidance concerning county clerks performing optional post-election audits in their communities. At its September 25th meeting, the Commission agreed that county clerks may be reimbursed for expenses incurred during optional post-election audits, from the 2018 HAVA Election Security funds, to encourage more counties to pursue this optional program.

All ballots in Wisconsin must be cast on a paper ballot or have a voter verifiable paper audit trail (VVPAT) that a voter can review before casting a ballot. Pure electronic voting has never been possible in Wisconsin. Members of the public voicing this concern were frequently from outside of Wisconsin or were citing news articles involving other states which do not have paper ballots or a VVPAT receipt for all ballots cast.

On a State level, prior to the results of the survey related to responses concerning computer and equipment updates, the WEC made significant improvements to its election technology, including new servers for elections-related websites, the implementation of multi-factor authentication, new computers for WEC staff, and more.

The results from the public survey demonstrated the need for a renewed focus on effectively communicating election security incidents. WEC staff created a security incident communications guide and emergency response plan templates for local election officials to use in the event of an election security incident on or around Election Day. The guide and templates are accessible to clerks through the WEC Learning Center and were also distributed at local security trainings throughout 2018. WEC staff intends to update these documents for future trainings, as needed. While communicating security improvements and responses to incidents on Election Day is important for local election officials, WEC staff also recognizes the importance of communicating election security progress and efforts to the general public to encourage trust in the electoral system and to increase general knowledge about election security practices in place.

WEC staff intends to increase communication efforts via social media, traditional media, and working with other election security partners to share election security progress and solicit feedback on WEC-led programs to make improvements ahead of the 2020 elections. Staff will continue to develop plans and programs to better reach voters and increase their awareness of WEC security initiatives and will present these plans to the Commission for its consideration at future meetings.

V. Coordination with Federal and State Partner Agencies

In addition to the interactions outlined above, WEC staff collaborated with other federal and state partner agencies to ensure the 2018 election ran smoothly. On September 27, 2018, WEC staff met with federal and state law enforcement and prosecutors to discuss Election Day incident response, coordination of roles, and current contact information.

On October 22, 2018, Commission staff also continued its practice of coordinating with the Wisconsin Department of Justice to present webinar training regarding election and voting laws to state prosecutors and local law enforcement. Topics covered in the webinar included observer rules, maintaining order at the polls, voter fraud investigations, and contingency planning.

WEC staff presented on election security topics at the Wisconsin County Clerks Association (WCCA) on September 24, 2018. Representatives from the Department of Homeland Security and the Elections Assistance Commission attended the WCCA meeting and also presented to the Commission at the September 25, 2018 meeting on federal efforts concerning election security and the 2018 General Election.

Commission staff attended an election cybersecurity TTX hosted by the Department of Homeland Security with other federal, state, and local partners on October 29, 2018 in Madison. The purpose of the TTX was to engage various state agencies and federal resources in Wisconsin in a discussion about quickly communicating and resolving an election cybersecurity incident, as well as to provide an opportunity to assess the readiness of state systems to prevent a cybersecurity incident.

WEC staff will continue to work with federal and state partners to improve WEC cybersecurity readiness, as well as to further solidify communication lines in the event of a cybersecurity or general election security incident.

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the December 3, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

Prepared and Presented By:
Michael Haas Nathan Judnic
Staff Counsel Senior Elections Specialist

SUBJECT: Commission's Legislative Agenda for 2019 - 2020

Background

This memorandum outlines Commission staff's recommendations for legislative changes to pursue in the 2019 – 2020 legislative session. The recommendations seek clarification of existing statutes, implement nationally recognized best practices, and communicate concerns of county and municipal clerks to the Legislature.

Commission staff maintains an ongoing list of recommended changes to current laws identified by legislators, municipal and county clerks, and the public. Staff also regularly reviews and analyzes current statutes, administrative code, and Commission policies in order to identify potential changes that may improve efficiency, cost-effectiveness, public comprehension, and general policy administration. The recommended changes below are those which staff believes would improve administrative processes, provide clarity or simplification to existing policies and procedures, or update policies to reflect modern practices.

Except for the few items noted above, the Commission has already reviewed and approved the items listed below, as they were part of the legislative agenda passed to the Legislature for 2017 – 2018 session. Commission staff has included these items to be reaffirmed and included with the upcoming session's legislative agenda, unless there are specific items the Commission would like to discuss further. Additional items may come up as the next legislative session progresses, and Commission staff will bring those items to the Commission's attention and approval as needed.

Attached to this memorandum is correspondence dated March 13, 2017 from the Federal Voting Assistance Program of the U.S. Department of Defense requesting changes to statutes related to the

treatment of temporarily overseas electors in order to bring Wisconsin law into conformity with federal law. Because the requested changes were not enacted in the previous legislative session, the U.S. Department of Justice initiated litigation and entered into a consent decree with the State of Wisconsin to implement two of the requested changes. The consent decree permits temporarily overseas electors to obtain ballots electronically and to use the Federal Write-In Absentee Ballot, treating those electors the same as permanently overseas electors in those two ways.

The consent decree also requires the WEC to propose state legislation to incorporate the consent decree changes into state law and to provide a report to the federal court by May 1, 2019. The relevant changes are incorporated into items 14 and 28 of the recommendations below. One item has been removed related to the assistance provided to individuals with disabilities and the use of electronic voting equipment as upon further review the staff believes the language of the statute provides sufficient support for allowing a person with disabilities to use electronic voting equipment with an assistor. One additional item has been inserted as item 42, which would ask the Legislature to clarify that the Elections Commission is the proper agency for making a finding of probable cause in a criminal matter under Chapter 12.

At its meeting of September 26, 2017, the Commission heard from several municipal and county clerks regarding a legislative proposal to implement an alternate method of casting and processing absentee ballots. The proposal was aimed at alleviating the burden of processing all absentee ballots on Election Day and would permit, as an optional method, the use of electronic voting equipment during in-person absentee voting. The Commission considered the clerks' request to support the proposed legislation but did not adopt a position given the policy issues involved. Commission staff recommends that it remain engaged with the supporters and legislative authors of the proposed legislation to review subsequent drafts and provide feedback regarding administrative and significant policy issues to be considered and addressed.

At its meeting of December 12, 2017, the Commission authorized staff to request a Legislative Council Study Committee to review the WEC's extensive legislative agenda and propose a comprehensive package of legislative changes. Staff submitted such a request which was not approved as one of the topics for a Study Committee for the 2018 – 2019 legislative session. However, staff has been working with the Office of State Representative Bernier to address several of the requested changes listed below. Representative Bernier is the outgoing Chair of the Assembly Committee on Campaigns and Elections and she has been elected to the State Senate. Staff anticipates that this effort will continue, and that legislation will be drafted related to some of the listed items.

Staff has organized the recommendations into five different categories:

- A. *Major Policy Initiatives* are those that staff suggests that the Commission highly recommend because they would likely significantly improve election administration and have a substantially positive impact on those affected by the policy.
- B. *Minor Policy Initiatives* include the changes that would improve election administration and represent minimal policy decisions, such as improving efficiency or providing clarity.

- C. *Technical Changes* are recommendations that address issues of inconsistency in the laws or drafting oversights.
- D. *Administrative Rule Provisions* are proposals to introduce legislation in lieu of promulgating administrative rules.
- E. *Chapters Not Administered by the WEC* are items contained in statutory chapters which are related to but outside the jurisdiction of the Commission.

A. MAJOR POLICY INITIATIVES

1. Provisions related to electronic poll lists. Agency staff has identified several provisions which could be created or amended to facilitate the implementation of electronic poll lists. These include the following:
 - A. § 5.02: Add definitions of “electronic poll book” and “electronic poll list” to the statutory definitions.
 - B. § 7.23(1)(e): Add language permitting electronic poll books to be cleared or erased after the deadline for filing a recount petition has passed but requiring the transfer of all data required to reproduce the voter list to a disk or other recording medium which may be destroyed 22 months after the election, consistent with other retention requirements.
2. Chapter 5 Subchapter III – Voting Equipment Statutes. This subchapter of the statutes refers to antiquated technologies such as voting equipment that utilizes levers or punch cards. These types of voting systems have been entirely replaced by electronic voting systems. The Legislature could revise this subchapter to remove references to antiquated technology. There are also references to such antiquated voting equipment elsewhere throughout the election laws. The Legislature could consider a broader review and revision of state law to reflect the electronic voting equipment currently in use throughout the State of Wisconsin, as well as the potential use of new technologies in the future.
3. § 6.86(1)(b). This provision sets forth the deadlines for requesting an absentee ballot. Under existing law there are three different deadlines (Thursday, Friday, or Election Day) for requesting an absentee ballot that depend on both the type of absent elector and the method by which the application is received. This multitude of deadlines has proven confusing for voters and election officials alike. The Election Day deadline for receipt of an absentee request also creates an unrealistic expectation that a ballot requested at such a late date and time could be successfully voted as the deadline for receiving the voted ballot is also Election Day and electronic return of the voted ballot is not permitted by state law. The Legislature could consider revising these deadlines by changing the deadline to 5:00 p.m. on the Thursday prior to Election Day for all

mailed, emailed, or faxed requests and 5:00 p.m. on the Sunday before Election Day for all in-person requests regardless of the type of absent elector.

4. §§ 8.15(1) and 10.06(1)(h). These provisions establish the window for circulation of nomination papers and the deadline for the Commission to certify the candidates to appear on the Partisan Primary ballot. Wisconsin Administrative Code EL 2.07 provides for challenges to nomination papers to be filed up to three calendar days following the nomination paper deadline. Depending on the year, this means the Commission has between 4-6 business days to review and decide challenges to ballot access. The Government Accountability Board previously directed staff at its June 2014 meeting to request the Legislature allow for more time between the candidate filing deadline and the deadline to certify ballot arrangement so as to allow for more thoughtful consideration of ballot access challenges. As there is not sufficient time in the calendar to move the candidate certification deadline later without changing the ultimate date of the election, the only practical option is to move the circulation period up. Commission staff recommends changing the first day to circulate nomination papers from April 15 to April 10, which would keep the first day to circulate nomination papers still after the spring election and moving the filing deadline from June 1 to the last Tuesday in May.

B. MINOR POLICY INITIATIVES

Chapter 5

5. §§ 5.06(5) and (6). These provisions allow the Commission to issue an order to ensure compliance with election laws. The Legislature could revise these provisions in order to authorize the Commission to issue a temporary order while a complaint investigation is ongoing. Occasionally Commission staff must direct a local election official to stay any action until the completion of a review investigation, such as when the question is whether to schedule a recall election or whether a candidate has qualified for ballot access. Current statutes allow the issuance of an order only after the filing of a complaint, upon a motion of the Commission, or after completion of an investigation.
6. § 5.06(10). This provision prohibits the Commission from reviewing matters arising in connection with recounts under § 9.01. This appears to be intended to avoid conflict with Wis. Stat. § 9.01(6) which directs appeals of recounts to circuit court. However, there are a variety of decisions made by election officials under § 9.01 that could benefit from commission review, e.g., estimates of recount filing fees. A better option may be to phrase this provision such that the Commission may not review the recount result or substantive decisions of the board of canvassers in a recount other than to enforce consistent application of those decisions when multiple boards of canvassers are involved. This authority would permit Commission staff to resolve procedural questions or conflicts more definitively and is supported by the charge of Wis. Stat. § 9.01(10) for the Commission to develop standard forms and procedures for use in recounts.

7. §§ 5.15 and 66 subchapter II. These provisions provide limitations to the construction of wards. Current statutes restrict a town from drawing ward lines that do not cross the boundaries of a state assembly district and requires towns to create a separate ward when a county does not adjust boundaries for county supervisory districts. However, statutes do not place similar restrictions on cities or villages annexing territory. This could be a problem if a city or village was to annex territory in different districts. The Legislature could revise these provisions to enact the same requirements for cities and villages that currently exist for towns and require specifying the identification of the created ward (e.g., ward 7).
8. § 5.84(1). This provision specifies that municipalities must conduct public tests of voting equipment in the 10 days prior to each election. The current requirement is problematic as larger municipalities may require several days to test all the equipment to be used at an election. Extending the testing window to the 15 calendar days prior to the election would grant municipal clerks more flexibility in the event any problems are identified during the public test. This provision also requires public notice of voting equipment testing via publication in a newspaper within the municipality or a newspaper of general circulation therein. Publishing in a general circulation newspaper, or even a municipal newspaper, may require significant costs to municipalities. The Legislature could revise this provision to require municipalities to provide the notice of the public test by the same means as other election notices under Wis. Stat. §§ 10.04 & 10.05, which would permit such notices to be posted in lieu of publication.
9. § 5.94. This provision requires the publication of a sample ballot. Wis. Stat. §10.02 (2)(c) allows the ballot size to be reduced when publishing the notice. The Legislature could consider removing the requirement for an “actual-size” copy of the ballot for publication in Wis. Stat. § 5.94 to reduce the costs that jurisdictions must incur and make these two provisions consistent.

Chapter 6

10. § 6.18. This provision provides a process for former Wisconsin residents to vote in a Presidential Election if they do not yet qualify to vote in their new state of residency, but does not provide a specific deadline for such a request. The Legislature could revise this provision by establishing a receipt deadline of 5:00 p.m. on the fifth day before the election to request an absentee ballot, consistent with most other absentee voters.
11. §§ 6.22(1)(b), 6.34(1)(a). These provisions define the term “military elector”. However, § 6.22(1)(b) includes additional categories of individuals not included under 6.34(1)(a). These two different definitions of the same term have caused considerable confusion with clerks and military voters as to what they can or cannot do. The G.A.B. previously recommended reconciling these two different definitions into a single broad definition of military elector. To avoid confusion and promote effective administration

of the laws, the Legislature could harmonize these two definitions as the G.A.B. has previously recommended throughout Chapter 6.

12. §§ 6.22(5), 6.24(7). These provisions provide that military and permanent overseas voters obtain the signature of a US citizen witness when voting their absentee ballot. This requirement commonly causes complaints from voters who do not have a US citizen easily available. The Government Accountability Board previously recommended retaining the witness signature, but removing the requirement that the witness be a US citizen. According to a 2012 study by the PEW Center for the States, only four states required any sort of witness signature for military and overseas absentee ballots (Alabama, Alaska, Virginia, and Wisconsin), and Wisconsin may be the only state which requires the witness to be a U.S. citizen. The Legislature could consider modifying or removing the witness requirement to ensure that military and permanent overseas absentee voters can vote their ballot without needing to find another US citizen.
13. § 6.22(6). This provision requires each municipal clerk to keep an updated list of eligible military electors that reside in the municipality in the format provided by the commission, and to distribute a copy the list to each polling place. The intent of this provision was to ensure compliance with absentee ballot procedures for military voters and the exemption from the voter registration requirement. In practice, all of the required information exists within WisVote and all known military voters automatically appear on the poll books. Clerks who rely on someone else for WisVote services communicate with their WisVote provider for lists prior to absentee voting. The Legislature could repeal this provision to reflect modern practices.
14. § 6.25(1)(b). This provision permits permanent overseas electors to use a Federal Write-In Absentee Ballot (FWAB) in lieu of an official ballot. To comply with the provisions of the federal court consent decree in *United States of America v. State of Wisconsin, et al.*, the Legislature could clarify that temporary overseas electors may also use a FWAB in lieu of an official ballot.
15. § 6.25(1)(c). This provision exempts military electors from the requirement to submit a separate absentee request before the Federal Write-In Absentee Ballot (FWAB) may be counted. Overseas electors are not similarly exempted from the requirement to submit a separate absentee request in addition to the FWAB before the ballot may be counted. The declaration/affirmation page of the FWAB contains all the necessary information to serve as an absentee request. Overseas voters face many of the same difficulties voting as overseas military voters. The Legislature could modify this provision to allow permanent and temporary overseas voters to submit a FWAB without a separate absentee ballot application no later than the applicable absentee request deadline in order to establish a more consistent process for all overseas voters.
16. §§ 6.275 and 6.33(5). These provisions provide deadlines for reporting certain statistics, and recording voter participation and registration following an election, respectively. In practice, and particularly in larger municipalities, clerks complete

entering voter registrations and recording voter participation in WisVote in order to provide accurate statistics. The 30-day deadline to report statistics and the 45-day deadline (60 days with an approved waiver) to enter voter registrations and record voter participation after general elections is inconsistent with current practices by many clerks. Clerks have 30 days to enter voter registrations and record participation after spring primaries, spring elections, partisan primaries, and special elections. Virtually all clerks are able to comply with both deadlines for elections other than general elections; however, many clerks struggle to meet the 60-day deadline after general elections. The Legislature could address this issue by clarifying that the deadline for reporting statistics coincides with the deadline to enter voter registrations and record voter participation in WisVote, as defined in Wis. Stat. § 6.33(5).

17. § 6.29(2)(b). This provision requires municipal clerks to prepare a certificate of registration in duplicate and provide one copy of the certificate to any person registering during the late registration period while keeping the other in their office. Commonly late registrations in-person are immediately followed by a request to vote an in-person absentee ballot. In this scenario, the preparation and issuance of the certificate of registration has no purpose. The Legislature could consider exempting clerks from the requirement to issue registration certificates if the voter chooses to vote absentee in the clerk's office in the same transaction as registering to vote.
18. § 6.29(2)(c). This provision requires any voter who registered to vote during the late registration period and receives a certificate of registration to provide that certificate to the inspectors at the polling place or to enclose that certificate with their voted absentee ballot. However, state law does not specify a consequence if the elector fails to provide their certificate of registration. It appears that the certificate is intended as a failsafe to prove registration has occurred in the event that the voter's name does not appear on the poll book despite their earlier registration. As such the Legislature could consider removing the requirement for the voter to provide their certificate of registration, but preserve the issuance of such certificates to maintain the failsafe.
19. § 6.30(4). This provision requires that municipalities make available a voter registration form and that "the form shall be pre-postpaid for return when mailed at any point within the United States." However, in practice, most municipalities simply make copies of the form available and do not offer pre-paid postage because of the cost. Additionally, the Commission has implemented online registration as directed by the Legislature, which may significantly reduce the demand for registration by mail. Due to the cost to municipalities and the online alternative the Legislature could consider elimination of the prepostpaid requirement for voter registration forms.
20. § 6.32(4). This provision requires a municipal clerk to send an address verification mailing to a voter who registers by mail or online. In practice, the Commission sends these mailings on behalf of municipalities. This facilitates consistent compliance and leveraging State purchasing power. During the 2013-2014 Legislative Session, the Wisconsin Legislature enacted 2013 Wisconsin Act 149, specifically authorizing the G.A.B. to send out the Election Day Registrant address verification mailings. The

Legislature could revise this provision to authorize the Commission to send out all other address verification mailings, including those related to the ERIC initiative, on behalf of municipalities.

21. § 6.34(3). This provision outlines the types of acceptable documents for proof of residence (POR) for the purpose of voter registration. In recognition of the broad move to replace paper documents with electronic documents, the Government Accountability Board previously authorized the acceptance of electronic versions of each acceptable proof of residence document. The Legislature could specifically authorize electronic proof of residence to be consistent with current practices and Board policy, as well as clarify the types of authorized POR to include other modern and common types of documents such as a cellphone bill, or internet service bill, or document from a financial institution.
22. § 6.34(3)(a)10. This provision allows for using a paycheck as proof of residence. As many voters do not receive a physical paycheck anymore, the G.A.B. previously interpreted this provision to include pay stubs, pay sheets, or other payroll documentation such as a direct deposit statement. The Legislature could revise this provision to also include these more modern alternatives to the paycheck and reinforce the agency's prior interpretation.
23. § 6.36(1)(b)1.a. This provision establishes information related to a voter record that must remain confidential. This list includes a voter's date of birth, operator license number, social security number, and any accommodation required for the individual to voter. If the voter is a confidential voter, their address is also confidential. The voter registration application also includes a place for a voter to list a phone number and email address. However, these are not required fields in order for a clerk to process a voter registration application. The Legislature could consider revising this provision in order to add phone number and email address to the list of confidential information that is not available for release through public record requests. The Legislature may also wish to clarify that a state-issued identification card number is also confidential by replacing *operator license number* with *driver license or state-issued identification card number*.
24. § 6.55(2)(d). This provision provides for a voter who has changed their name, but not their address to make such a change in their registration by notifying the election inspectors at the polling place instead of completing a new voter registration form. The Government Accountability Board and Wisconsin Elections Commission consistently required voters who wish to change their name to complete a new voter registration. When the Legislature repealed § 6.40, it removed a provision that permitted voters to make changes to their registration without submitting a new registration form. The Legislature could ensure that every change in a voter's registration is documented with a new voter registration form by modifying this provision to eliminate the ability of a voter to change their name without providing a new voter registration form.

25. § 6.82(1). This provision permits an elector who is unable to enter the polling place due to a disability to receive their ballot at the entrance to the polling place. While this provision does not directly speak to whether this elector must sign the poll book, agency staff has interpreted this provision to allow such electors to receive a ballot without signing the poll list because to qualify for the procedure a voter must be prevented from entering the polling place due to a disability and § 6.79(2)(am) specifically authorizes the election inspectors to waive the signature requirement if the elector is unable to sign due to disability. To clarify the procedure, the Legislature could specifically direct that an elector voting under this provision is exempt from signing the poll book.
26. § 6.86(2)(b). This provision requires a clerk to send a 30-day notice to indefinitely confined voters that do not return their absentee ballot in order to stay on the “permanent absentee” voter list. However, there is not sufficient time between primaries and the subsequent general elections to do so and staff has previously advised clerks that such notice is only required after a general election. The Legislature could consider revising this section to recognize this practical impossibility and only apply this requirement to non-primary elections.
27. § 6.87(3)(d). This provision allows military and permanent overseas voters to receive their absentee ballot electronically. Voters who are temporarily overseas do not receive this transmission option and therefore must request their ballot significantly earlier to account for the additional time it will take for the blank ballot to reach them. In order to comply with the federal court consent decree in *United States of America v. State of Wisconsin, et al*, and to make Wisconsin Statutes consistent with federal law, the Legislature could revise this provision to allow temporary overseas voters to receive their ballot electronically.
28. § 6.875. This provision covers absentee voting procedures involving special voting deputies (SVDs). This section does not specify whether a municipal clerk must issue a 30-day notice to renew their absentee ballot request as an indefinitely confined voter if the voter declines to vote via SVD. The Legislature could clarify this section by stating that the voter may decline to receive their ballot on a form prescribed by the Commission, as well as indicate if they wish to remain on the list of indefinitely confined voters (“permanent absentees”). This is current practice and is included in the Commission’s SVD manual.
29. §§ 6.875(4)(b), 7.30(4). Wis. Stat. § 6.875(4)(b) sets forth the process by which individuals are appointed as special voting deputies. The process is similar to the process for appointing election officials generally as set forth in Wis. Stat. § 7.30(4), but does not specifically state that the process of 7.30 applies to these appointments. Staff have interpreted § 7.30(4) to include special voting deputies, but the Legislature could modify § 6.875(4)(b) or 7.30(4) to make this more clear.

30. § 6.97. This provision provides the option for a voter to cast a provisional ballot whenever they are required to provide proof of residence and cannot provide such documentation. Agency staff has interpreted this provision to only apply to persons who registered to vote on or before April 4, 2014 to coincide with when the G.A.B. directed clerks to stop accepting voter registrations that were missing proof of residence. After the few remaining voters in the statewide voter registration system who are still missing proof of residence provide such documentation or are removed from the list, this provision will no longer be necessary, and the Legislature may wish to remove this language to avoid the impression that a provisional ballot would be an option for new registrants who do not have a proof of residence.

Chapter 7

31. § 7.25. This section enumerates the duties of election officials in using “voting machines”. Voting machines are defined in 5.02(24r) as “a machine which serves in lieu of a voting booth, and which mechanically or electronically records the votes cast by electors, who depress levers or buttons located next to the choices listed on a ballot to cast their votes.” Wisconsin no longer uses mechanical voting systems like lever voting machines and this section should be updated to reflect current practices and technology.
32. § 7.41. This section provides for the public’s right to be present at the clerk’s office, alternate absentee voting sites, and polling places in Wisconsin to observe all public aspects of the election process. A growing concern among voters and observers is the ability of observers to take photos or record video of what occurs at these sites. Agency policy and draft administrative rules currently prohibit observers from photographing or recording video at these locations. The Legislature could consider explicitly setting forth the Legislature’s position on photography and video recording in these places in this section.
33. § 7.50(2). The Legislature recently removed language in this section related to the counting of write-in votes cast by affixing a sticker to the ballot (see 2015 Act 37). However, the Legislature did not affirmatively prohibit the use of such stickers by write-in candidates. As Wis. Stat. § 7.50(2) still requires election officials to count an elector’s vote the person which the voter intended, agency staff has advised election officials to continue counting votes for candidates whose voters use stickers to write-in that candidate’s name. The Legislature may wish to revisit this section to more explicitly address this scenario.
34. § 7.50(2)(em). 2013 Wisconsin Act 178 amended this provision to state that all votes for write-in candidates shall be tallied if a candidate on the ballot dies or withdraws before the election. However, Wisconsin Statutes do not provide a procedure for candidates to withdraw. The Legislature could correct this issue by striking “*or withdraws*” from this provision or specifying what constitutes a candidate’s withdrawal.

35. § 7.60(5)(a). This provision requires county clerks to deliver or transmit to the Commission a certified copy of each county board of canvass statement. In current practice, county clerks use the Commission's Canvass Reporting System (CRS) to generate those statements using their secure login credentials, and then mail a signed copy of that report to the Commission. The Legislature could modernize this provision by adding the language *in the manner prescribed by the commission* after *the county clerk shall deliver or transmit*, or consider replacing the word *certified* with *electronically signed*. In 2014, the Legislature made a similar change, allowing political committees to sign their campaign finance reports electronically when certifying that information to the G.A.B.

Chapter 8

36. §§ 8.10(5), 8.15(4)(b), and 8.20(6). These provisions outline the filing requirements for candidates, including their declaration of candidacy, nomination papers, and statement of economic interest (SEI). Under current statutes, candidates are not required to file their SEI until 4:30 p.m. the third day after the deadline for the other documents. The Legislature could consider changing the deadline to file an SEI to match filing of declaration of candidacy and nomination papers. This would provide a consistent deadline that could improve administrative efficiency and public awareness of candidates that will appear on the ballot. Staff recommends moving the deadline to file the SEI to match the 5:00 p.m. deadline on the day that the declaration of candidacy and nomination papers is due. The counterpoint to this policy change is that the later deadline provides an "escape valve" where candidates no longer wishing to appear on the ballot could simply not file their SEI. The later deadline also allows the candidate additional time to gather the required financial information, though they have already had considerable time to gather nomination signatures. However, staff believes that a consistent deadline would improve administration and better inform the public of candidates who achieve ballot status.

Chapter 9

37. § 9.01(2). This provision establishes the candidate notification requirements prior to conducting a recount. Current statutes require personal delivery of the petition to the candidate or an approved agent, by either the clerk or the sheriff. Providing notice of the recount petition could potentially be delayed if the candidate and/or their agent is traveling outside of the municipality, county, or state after the election. The Legislature could revise this provision by allowing a three-step process. The first step a clerk would take is to attempt personal delivery of the petition to the candidate or approved agent. The second step would be to obtain documented confirmation of acknowledgement by the candidate or agent (e.g., through email or a documented phone call). The clerk could then issue a public notice and proceed with the recount process, if those two options are unsuccessful within a reasonable time period.
38. §§ 9.01(1)(ar)3. and (b). These sections establish deadlines for convening the board of canvassers for conducting a recount but provide conflicting deadlines. The Legislature

could revise this section by setting the deadline to provide clarity, consistency, and sufficient time for clerks to prepare for conducting a recount.

Chapter 10

39. § 10.02(3)(b). This provision includes requirements for the information that must be contained in the Type B election notice. This language still refers to antiquated voting equipment technology and depressing levers. The Legislature could revise this provision to reflect modern voting equipment technologies.
40. § 10.04. This section relates to the publication of election notices and the fees charged for publication by newspapers. The Legislature could clarify this section by allowing publishing all types of elections notices as an insert, consistent with commercial rates for newspaper inserts.

Chapter 12

41. § 12.13(1)(f). This provision prohibits an elector from showing any person his or her marked ballot. Recent court cases have called into question the constitutionality of such a prohibition, particularly in the context of publicly sharing photos of a voted ballot via social media. The Legislature could consider revising or repealing this provision to avoid unnecessary litigation.
42. 12.60(4). This section relates to the prosecution of violations of Chapter 12 in accordance with the procedure outlined in Wis. Stat. § 11.1401(2). The Legislature could consider clarifying this language so it is clear that the Elections Commission, and not the Ethics Commission is the state agency that may make a finding of probable cause prior to a District Attorney pressing charges in a Chapter 12 matter.

C. TECHNICAL CHANGES

Chapter 5

43. § 5.02(24r). This provision defines the term “voting machine” and includes mechanical voting equipment like lever voting machines. Mechanical voting systems have been entirely replaced by more modern electronic voting systems and the Legislature could consider revising this definition to remove the references to the antiquated technology.
44. § 5.51(2). This provision provides the requirements for the weight of paper used for hand-counted ballots using an arcane formula that is regularly misapplied by election officials. The Legislature could consider revising this requirement to specify a clearly understandable paper weight for ballots or direct the commission to specify the required paper weight for ballots.
45. § 5.60(3). This provision provides for a separate ballot for city offices, but unlike subsections for other levels of government this subsection does not require write-in

lines be provided. The Legislature could clarify that write-in lines must be provided for city ballots as well.

46. § 5.62(1)(a). This provision requires that independent candidates for state office appear on partisan primary ballots. This was previously necessary to determine the independent candidate's eligibility for public funding. As public funding for state candidates has been eliminated, this language should be removed.
47. § 5.72. This provision requires clerks to provide a ballot sample to Commission staff three weeks before any election for review. This conflicts with the 48-day deadline for ballots to be available for state and federal elections. The Legislature could address this by changing the deadline to "as soon as candidates are certified" instead. The Legislature could also consider making commission review of ballots voluntary, but still allow the commission to compel compliance with the prescribed ballot template, if necessary.

Chapter 6

48. § 6.02. This provision outlines the general qualifications to vote. The Legislature could clarify that for voter registration, a person turns 18 on the anniversary of their date of birth. This addresses the common sense versus common law issue previously addressed by the G.A.B., deciding that a person turns 18 on the anniversary of their date of birth.
49. § 6.03(3). This provision addresses the right to vote by persons under guardianship or adjudicated incompetent. State law currently reserves rights to the individual unless specifically determined by a court to be incompetent to exercise those rights. However, this provision contains old language requiring individuals subject to guardianship to have an affirmative finding that they are competent to vote. The Legislature could revise this provision to reverse the standard to assume competency as required by state law and cross-reference as necessary with other state laws on guardianship. This change would make this provision consistent with other state laws regarding guardianship and legal competency.
50. § 6.25(4). The last clause of this provision states, "*and, if the elector is an overseas elector, the elector resides outside of the United States.*" The Legislature could eliminate the redundant second half of this clause as an overseas elector is already defined in § 6.24(1) as someone who does not qualify as a resident of this state.
51. § 6.34. This section covers proof of residence (POR) requirements for voter registration. Throughout this section, there are several references to POR as an *identifying document*. The Legislature could replace those references with *proof of residence* to clarify the section and avoid any confusion with the proof of identification requirement.

52. §§ 6.34(3)(a)1 and 2. These provisions refer to using either a Wisconsin driver license or state-issued identification card as proof of residence. The Legislature could revise these sections to include a receipt for either Wisconsin Department of Motor Vehicles (DMV) product, consistent with DMV current practices of issuing a temporary receipt prior to the driver license or state-issued identification card.
53. § 6.34(3)(a)7. This provision allows for using a university, college, or technical college identification card as proof of residence for voter registration, with either a fee payment receipt or a list of students residing in school housing. The Legislature could clarify that the receipt or list of students must include the name and address of the registrant.
54. § 6.45(1). This provision requires the municipal clerk to make copies of the poll list for use in the election. It should be updated to clarify that paper copies of a poll list need not be produced when an electronic poll list is used.
55. § 6.46(2). This provision requires a municipal clerk to remove the poll lists from the office for the purpose of copying if a copying machine is not accessible in response to public records requests or in order to supply candidates with the poll list. The provision should be updated to replace “if a copying machine is not accessible” with “if producing copies of the lists at the clerk’s office is not possible.”
56. § 6.50(2r)(b). This provision lists the information the Commission must provide regarding the four-year voter list maintenance process. Specifically, this item is the number of postcards returned to the Commission as undeliverable. While the Commission would be sending out the postcards, the undeliverable mailings go to the municipal clerk. The Legislature could correct this issue by either striking the words *to the commission*, or replacing that phrase with *to the (municipal) clerk*.
57. § 6.96. This provision relates to the voting procedure for electors voting pursuant to a federal court order. The Legislature could revise this provision to require that the same notation shall appear resulting from an extension of voting hours by a circuit court as currently required after a federal court extension.

Chapter 7

58. § 7.08(10). This provision requires that the Commission provide to each municipal clerk, on a continuous basis, the names and addresses of organizations certified to provide services to victims of domestic abuse or sexual assault. As the addresses of these organizations may be sensitive information in that they provide temporary shelter to victims, this information cannot be placed on the Commission’s website. Additionally, sending this information unsolicited to over 1,800 municipal clerks could also compromise the security of victims. To better promote the security of victims of domestic abuse or sexual assault, the Legislature could consider modifying this provision to only provide this information to municipal clerks as needed to confirm the eligibility of confidential voters.

59. § 7.15(1)(j). This provision requires municipal clerks to send absentee ballots to electors who have filed a proper request. The provision appears to be redundant with subparagraph (cm) and could be removed or consolidated with (cm).
60. § 7.52(1)(b). This section provides a procedure by which a municipality may canvass absentee ballots on Election Day in a location other than the polling place and authorizes the municipality to appoint additional election inspectors to administer this absentee ballot canvass. However, when 2013 Act 147 expanded the residency of election officials to the county in which they serve, it did not similarly modify the residency requirement for election inspectors appointed to assist with this absentee ballot canvassing process. For consistency of administration, the Legislature could consider modifying § 7.52 to also permit the appointment of individuals who reside within the county of a municipality using this procedure.
61. § 7.52(3)(b). This section lists the reasons for which an absentee ballot may be rejected by the board of absentee ballot canvassers. 2015 Act 261 recently added the lack of the witness' address to the list of reasons an absentee ballot may be rejected at the polls, but did not make a similar adjustment to this section. For consistency of administration, the Legislature could consider modifying 7.52(3)(b) to include this additional reason for rejection of the absentee ballot.
62. § 7.53(2)(a). This provision states that in municipalities with multiple polling places, the municipal board of canvassers (MBOC) consists of the municipal clerk and two other qualified electors of the municipality. The word "other" implies that the municipal clerk is a qualified elector, which is not always true as many municipalities appoint their municipal clerk without regards to residency. Agency staff has interpreted 7.53(2)(a) to require that a municipal clerk must be a qualified elector of the municipality to serve on the MBOC, although the clerk should always be present to advise the members of the MBOC and handle the administrative processes associated with the canvass. To affirm the agency's interpretation the Legislature could consider revising this language to clarify that the municipal clerk may only serve as a member of the MBOC if they are a qualified elector and specifying who fills this position on the MBOC if the clerk is not a qualified elector.

Chapter 9

63. § 9.10(2)(e). This provision provides the reasons to not count recall petition signatures. In 2013 Wisconsin Act 160, the Legislature required that all petitions include the legibly printed name of the signer. While 2013 Act 160 required the printed name for nomination papers and petitions, it did not add the same requirement for recall petitions. The Legislature could correct this by adding to this section a reason not to count a recall petition signature if the printed name is not legible. The sections that cover the requirements for petitions are also inconsistent. Sections related to nomination papers and petitions affirm the requirements of what individuals must provide, whereas the section on recall petitions identifies when not to count signatures.

Alternatively, the Legislature could revise this provision to state the information a recall petition must contain in order to count a signature, similar to the other sections.

Chapter 10

64. § 10.06(2). This section enumerates the various election notices that county clerks are required to publish. While subparagraphs (f) and (L) require the publication of a Type A Notice of Referendum Election before the spring and general elections, there are no similar provisions for such a notice for referenda held in conjunction with the spring or partisan primaries. There is also no requirement in this section for the Type C Notice of Referendum before these elections, although it is addressed in the general description of the Type C notice at 10.01(2)(c). For consistency, the Legislature could revise 10.06(2) to include similar referendum notice requirements for state or county referenda held in conjunction with these elections as with any other election.
65. § 10.06(3). This section enumerates the various election notices that municipal clerks are required to publish. While subparagraph (as) requires the publication of a Type A Notice of Referendum Election before the spring primary if there is direct legislation to be voted on, there is no requirement for such a notice for other referenda held in conjunction with the spring primary. There is also no requirement for the Type C Notice of Referendum for non-direct legislation referenda voted on at the spring primary or for any referenda to be voted on at the partisan primary, except as part of the general definition of the notice in 10.01(2)(c). Finally, there is no Type D Notice of Polling Hours and Locations requirement in this section for either the spring or partisan primary although it is required as part of the general definition of the Type D notice at 10.01(2)(d). For consistency, the Legislature could revise this section to include similar notice requirements for all elections.

D. ADMINISTRATIVE RULE PROVISIONS

66. § 10.01(1) directs the Commission to prescribe the form of the various election notices contained in that chapter to ensure they are uniform and to promulgate any necessary rules. The Commission previously authorized to pause rulemaking on this topic until it is clear whether legislation will be introduced in lieu of rulemaking.
67. § 6.34 lists the acceptable forms of proof of residence that may be used as part of a voter registration application. The Commission previously reaffirmed that an elector may present an electronic version of a proof of residence document, and placed rulemaking on hold until it is clear whether legislation will be introduced in lieu of rulemaking.
68. Agency policy has permitted an overseas voter to have a U.S. citizen witness the absentee voting process via an internet video service such as Skype or Facetime if the voter is unable to locate a U.S. citizen to witness the process in person. The Commission previously authorized staff to pause rulemaking regarding this scenario until it is clear whether legislation will be introduced in lieu of rulemaking.

69. Current Wis. Adm. Code § 3.04(2) allows for a provisional ballot to be issued to a voter that is unable or unwilling to provide their DOT issued driver license or DOT issued state ID card number on the registration application. The rule allows the individual issued a provisional ballot under this category to provide the number to the clerk no later than 4:00pm on the day after the election. Individuals issued a provisional ballot in all other categories must provide the required piece of information to the clerk by 4:00pm by the Friday after the election. The Commission previously directed staff to halt rulemaking to standardize the date upon which a provisional voter must provide information to the clerk for their ballot to be counted until it is clear whether legislation will be introduced in lieu of rulemaking.
70. § 6.875(3)(b) uses the term “same grounds” in relation to voting via special voting deputies but no corresponding definition is provided to inform clerks as to what this phrase could encompass. The statute is also ambiguous as to whether individuals residing in a retirement home on the *same grounds* as a residential care facility served by special voting deputies may vote by that method. The Commission previously authorized staff to defer rulemaking regarding the “same grounds” definition until it is clear whether legislation will be introduced in lieu of rulemaking.

E. CHAPTERS NOT ADMINISTERED BY THE WISCONSIN ELECTIONS COMMISSION

71. § 59.23(2)(s). This provision requires county clerks to provide a list of local officials to the Secretary of State. This information would help the Commission maintain accurate information on current office holders and election administration. The Legislature could revise this provision by requiring county clerks to also provide this list to the Commission or require the Secretary of State to forward a compiled report to the Commission.
72. § 66.0217(9). This provision requires a municipality that annexes territory to file a copy of the related ordinance with the Secretary of State. The Secretary of State is required to forward copies of that ordinance within 10 days of receipt to the Departments of Administration, Revenue, Public Instruction, Natural Resources, Transportation, Agriculture, and Trade and Consumer Protection. The Legislature could add Commission to the list of agencies that receive a copy of the ordinance, certificate, and plat from the Secretary of State in order to ensure accurate and current district boundaries recorded in the statewide voter registration system. The G.A.B. previously approved this recommendation.
73. Chapter 66 – Subchapter II. This subchapter generally describes the processes by which a municipality may incorporate or adjust municipal boundaries. Staff has been involved in several incorporations and boundary agreements where the provisions of this subchapter appear inconsistent with the rules applied to other petitions and referenda in Chapters 5-12. The Legislature could consider revisiting this subchapter to harmonize its provisions with the rules governing other forms of petitions and referenda.

Recommended Motion:

The Commission adopts the items listed above as the Commission's 2019 – 2010 legislative agenda and directs staff to work with the Legislature to draft legislation consistent with this agenda and to continue to update the Commission as to significant policy and administrative issues raised by proposed legislation. The Commission also directs staff to continue working with clerks and legislative authors of the proposed legislation regarding alternate absentee voting procedures to review subsequent drafts and provide feedback regarding administrative and significant policy issues to be considered and addressed. In addition, the Commission specifically requests the Legislature to enact legislation to implement and make permanent the changes required by the federal court consent decree in *United States of America v. State of Wisconsin, et al*, related to temporary overseas electors.



DEFENSE HUMAN RESOURCES ACTIVITY
FEDERAL VOTING ASSISTANCE PROGRAM
4800 MARK CENTER DRIVE, SUITE 03J25-02
ALEXANDRIA, VA 22350-4000

March 13, 2017

Michael Haas
Administrator
Wisconsin Elections Commission
212 East Washington Ave., 3rd Floor
Madison, WI 53707-7984

Dear Mr. Haas:

I am writing today with concerns regarding Wisconsin's handling of requests for absentee ballots from overseas American citizens who intend to return to the United States. As you are aware, the Federal Voting Assistance Program (FVAP) is the Department of Defense program charged with administering the federal responsibilities of the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*, 52 U.S.C. §§ 20301, *et seq.* Our mission is to help ensure Service members, their eligible family members and overseas citizens are aware of their right to vote and have the tools and resources to successfully do so.

Wisconsin's definitions of military and overseas electors exclude certain classes of voters who are entitled to protections under UOCAVA. Under Wisconsin Statute § 6.24(1) an "overseas elector" is partly defined as a U.S. citizen "who does not qualify as a resident of this state under [Wisc. Stat. § 6.10]." The residency standard under Wisconsin Statute § 6.10(1) states that a person who "intends to return" to the State of Wisconsin qualifies as a resident of the State. While this standard may be appropriate to evaluate Wisconsin state residency by these voters, the definitions set forth by *UOCAVA* should be used in determining the scope of protections afforded these Wisconsin voters seeking to vote in Federal elections. *UOCAVA*, under the definition of "overseas voter", makes no distinction between a U.S. citizen residing outside the U.S. who has an intent to return and a U.S. citizen residing outside of the U.S. whose return is uncertain. Specifically, *UOCAVA* defines "overseas voter" to include "a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or a person who resides outside the United State and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States." 52 U.S.C. § 20310(5)(B)-(C).

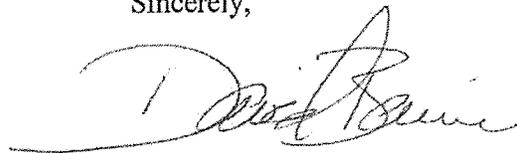
Our understanding is that currently, voters using the Federal Post Card Application (FPCA) who select "I am a U.S. citizen residing outside the United States, and I intend to return" are not considered *UOCAVA* voters under Wisconsin's state election laws and procedures. This excludes such voters from certain *UOCAVA* protections, including the ability to submit a Federal Write-In Absentee Ballot (FWAB) and the option to have their ballot electronically transmitted to them, and also subjects them to additional identification requirements. It is FVAP's position that all voters who fall under the *UOCAVA* definition of "overseas voter," regardless of whether they intend to return to the U.S., should be provided all of the protections to register and vote absentee under *UOCAVA*. This includes, among other protections, the voter's ability to utilize

the FWAB in general elections for federal office as provided under 52 USC § 20302(a)(3) in accordance with 52 USC § 20303, the ability to request and receive their ballots electronically, and the ability to simultaneously register and request an absentee ballot for all federal elections without having to meet additional identification requirements

FVAP stands willing and ready to work with Wisconsin to resolve these concerns so that all *UOCAVA* citizens can register and vote in federal elections as envisioned in *UOCAVA*. Please contact Nate Bacchus, FVAP State Affairs Specialist, at nate.a.bacchus@fvap.gov with any questions, concerns or comments you may have.

Thanks for all you, your staff and colleagues in the Wisconsin Elections Commission do to support and assist our military and overseas voters.

Sincerely,

A handwritten signature in black ink, appearing to read "David Beirne", written over a horizontal line.

David Beirne
Director

WISCONSIN ELECTIONS COMMISSION

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the December 3, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator, Wisconsin Elections Commission

Prepared and Presented by:
Diane Lowe
Elections Specialist

SUBJECT: 2019 Ballot Design Format

Sample ballots for the 2019 Spring Primary and Spring Election accompany this memorandum and are submitted to the Wisconsin Elections Commission (WEC) for approval.

No changes in format have been made to the Spring Primary and Spring Election ballot samples since the Commission approved the 2018 Spring Ballots. The current design continues to be acceptable to county clerks, voters, ballot printers, and equipment vendors.

Recommended Motion:

The Commission approves the ballot design presented by staff and directs staff to utilize the ballot design for the 2019 Spring Primary and Spring Election.

Official Primary Ballot

Nonpartisan Office

February 19, 2019

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 back of ballot for initials.)

Instructions to Voters

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, make an “X” or other mark in the square 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.”

Judicial	County
Justice of the Supreme Court Vote for 1	County Executive 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: _____
Court of Appeals Judge, District __ Vote for 1	County Supervisor, Dist. __ 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: _____
Circuit Court Judge, Branch __ Vote for 1	
<input type="checkbox"/> Candidate	
<input type="checkbox"/> Candidate	
<input type="checkbox"/> Candidate	
write-in: _____	

Official Primary Ballot

Nonpartisan Office and Referendum

February 19, 2019

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	County	Municipal (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, complete the arrow next to the name like this, </p> <p>To vote for a name that is not on the ballot write the name on the line marked "write-in" and complete the arrow next to the name like this, </p>	County Executive Vote for 1	Town Board Supervisor 2 Vote for not more than 2
	Candidate	Candidate
	Candidate	Candidate
	Candidate	Candidate
	write-in:	Candidate
Judicial	County Supervisor, District _ Vote for 1	Town Clerk Vote for 1
Justice of the Supreme Court Vote for 1	Candidate	Candidate
Candidate	Candidate	Candidate
Candidate	Candidate	Candidate
write-in:	write-in:	Candidate
Municipal	Town Board Chairperson Vote for 1	Town Treasurer Vote for 1
Court of Appeals Judge, Dist. _ Vote for 1	Candidate	Candidate
Candidate	Candidate	Candidate
Candidate	Candidate	Candidate
write-in:	write-in:	Candidate
Circuit Court Judge, Branch _ Vote for 1	Town Board Supervisor 1 Vote for not more than 2	Town Constable Vote for 1
Candidate	Candidate	Candidate
Candidate	Candidate	Candidate
Candidate	Candidate	Candidate
write-in:	write-in:	write-in:
write-in:	write-in:	write-in:
Continue voting at top of next column.	Continue voting at top of next column.	Municipal offices continue on back of ballot.

Municipal Offices (Cont.)	Referendum	Official Primary Ballot
<p>Town Assessor Vote for 1</p> <p>Candidate ← █</p> <p>Candidate ← █</p> <p>Candidate ← █</p> <p>write-in: ← █</p>	<p>To vote in favor of a question, complete the arrow next to "Yes," like this: ← █</p> <p>To vote against a question, complete the arrow next to "No," like this: ← █</p>	<p>Official Primary Ballot Nonpartisan Office and Referendum February 19, 2019 for</p> <hr/> <p>Municipality and ward number(s)</p>
<p>Sanitary District</p> <p>Town Sanitary District Commissioner Vote for 1</p> <p>Candidate ← █</p> <p>Candidate ← █</p> <p>Candidate ← █</p> <p>write-in: ← █</p>	<p>Level of government conducting referendum (State, County, Municipal, School District...)</p> <p>Question: (number if necessary)</p> <p>Shall the...?</p> <p>Yes ← █</p> <p>No ← █</p>	<p>Ballot issued by</p> <hr/> <p>Initials of election inspectors</p>
<p>School District</p> <p>Name of School (optional) School Board Member Vote for not more than 2</p> <p>Candidate ← █</p> <p>write-in: ← █</p> <p>write-in: ← █</p> <p>Continue voting at top of next column.</p>	<p>For Official Use Only</p> <p><i>Inspectors: Identify ballots required to be remade.</i></p> <p>Reason for remaking ballot:</p> <p><input type="checkbox"/> Overvoted</p> <p><input type="checkbox"/> Damaged</p> <p><input type="checkbox"/> Other</p> <p>Original Ballot No. or Duplicate Ballot No.</p> <p>_____</p> <p>_____</p> <p>Initials of inspectors who remade ballot</p>	<p>Absentee ballot issued by</p> <hr/> <p>Initials of municipal clerk or deputy clerk</p> <hr/> <p>If issued by SVDs, both SVDs must initial.</p> <p>Certification of Voter Assistance</p> <p>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.</p> <hr/> <p>Signature of assistor</p>
<p align="center">Page 2 of 2-sided ballot. Turn ballot over. </p>		

Official Primary Ballot

Nonpartisan Office and Referendum

February 19, 2019

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	County	Municipal (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, fill in the oval next to the name like this, <input type="radio"/>.</p> <p>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, <input type="radio"/>.</p>	County Executive	Town Board Supervisor 2
	Vote for 1	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
Judicial	County Supervisor, District _	Town Clerk
	Vote for 1	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
Justice of the Supreme Court	Municipal	Town Treasurer
Vote for 1	Town Board Chairperson	Vote for 1
<input type="radio"/> Candidate	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"/> Candidate
<input type="radio"/> write-in:	<input type="radio"/> write-in:	<input type="radio"/> write-in:
Court of Appeals Judge, Dist._	Town Board Supervisor 1	Sanitary District
Vote for 1	Vote for 1	Town Sanitary District Commissioner
<input type="radio"/> Candidate	<input type="radio"/> Candidate	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"/> Candidate
Circuit Court Judge, Branch _	Vote for 1	<input type="radio"/> write-in:
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:		
Continue voting at top of next column.	Continue voting at top of next column.	

School District		Official Primary Ballot		
Name of School <i>(optional)</i>		Nonpartisan Office		
School Board Member		and Referendum		
Vote for not more than 2		February 19, 2019		
<input type="radio"/> Candidate		for		
<input type="radio"/> Candidate		_____		
<input type="radio"/> Candidate		Municipality and ward number(s)		
<input type="radio"/> Candidate		Ballot issued by		
<input type="radio"/> Candidate		_____		
<input type="radio"/> write-in:		_____		
<input type="radio"/> write-in:		Initials of election inspectors		
Referendum		Absentee ballot issued by		For Official Use Only
To vote in favor of a question, fill in the oval next to "Yes," like this: <input checked="" type="radio"/> .		_____		
To vote against a question, fill in the oval next to "No," like this: <input checked="" type="radio"/> .		Initials of municipal clerk or deputy clerk		

		If issued by SVDs, both SVDs must initial.		
Level of government conducting Referendum (State, County, Municipal, School District...)		Certification of Voter Assistance		
QUESTION <small>(number of necessary)</small>		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.		
Shall the ...?		_____		
<input type="radio"/> Yes		Signature of assistor		
<input type="radio"/> No				
Page 2 of 2-sided ballot. Turn ballot over.				

Inspectors: Identify ballots required to be remade.

Reason for remaking ballot:

- Overvoted
- Damaged
- Other

Original Ballot No. or Duplicate Ballot No.

Initials of inspectors who remade ballot

Official Ballot

Nonpartisan Office

April 2, 2019

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 back of ballot for initials.)

Instructions to Voters

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, make an "X" or other mark in the square 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."

Judicial	County
Justice of the Supreme Court Vote for 1	County Executive Vote for 1
<input type="checkbox"/> Candidate Name	<input type="checkbox"/> Candidate Name
<input type="checkbox"/> Candidate Name	<input type="checkbox"/> Candidate Name
write-in: _____	write-in: _____
Court of Appeals Judge, District _ Vote for 1	County Supervisor, District _ Vote for 1
<input type="checkbox"/> Candidate Name	<input type="checkbox"/> Candidate Name
<input type="checkbox"/> Candidate Name	<input type="checkbox"/> Candidate Name
write-in: _____	write-in: _____
Circuit Court Judge, Branch _ Vote for 1	
<input type="checkbox"/> Candidate Name	
<input type="checkbox"/> Candidate Name	
write-in: _____	

Official Ballot

Nonpartisan Office and Referendum

April 2, 2019

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	County	Municipal (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, complete the arrow next to the name like this .</p> <p>To vote for a name that is not on the ballot write the name on the line marked "write-in" and complete the arrow next to the name like this .</p>	County Executive Vote for 1	City Treasurer Vote for 1	
	Candidate	Candidate	Candidate
	Candidate	Candidate	Candidate
	write-in:	write-in:	write-in:
Judicial	County Supervisor, District _ Vote for 1	City Attorney Vote for 1	
	Candidate	Candidate	
	Candidate	Candidate	
	write-in:	write-in:	
Justice of the Supreme Court Vote for 1	Municipal	City Assessor Vote for 1	
Candidate	Mayor Vote for 1	Candidate	
Candidate	Candidate	Candidate	
write-in:	Candidate	Candidate	
Court of Appeals Judge, Dist. _ Vote for 1	Candidate	write-in:	
Candidate	City Clerk Vote for 1	Candidate	
Candidate	Candidate	Candidate	
write-in:	Candidate	write-in:	
Circuit Court Judge, Branch _ Vote for 1	Candidate	Aldersperson, Dist. _ Vote for 1	
Candidate	City Clerk Vote for 1	Candidate	
Candidate	Candidate	Candidate	
write-in:	write-in:	write-in:	
Continue voting at top of next column.	Continue voting at top of next column.	Municipal Judge Vote for 1	
		Candidate	
		Candidate	
		write-in:	
		write-in:	

Page 1 of 2-sided ballot. Turn ballot over.

School District		
Name of School District <i>(optional)</i> School Board Member Vote for not more than 2		Official Ballot Nonpartisan Office and Referendum April 2, 2019 for <hr/> Municipality and ward number(s)
Candidate ← █		
write-in: ← █		
write-in: ← █		
Referendum	For Official Use Only	
To vote in favor of a question, complete the arrow next to "Yes," like this ← █ . To vote against a question, complete the arrow next to "No," like this ← █ .	Inspectors: <i>Identify ballots required to be remade.</i> Reason for remaking ballot: <input type="checkbox"/> Overvoted <input type="checkbox"/> Damaged <input type="checkbox"/> Other Original Ballot No. or Duplicate Ballot No. _____ _____ Initials of inspectors who remade ballot	<hr/> <hr/> Initials of election inspectors Absentee ballot issued by _____ Initials of municipal clerk or deputy clerk _____ If issued by SVDs, both SVDs must initial. Certification of Voter Assistance 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. _____ Signature of assistor
Level of government conducting referendum (State, County, Municipal, School District...)		
Question: (number if necessary) Shall the...?		
Yes ← █		
No ← █		
Continue voting at top of next column.		
Page 2 of 2-sided ballot. Turn ballot over.		

Official Ballot

Nonpartisan Office and Referendum

April 2, 2019

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	County	Municipal (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, fill in the oval next to the name like this: <input type="radio"/></p> <p>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: <input type="radio"/>.</p>	County Executive Vote for 1	City Treasurer Vote for 1
	<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:
	County Supervisor, District _ Vote for 1	City Attorney 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:	City Assessor Vote for 1
Judicial	Municipal	
Justice of the Supreme Court Vote for 1	Mayor Vote for 1	<input type="radio"/> Candidate
<input type="radio"/> Candidate	<input type="radio"/> Candidate	<input type="radio"/> Candidate
<input type="radio"/> write-in:	<input type="radio"/> Candidate	<input type="radio"/> write-in:
Court of Appeals Judge, Dist. _ Vote for 1	<input type="radio"/> Candidate	Aldersperson, Dist. _ Vote for 1
<input type="radio"/> Candidate	<input type="radio"/> write-in:	<input type="radio"/> Candidate
<input type="radio"/> Candidate	City Clerk Vote for 1	<input type="radio"/> Candidate
<input type="radio"/> write-in:	<input type="radio"/> Candidate	<input type="radio"/> Candidate
Circuit Court Judge, Branch _ Vote for 1	<input type="radio"/> Candidate	Municipal Judge Vote for 1
<input type="radio"/> Candidate	<input type="radio"/> write-in:	<input type="radio"/> write-in:
<input type="radio"/> Candidate		<input type="radio"/> Candidate
<input type="radio"/> write-in:		<input type="radio"/> Candidate
Continue voting at top of next column.	Continue voting at top of next column.	

Page 1 of 2-sided ballot. Turn ballot over.

WISCONSIN ELECTIONS COMMISSION

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COMMISSIONERS

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JULIE M. GLANCEY
ANN S. JACOBS
JODI JENSEN
MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the December 3, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

Prepared and Presented by:
Sharrie Hauge
Chief Administrative Officer

SUBJECT: Operations and Management Policies and Procedures

Annually, the Wisconsin Elections Commission is required to adopt written policies and procedures to govern its internal operations, pursuant to Wis. Stat. s. 5.05 (16) (a). Additionally, management is required to report the policies and procedures to the appropriate standing committees of the Legislature.

Attached for the Commission's review and approval is the Wisconsin Elections Commission (WEC) Internal Control Plan, which describes the agency's internal operations including:

1. Control Environment (Mission Statement, Code of Conduct, Strategic Plans and Organizational Chart, Personnel Policies and Procedures, Position Descriptions and other Functional Guidance Materials Provided to Employees);
2. Risk Assessment (funding sources, system and tools and transaction cycles);
3. Control Activities (performance reviews, physical and electronic controls, information processing);
4. Information & Communication and the Monitoring of the internal control structure.

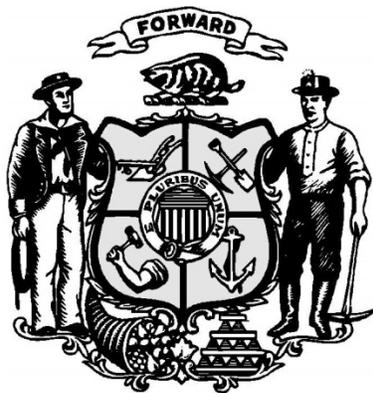
The 2019 Internal Control Plan for WEC is essentially the same as last year's approved Plan, with a few updates which includes the agency organizational chart, position numbers, employee names and classification titles and agency funding sources. The documents identified in the Plan as appendices are not attached due to their volume, but staff can provide them at the request of Commissioners.

Given that the Internal Control Plan does not change significantly from year to year, the Commission may also consider whether it wishes to review and approve it in future years, or direct staff to submit it without Commission review if no significant changes are made from year to year.

Recommended Motion:

Approve WEC Internal Control Plan and authorize staff to submit the Plan to the Chief Clerks of the Senate and Assembly for distribution to the appropriate standing committees.

Wisconsin Elections Commission



Internal Control Plan

Revised: November 21, 2018

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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.

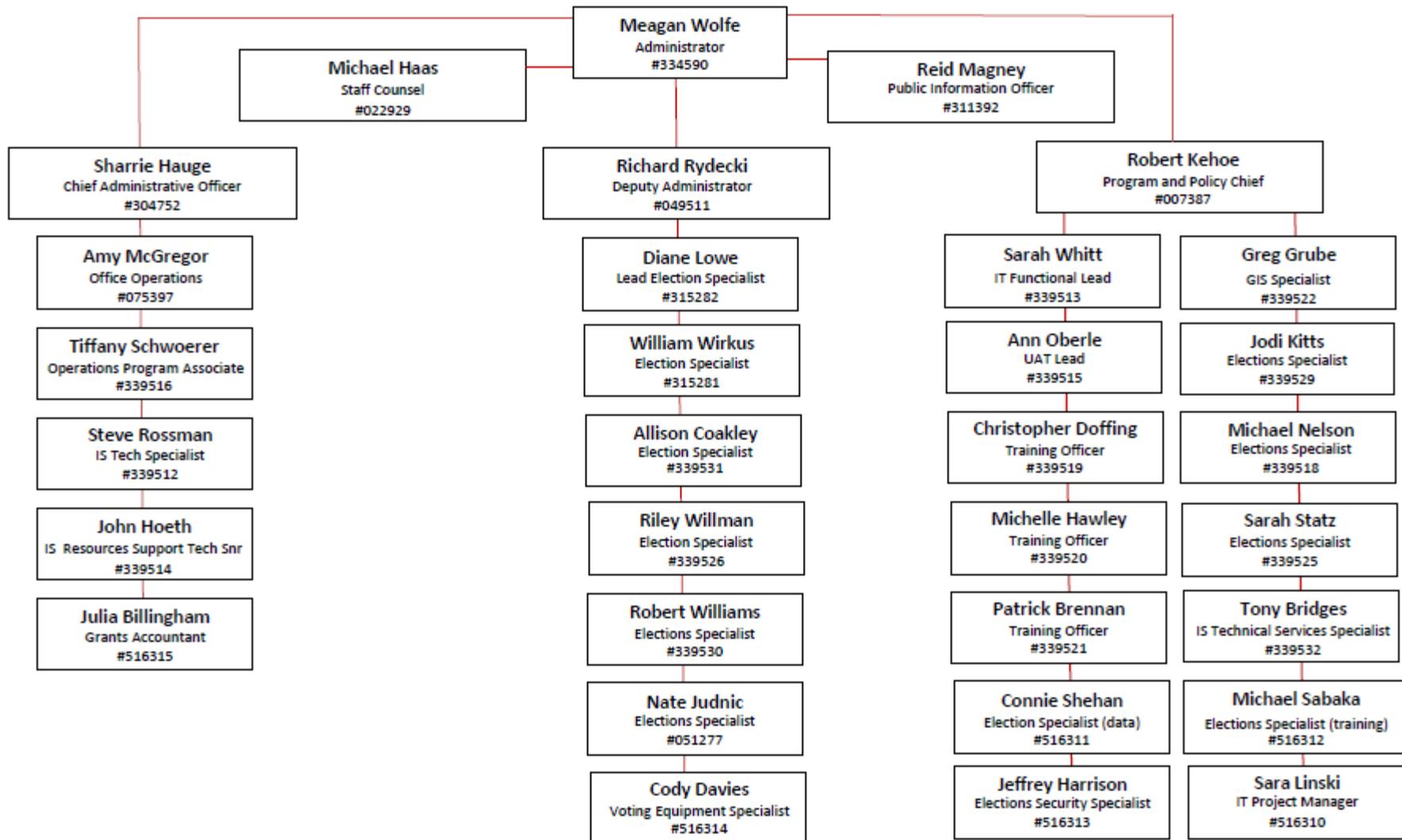
Code of Conduct

All permanent and project Wisconsin Elections Commission staff are required to attend a Department of Administration (DOA) orientation upon appointment. During new hire orientation, staff receive an Employee Handbook (Appendix A) and are required to sign an Acknowledgement of Receipt (Appendix B) which signifies their understanding that they will abide by work rules, code of ethics and other guidelines contained therein. The staff of the Wisconsin Elections Commission 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 Wisconsin Elections Commission.

Strategic Plans and Organization Chart

The national Help America Vote Act of 2002 (HAVA) requires each state receiving federal funds to compose an election administration plan, outlining how those funds will be used. In cooperation with local election officials, members of the Legislature, and other citizens, the Government Accountability Board revised its [State Election Administration Plan](#) in August, 2009. This 106-page revised plan addressed the election-related goals of the agency for the next five years and details specific initiatives to be researched for potential implementation in the areas of election administration, accessibility, voting equipment, voter registration, voter education and election official training. The state election administration plan also contains a preliminary budget to utilize existing HAVA funds, as well as the available 2008, 2009, and 2010 requirements payments received. Finally, the state election plan also contains preliminary performance goals and provides measurement standards for each element of the plan, a copy of which is available upon request.

WISCONSIN ELECTIONS COMMISSION



Personnel Policies and Procedures

All permanent and project Wisconsin Elections Commission staff are required to attend a Department of Administration (DOA) orientation upon appointment. During orientation, staff receive a DOA Employee Handbook (Appendix A) and are required to sign an Acknowledgement of Receipt (Appendix B), which signifies their understanding that they will be held to the personnel policies and procedures contained therein.

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. The Wisconsin Procurement Manual is available at:

<http://doa.wi.gov/Divisions/Enterprise-Operations/State-Bureau-of-Procurement/Agency-Information/Procurement-Manual/>

Purchasing Card User Manual

The DOA Purchasing Card User Manual is a document used by the Wisconsin Elections Commission 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's decided he or she will need to use purchasing cards as part of their job duties. The DOA Purchasing Card Manual is available at:

<http://www.doa.state.wi.us/Documents/DEO/Procurement/PCardManual/PCARD%20USER%20MANUAL.pdf>

Wisconsin Statutes (Chapters 5 to 10 and 12)

The Wisconsin Elections Commission (WEC) administers and enforces Wisconsin law pertaining to Chapters 5 to 10 and 12. 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.

Election Administration Manual

Wisconsin Elections Commission staff developed this manual to serve as a knowledgebase for the various election officials in Wisconsin. It establishes the policies and procedures governing Wisconsin elections. The Election Administration Manual is available at:

<http://elections.wi.gov/publications/manuals>.

WisVote User Manual

Wisconsin Elections Commission staff developed this manual as a technical resource, to assist My Vote users in the operation and troubleshooting of the application, and is available here: <http://elections.wi.gov/publications/manuals/wisvote> and at the election training website: <http://www.electiontraining.gab.wi.gov/>.

Risk Assessment

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

The Wisconsin Elections Commission's funding comes from several sources:

1. State General Program Revenue (1) (a) - GPR and PR Funds 100
2. Help America Vote Act of 2002 (HAVA) (1) (x) - SEG Fund 220 – Federal funds were 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. Within this Fund 220 Appropriation 1 80, there are, or were, several distinct HAVA-related programs and subprograms (reporting category in parentheses):
 - A. Section 101 (H101) – To be spent on the improvement of elections administration, which includes the training and certification of county and municipal clerks on current election laws and procedures.
 - B. Section 251 (*251*) – To be spent on the creation of a statewide voter registration system (SVRS) database and to provide for further election enhancements:
 - i. Section 251 (2519) – Requirements Payments received from the 2009 federal fiscal year to continue Wisconsin's election administration in accordance with the initial Section 251 requirements.
 - ii. Section 251 (2510) – Requirements Payments received from the 2010 federal fiscal year to continue Wisconsin's election administration in accordance with the initial Section 251 requirements.
3. Investigations (1) (be)– GPR Fund 100 - Appropriation 105 funds the cost of investigating potential violations of chs. 5 to 10 and 12, as authorized by the Commission.

4. Training of Chief Inspectors (1) (bm) - GPR Fund 100 – Appropriation 106 for training chief inspectors under s. 7.31.
5. Special Counsel (1) (br) – GPR Fund 100 – Appropriation 107 for the compensation of special counsel appointed as provided in s.5.05 (2m) (c) 6.
6. Voter ID Training (1) (c) – GPR Fund 100 - Appropriation 109 funds training of county and municipal clerks concerning voter identification requirements provided in 2011 Act 23.
7. Election Administration Transfer (1) (d)– GPR Fund 100 – Appropriation 110 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. Elections Administration (1) (e) – GPR Fund 100 – Appropriation 111 for the administration of chs. 5 to 10 and 12.
9. Recount Fees (1) (g)– PR Fund 100 Appropriation 120 – Revenue from candidates requesting a recount of ballots cast in an election.
10. Materials and Services (1) (h)– PR Fund 100 Appropriation 121 – Revenue from the sale of copies, forms, and manuals to individuals and organizations.
11. Gifts and Grants Fund (1) (jm)– PR Fund 100 Appropriation 123 – Account to receive funds from gifts, grants or bequests.
12. Federal Aid Account (1) (m) – PR-F Fund 100 Appropriation 140 – Account to receive funds from the federal government to administer elections, but not associated with HAVA funds.
13. Election Administration (1) (t) – SEG Fund 220 Appropriation 160 – 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. HAVA Interest Income Earnings - Fund 220 Appropriation 180 R – Monthly interest income earned on Fund 220 cash balances, which is properly allocated to each respective federal program by reporting category on a monthly basis.
15. Elections Security Grant -Fund 220 Appropriation 182 – 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 Wisconsin Elections Commission (WEC) staff enters financial transactions into STAR (the state's accounting program). WEC uses a three-level line of approval, including an internal audit, before final payment is approved. Some staff may at times have multiple approval settings because of our agency's small size; however, they do not apply more than one approval for any given transaction.

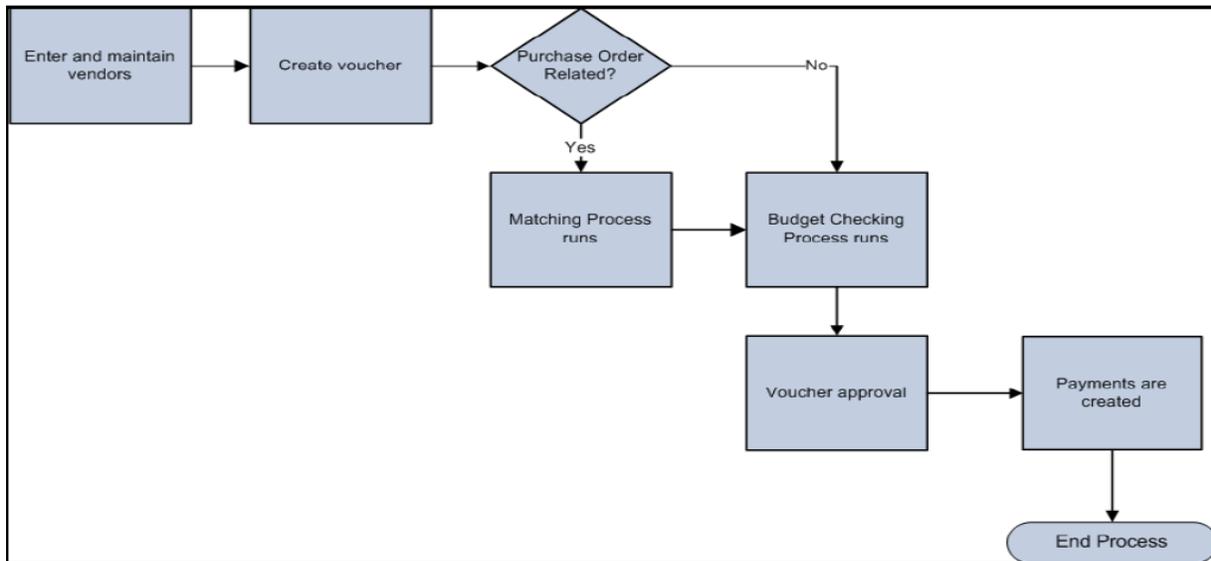
The STAR Payment Process is as follows:

: 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:

Staff involved:

Accountant: Julia Billingham

Chief Financial Officer: currently Sharrie Hauge

Office Operations Associates: currently Tiffany Schwoerer and Amy McGregor

Elections Specialist (former Office Associate): currently Tony Bridges

Within STAR Finance Role Mapping (see section Finance Role Map); roles have been assigned to staff to process or approve vouchers. Roles are approved and granted by the Wisconsin Department of Administration, STAR Security Team.

Some staff, such as the Accountant, may Process OR Approve, but may not Approve a Voucher they Processed.

STAR security levels for payments are set up as follows:

Staff	Security / Approval Levels
Office Operations Associate Accountant Elections Specialist	Processor
Accountant	Approve a voucher for Payment (if not also the processor on voucher)
Chief Financial Officer	Approve a voucher for Payment (may not Process any vouchers)

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.

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/>

VendorNet security access is set up as follows:

Staff involved:

Office Operations Associate
Accountant
Chief Financial Officer

Staff	Security / Approval Level(s)
Office Operations Associates Accountant Chief Financial Officer	Ability to access all functions of VendorNet

STAR HCM (Payroll Time & Attendance)

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

Timesheets are completed by all WEC employees who are either funded by federal grant money or work on federal projects. Timesheets are used to track hours spent on various federal grant projects and on non-federal tasks. These timesheets report each respective federal fund and the time period for which the employee is certifying he or she worked. Any employees who are split-funded between multiple funding sources must fill out a bi-weekly federal timesheet and indicate the actual hours worked on each assigned projects. These employees submit completed timesheet certifications at the end of each bi-weekly pay period. Timesheets are then reviewed by supervisors and a financial staff person. Adjusting payroll journal entries are calculated and posted quarterly, to account for the actual time worked by project when compared to each employee's funding string. Original timesheets for all employees are maintained by the financial staff. 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.

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 (Grants)

Explanation: Providing financial assistance to eligible recipients in accordance with terms of a grant agreement.

Risks:

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

See Appendix D-3 for the Cash Disbursements (Grants) 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 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 Wisconsin Elections Commission 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.

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 Timesheets & Payroll Adjusting Entry

Explanation: WEC employees working on multiple projects which include a federal grant are required to fill out federal project bi-weekly timesheets, to account for time spent on each project or grant and to maintain compliance with federal cost principles. WEC financial staff review federal project timesheets and adjust payroll cost quarterly, according to the projects which the employee worked on during those bi-weekly payrolls.

Risks:

- Employee does not fill out timesheets to account for time spent on federal and/or non-federal projects.
- Employee leaves the agency without completing a timesheet to account for time spent on federal and/or non-federal projects.
- Financial staff does not make quarterly accounting adjustments to federal funds for actual time worked on federal and/or non-federal projects.
- Employee completes the timesheet incorrectly, or is unable to account for time worked on federal projects.
- Employee or supervisor does not certify time worked, thereby disallowing federal labor costs.

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

Recount for State Office

Explanation: Wisconsin statutes require the collection of fees from recount petitioners in certain situations. For State offices, the WEC is the filing officer and collects the filing fee from petitioners, if required. Wisconsin statutes require any fees collected to be distributed to the counties conducting the recount for the State office.

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.

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 each year, 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. See Appendix A - DOA Employee Handbook: Access Cards, Keys, and ID Cards Section.
- The WEC office is open to staff and to the public from 7:45am to 4:30pm weekdays. Staff may receive authorization for cards to access WEC offices outside these normal business hours from the Administrator (or designee) on an as-needed basis. See also Appendix F – Building Access Card Agreement.
- 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, and a locked storage room for records and supplies outside the staff office.
- WEC adheres to the General Records Schedule for Fiscal and Accounting Related Records, as promulgated by the Wisconsin Department of Administration. See Appendix E - General Records Schedule for Fiscal and Accounting Related Records.
- Confidential records which aren't required to be retained are boxed and sealed for shipment to the State Records Center, to be destroyed in a confidential shredding process.

Electronic Controls

- Each WEC employee is assigned system logon credentials by the Department of Administration required to access state computer systems.
- Employee passwords for many state systems must be reset every 60 days.
- Users of the Statewide Voter Registration System (SVRS) /My Vote System must sign a confidentiality agreement and have their workstation certified before access to the system is granted.

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 if a purchase is allowable and necessary.
 - Recordkeeping: Financial staff compiles and reviews information for approval. Purchasing paperwork is retained for future reference.
 - Custody: WEC staff other than the approver and program staff initiate the purchase in STAR.
- 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. Staff in charge of compliance determines if a purchase is allowable and necessary.
 - Recordkeeping: Financial staff compiles and reviews information for approval. Purchasing paperwork is retained for future reference.
 - Custody: Purchasing cardholder initiates the purchase either online, or by phone, or in person.

Accounts Payable

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

- Segregation of Duties:
 - Authorization: Review and approval of invoices and vouchers for completeness of supporting documents and proper authorizations is conducted.
 - 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 (Grants)

Control activities are displayed in Appendix D-3 -- Cash Disbursements (Grants) Flowchart

- Segregation of Duties:
 - Authorization: Supervisors review and approve disbursements as allowable and necessary.
 - Recordkeeping: Reviewing and reconciling payment information is performed on a monthly basis.

- Custody: DOA generates and mails out paper checks.
- The purchasing form, bill of lading, receiving report, purchase order, and/or requisition are matched prior to payment.

Accounts Receivable & Cash Receipts

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

- Segregation of Duties:
 - Authorization: The deposit approval for cash and paper checks is initiated by the WEC office 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.. A processor records the deposit, which is then approved by the accountant in STAR. An internal audit is conducted by the Chief Financial Officer.
 - Custody: Currency and coin are directly deposited at U.S. Bank, while paper check deposits are hand-delivered to the DOA drop box, who then 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, and/or other supporting documentation, to confirm the agency services were approved.
 - 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.

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. Supervisors approve hours and send hours to the DOA payroll office electronically. Financial staff records payroll from the STAR transaction, initiated by DOA after management approval.
 - 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: Supervisors review and approve employee travel reimbursement requests.
 - Recordkeeping: Travel reimbursements for costs incurred by staff are submitted by staff and then reviewed by financial staff for accuracy and completeness.
 - Custody: Travel expenses incurred by agency employees are processed by a financial staff member. Travel reimbursements are completed by DOA 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: Supervisors review and approve non-employee travel reimbursement requests.
 - 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.
 - Custody: Travel expenses incurred by non-employees are processed by a financial staff member and related reimbursement checks are generated 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.

Federal Project Bi-Weekly Timesheets

Control activities are displayed in Appendix D-9 -- Federal Project Timesheets Flowchart –

- Segregation of Duties:
 - Authorization: Supervisors review and certify (sign) employee timesheets on a bi-weekly basis.
 - Recordkeeping: Timesheets are reviewed on a daily basis and any non-compliance is communicated to management each morning. A quarterly adjustment is calculated and booked, to true up the actual federal hours worked by project for each employee.
 - Custody: After an employee's timesheet has been submitted by the employee and certified by the supervisor, it is given to the financial staff for recording and filing.

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

Recount for State Office

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

- Segregation of Duties:
 - Authorization: WEC Election Administration staff determines whether a fee is required, depending upon the closeness of each political race. Payment to counties for the cost of a recount is authorized by multiple financial team members and by DOA.
 - Recordkeeping: Financial staff maintains original payment documentation, along with a breakdown of counties which qualify for payment.
 - Custody: Financial staff maintains documentation on payment and authorizes DOA to make payments.

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 of the agency's financial transactions and information.
- Monitored by the Department of Administration.
- Extensive manuals and a 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.

Weaknesses:

- Difficult to learn new functionality.
- Not user-friendly; 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 through the use of 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 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.
- Staff and Elections Division meetings.
- Training sessions.
- Memorandums.
- Management ensures the internal control plan is followed.
- Emails.

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

Monitoring is a process by which the WEC assesses the performance quality of the internal control structure over time. WEC management 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.

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the December 3, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

SUBJECT: Election Night Results Reporting

Unlike most states, Wisconsin does not have a statewide system for collecting and distributing results on Election Night. The election results provided to the public and news media by municipalities and counties on Election Night are uncertified and unofficial and are based on the preliminary tally and reconciliation of the poll workers. It is not until the municipal and county boards of canvass convene that the totals are examined, finalized and certified. The results and winners of the election are not official until the state certifies the results. The state certification of results takes place nearly a month after a general election.

Because Wisconsin does not have an Election Night reporting system, the news media does the work of aggregating and reporting statewide totals in contested races. The news media also “calls” races based on these unofficial results, causing candidates to declare victory or concede defeat long before the results are official. While the news media generally use great care in reporting unofficial results and calling races, the detailed results they use are rarely available to the public in one central location. This can sometimes lead to confusion among candidates and voters, especially regarding how much of the vote has been counted when central count absentee ballots are involved. Some members of the public also misunderstand that just because the media has “called” a winner, that does not make the results final.

Wisconsin Statutes define the municipal, county and state roles in reporting unofficial Election Night results to the public and in certifying the official results. The role of municipalities in creating and announcing the unofficial results is defined in detail by the statutes while the county and state roles are more vaguely defined. Often, the public may not understand the nuances of these statutory roles or the difference between uncertified and certified results, which can cause confusion. The Commission may wish to consider the statutory role of each level of government in the posting of unofficial results and may choose to direct staff to research and report on how the state may take a more active role in the aggregation and distribution of unofficial Election Night results.

Statutory Requirements for Unofficial Election Night Results Reporting

Wisconsin Statutes define the roles in posting unofficial, election night results for municipalities, counties and the state. At the municipal level, the statutes are specific and outline how tabulation should occur and the timeline and method for reporting. At the county level, there is a timeline and method prescribed for the posting of results. And finally, at the state level, the statutory role is very limited. For the Commission's information, here are the statutory requirements for Election Night reporting, by level of government:

The Role of the Municipality

Wisconsin Stat. §7.51(4)(c) states: "On election night the municipalities shall report the returns, by ward or reporting unit, to the county clerk no later than 2 hours after the votes are tabulated." Tabulation is defined and prescribed in detail in Wisconsin Stat. §7.51. The statute also includes methodologies for tallying and announcing the unofficial results at the polling place prior to the delivery of the results sets to the county office.

Wisconsin Stat. §7.52 discusses the process for tabulating absentee ballot totals, including absentee ballots that are processed at a central count location. The tally is not considered complete until all election day ballots and absentee ballots have been counted. Once each ballot has been counted and the unofficial tally for the reporting unit has been announced, the municipality then has two hours to report the unofficial returns to the county.

The Role of the County

Once the tabulated results from each reporting unit are received by the county, Wisconsin Stat. §7.60(1) states: "On election night the county clerk shall keep the clerk's office open to receive reports from the ward inspectors and shall post all returns. On election night the clerk shall post all returns, by ward or reporting unit, on an Internet site maintained by the county no later than 2 hours after receiving the returns." The method and display of these postings varies greatly among the 72 Wisconsin counties.

Approximately 15 of the 72 counties also enter or upload their unofficial election night results into the WEC Canvass Reporting System (CRS). This step is not required by statute, but many counties opt to use this system so that they can aggregate results and create reports from the CRS to be posted on Election Night and used during the municipal and county boards of canvass. Many municipal boards of canvass convene the morning after the election. The WEC's CRS system creates reports in a format that many municipalities and counties find more usable than inspector statements and tally sheets. Unofficial Election Night results that are uploaded into the state's CRS are not displayed for the public.

The Role of the State of Wisconsin Elections Commission

Wisconsin Stat. §5.05(14)(c) states: "On election night the commission shall provide a link on its Internet site to the posting of each county's election returns on each county's Internet site." There is no further discussion in the statutes regarding the WEC's role in election night reporting. In compliance with the statute, the Wisconsin Elections Commission posts a list of links to the county

websites which display the unofficial results. The list for the November 2018, General Election is available here: <https://elections.wi.gov/clerks/directory/county-websites>

The statutes do not define a role for the WEC in aggregating unofficial election night results posted by the counties. The aggregated totals and declaration of winning candidates, prior to canvass or state certification, shown in the media are often the product of the Associated Press.

Should the WEC Expand the State's Role in Unofficial Election Night Reporting?

Wisconsin Statutes neither authorize nor prohibit the WEC from taking a more active role in the reporting of election night results. The Commission may wish to direct staff to research and report on the feasibility and impact of collecting, aggregating and distributing election night results. When considering whether the Commission should play a more active role in Election Night reporting, the Commission may wish to direct staff to research the following:

Other States and Methods of Reporting

The Commission may direct staff to research how other state election administration entities communicate unofficial election night results to the public. Many states collect and display unofficial election night results using state websites. The role these state entities take in aggregating and displaying unofficial results varies. Some states may be required by statute to take an active role. The Commission may further direct Commission staff to research and report on statutes, procedures and methods from other states related to unofficial, Election Night results reporting.

Technology

The Commission may instruct staff to explore what technology would be necessary for the WEC to collect, aggregate and distribute Election Night results. The WEC has a successful track record of building and maintaining custom technology that interfaces with WisVote and MyVote. The Commission may ask the staff to consider the cost and time needed to create an Election Night reporting module as well as the impact the project may have on the existing 2019 IT development schedule. Vendor solutions are also available to assist with the display of Election Night results. These solutions are often costly and may be difficult to interface with existing agency applications. At the direction of the Commission, WEC staff would embark on research into the technological feasibility, impact and cost of both in-house and vendor-based technological options for collecting and displaying election night results.

Administrative Procedures

Because there is not a statutory prescription for the WEC's role in collecting, aggregating or distributing unofficial results, the Commission may direct staff to research and report on potential implementation and administrative procedures for the Commission's consideration. Questions to consider and topics of research may include:

- What is WEC's authority to require counties or municipalities to submit election night results? What would the Election Night process look like for WEC staff? If counties are unwilling to submit results, would WEC staff be responsible for manually collecting and entering totals

from county websites? Are any statutory changes required or recommended to create a State-level process for reporting unofficial Election Night results?

- How would the results be displayed: as a state aggregate, by county, or by municipality or by reporting unit? How often and for how long would unofficial results be updated on Election Night and prior to the official municipal and county canvasses and state certification?
- What role would the WEC take in educating the public about unofficial results and the canvass, certification and audit processes? If a municipal or county board detects or corrects an error, how would this information be collected and displayed to explain a change in the results total? How would the WEC aggregate and display unofficial results in a way that does not create public confusion or legitimize unofficial results prior to certification?

Recommended Motion:

The Commission directs agency staff to research how other state election entities communicate unofficial election night results to the public and their statutory authority to do so. The Commission further directs staff to analyze how similar methods could be implemented in Wisconsin and to report to the Commission on implementation options, costs and technological and administrative impacts.

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the December 3, 2018 Commission Meeting
TO: Members, Wisconsin Elections Commission
FROM: Meagan Wolfe
Interim Administrator, Wisconsin Elections Commission

Prepared by Elections Commission Staff

SUBJECT: Commission Staff Update

Since the last Elections Commission Update (September 25, 2018), staff of the Commission focused on the following tasks:

1. General Activities of Election Administration Staff

2018 General Election

The General Election for the offices of Governor/Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, United States Senator, Representative in Congress, State Senator and Representative to the Assembly occurred on November 6, 2018.

Staff offered extended hours in support of clerks completing their preparations for the General Election from Thursday, November 1st through Election day.

Thursday, November 1, 2018	4:30 p.m. – 6:00 p.m.
Friday, November 2, 2018	4:30 p.m. – 6:00 p.m.
Saturday, November 3, 2018	10:00 a.m. – 2:00 p.m.
Sunday, November 4, 2018	10:00 a.m. – 2:00 p.m.
Monday, November 5, 2018	7:30 a.m. – 8:00 p.m.
Tuesday, November 6, 2018	6:00 a.m. – 11:00 p.m.

Call volume was lower than is typical during our extended hours. On Election Day itself, the Commission logged 1,395 calls.

Ballot and Programming Issues

Trempealeau County DA Recall Election: The recall election for Trempealeau County District Attorney occurred on the same day as the general election. The recall required a separate ballot, since the general election ballots were due before the recall primary. The deadline for general election ballots to be available for absentee voting was September 20, 2018. The recall primary was completed on October 2, 2018, and the results were certified on October 5, 2018. The recall ballot was processed on optical scan equipment as a second ballot. The accessible equipment was programmed to include the additional office.

Forest County Crandon School District Recall Election: Similar to the Trempealeau County DA Recall, the Crandon School District Recall was certified after the General Election ballots were printed. A separate ballot was used for the recall election.

Incorrect Party Affiliation: One county printed all the ballots with the wrong party affiliation next to the name of the lone candidate in the uncontested Clerk of Circuit Court office. Both parties were contacted and agreed that reprinting was not necessary. Staff prepared a “response” for election inspectors to use if questioned about the misprint.

Misspellings: Several counties and municipalities reported minor spelling errors in referendum questions, office titles and instructions. None of the errors skewed the meaning of the referenda and voters would not be confused by the minor errors in the office titles and instructions. However, one county chose to reprint the ballots for a school district when notified of the spelling error in the referendum question.

Voters Issued Incorrect Ballots: Several cases of incorrect ballot styles being issued to absentee voters were reported. In most cases the incorrect ballot was missing a contest or referendum for which the elector was eligible to vote. In the cases reported to staff, the errors were remediated by issuing the voters the correct ballots. In one case where the ballot issued in error contained a referendum for which the electors were not entitled to vote, the clerk offered the voters a choice — be sent the correct ballot and return it by election day or do nothing knowing that on election day the vote for the referendum would not be counted.

Misprinted Ballots and Subsequent Programming Error: One county reported that the ballots were printed with a two section header errors. The header for Legislative Offices was missing and the header for Congressional Offices was labeled incorrectly. These errors did not affect the contests or the ability for the elector to vote the contests, but they did misrepresent the types of offices in the column. The ballots with the error were sent to absentee voters. The county clerk had corrected ballots printed for use on election day. Although the voting equipment was able to accept both ballot styles, it recorded separate results for each style. The results had to be aggregated before the county could certify their results.

Election Inspector Performance

Overall election inspectors performed admirably at the General Election. However, complaints on election day revealed that some election inspectors are unfamiliar with basic procedures. These incidents were reported in several municipalities:

- Conflating Proof of Residence (POR), which is required when registering to vote, and Proof of Identification (POI), which is required before being issued a ballot. Despite the acceptable POR and POI lists made available to clerks and inspectors and extensive training on this topic, we still received complaints of inspectors refusing to accept a document that is represented on the ID list and instead insisting the voter provide a document from the POR list or vice versa; inspectors limiting the list of acceptable documents at their own discretion; and requiring ID to contain the voter's current address.
- Accepting out-of-state driver licenses as POI.
- Advising voters that a driver license is required to register or is required to get a ballot.
- Offering a provisional ballot to voters for improper reasons (without proof of residence, etc.).

Trempealeau County District Attorney Recall Election

The recall election for the office of Trempealeau County District Attorney was conducted on the day of the General Election, November 6, 2018. Commissioner Jensen signed the canvass of the recall on November 12, 2018.

2019 Spring Election

County clerks received the Type A Notice for the 2019 Spring Election on October 25, 2018. The Type A Notice is required to be published by the county clerks on November 27, 2018. The state offices up for election are: Justice of the Supreme Court; Court of Appeals Judge, Districts 2, 3 and 4; and Circuit Court Judge in Brown, Dane Dodge, Jefferson, La Crosse, Lincoln, Manitowoc, Marinette, Marquette, Milwaukee, Monroe, Ozaukee, Racine, Rock, St. Croix and Waukesha Counties.

Website Review Project

Staff continues to update the Wisconsin Elections Commission website to provide timely updates in preparation for the upcoming 2018 elections. The goal of the project is to ensure that the website contains the most up-to-date information for quick reference by the election officials and electors of Wisconsin. Recent updates to the website include but are not limited to guidance relating to faxing and emailing ballots, military and overseas voters, the Recount Manual, and the EL-121 Application for Absentee Ballot.

2. Badger Voters

The Badger Voters program experienced a modest increase in requests immediately before and after the general election.

The following statistics summarize voter data requests as of November 20, 2018.

Fiscal Year	Total Number of Requests	Requested Files Purchased	Percentage of Requests Purchased	Total Revenue
FY2019 to Date	248	188	75.8%	\$108,065.00
FY2018	706	517	73.2%	\$182,341.00
FY2017	643	368	57%	\$234,537.35
FY2016	789	435	55%	\$235,820.00
FY2015	679	418	61.56%	\$242,801.25
FY2014	371	249	67.12%	\$125,921.25
FY2013	356	259	72.75%	\$254,840.00
FY2012	428	354	78.04%	\$127,835.00

3. Election Voting and EDR Postcard Statistical Reporting (formerly WEDCS)

Commission staff continues to monitor municipal and county clerk compliance with reporting requirements following the 2018 Spring Primary, Spring Election, Senate District 1 Special Partisan Primary and Special Elections, Partisan Primary, Trempealeau County District Attorney Recall Partisan Primary, and the General Election.

Pursuant to Statutes, the Election Voting Statistics Report data for the 2018 Partisan Primary was due to be entered in WisVote by September 13, 2018 and for the Trempealeau County District Attorney Recall Partisan Primary by November 1, 2018. As of November 23, 2018, there are 420 reporting units outstanding for the 2018 Partisan Primary and there are 7 reporting units outstanding for the Trempealeau County District Attorney Recall Partisan Primary. The Trempealeau County Recall election reporting by the clerks was delayed due to a technical error in the system preventing clerks from reporting until approximately October 29, 2018. It should also be noted, that due to a shortage of development staff leading up to and directly after the Partisan Primary election, development of the accompanying Election Statistics report for publicly posting this information has been delayed. As a result, election data has not yet been posted to the Commission website for the 2018 Partisan Primary or Trempealeau County District Attorney Recall Primary. Commission staff anticipates the election statistics report will be completed during December and the associated data posted shortly thereafter.

The Election Day Registration (EDR) Postcard Statistics initial report for the 2018 Spring Primary had a statutory deadline to be posted to the Elections Commission website by May 21, 2018, for the 2018 Spring Election by July 2, 2018, for the Special Partisan Primary for Senate District 1 by August 13, 2018, for the Special Election for Senate District 1 by September 10, 2018, and for the 2018 Partisan Primary by November 12, 2018. By statute this report is to be updated monthly until there is a full

accounting of all EDR postcards. As of November 23, 2018, there are 22 municipalities outstanding for the Spring Primary, 11 outstanding for the Spring Election, 1 outstanding for the Special Partisan Primary for Senate District 1, 3 outstanding for Special Election for Senate District 1, and 348 outstanding for the Partisan Primary.

4. Education/Training/Outreach/Technical Assistance

Following this memorandum as Attachment 1 is a summary of information regarding initial certification and focused election administration training recently conducted by WEC staff. In preparation for the November General Election, the training team and elections specialists focused on providing information and guidance about counting votes, elections security and contingency planning, the photo identification requirement, process changes due to the *One Wisconsin Institute* court decision, initial certification training for new clerks and chief inspectors and continuing education for all local election officials.

The Election Day Manual has been updated to incorporate statutory deadlines, processes, procedures and forms that reflect the federal court's decision in *One Wisconsin Institute, Inc., et al. v. Thomsen, et al.*, 198 F.Supp.3d 896 (W.D. Wis., 2016). The manual has also been updated to reflect court and Commission decisions regarding the use of photography and videography by election observers, voters and members of the media. The Commission has also updated guidance regarding the use of certain bank statements and credit card statements as proof of residence for voter registration purposes.

The Absentee Voting in Residential Care Facilities and Retirement Homes Manual has been updated to reflect the use of certain bank statements and credit card statements as proof of residence, the use of photography or videography by election observers and provide municipal clerks with some methods a voter may employ to decline a ballot for one or more elections. The manual also provides more details about the use of the Special Absentee Ballot Certificate Envelope (EL-122sp).

Staff provided continuing and specialized election training through a new election administration and WisVote webinar training series, including a review of the general election canvass and important reminders for the November election. Staff also continued its practice of attending regional and statewide conferences to present clerks with current election administration and WisVote status information.

Commission staff completed development of a series of mini-webinars designed to provide WisVote users with a basic and standard level of IT security training. The webinars were posted to the Elections Commission Learning Center on July 23, 2018.

As of November 26, 2018, more than 1500 new and existing WisVote users have completed the required WisVote security training module. Existing WisVote users who have not yet completed the security training module will be required to complete the *Securing WisVote* series no later than December 31, 2018. Commission staff will continue to review WisVote security needs and will add additional security topics as needed. Additional information regarding election security training resources for clerks is included in the staff memorandum regarding election security in the Commission meeting materials.

5. Badger Book

Eight municipalities used Badger Books during the 2018 General Election. Each of the municipalities had previously used the electronic poll books in the August Partisan Primary. Between the Primary and General Election, WEC staff developed, tested, and deployed a new software update to 7 of 8 municipalities. The software update made zero population wards selectable as part of the districting process when adding a new address to the system. The update also refined the list of addresses available to a poll worker when registering a voter to be only those that are districted to the reporting unit(s) selected on the Badger Book. The municipality that did not receive the update was not impacted by either of these previous issues.

WEC staff is currently adding Badger Book information to a centralized location on the WEC website. Clerks will be able to access a software demonstration video, purchasing information, Badger Book borrowing information, and frequently asked questions about the Badger Book from this location. Staff will update the website and send a communication to clerks for notification of the next purchasing window for Badger Books which will be available in December.

6. Polling Place Accessibility Audit Program

On November 6, 2018, 14 Disability Rights Wisconsin (DRW) volunteers audited 35 polling places for their accessibility against ADA standards. Accessibility Audit routes were chosen based on their proximity to volunteers and if they had never previously been audited through the program.

DRW volunteers completed training for the program via webinar and in person the week before Election Day. Training included how to properly evaluate a polling place, a tutorial on how to use the equipment, and a mock polling place audit exercise completed with the assistance of the City of Madison. WEC staff is in the process of adding the data to the Access Elections database to then be reviewed and forwarded to the evaluated municipalities.

7. Voting Equipment

To ensure that the public has access to the most up to date information related to voting equipment usage in Wisconsin, Commission staff has worked closely with representatives from Dominion Voting Systems, Clear Ballot Group, ES&S, and Command Central to revise and update an exhaustive list of voting equipment used in the state. This list provides details on which type of ballot tabulator, if any, and accessible voting equipment is utilized by each municipality throughout Wisconsin. Voting equipment information has been posted to the WEC website and is readily available to the public.

Staff also worked with the Sheboygan County Clerk to oversee the implementation of voting equipment from Clear Ballot Group in the Partisan Primary on August 14, 2018. Clear Ballot gained approval for their ClearVote 1.4 system from the Commission on December 12, 2017 pending federal certification. The Partisan Primary was the initial use of ClearVote 1.4 in Wisconsin.

Additionally, Commission staff received two electronic change orders (ECOs) approval request. The ECO approvals were requested by ES&S. The ECO applications requested the approval of voting equipment changes to be considered as *de minimis*. ES&S requested *de minimis* change approvals for

a security component software patch in the firewall that secures transmission of unofficial election night results from the tabulator to the county clerk's office. After comprehensive staff review and consultation with Administrator Wolfe and the Commission Chair, the ECO requests were deemed to represent *de minimis* changes and approved in July 2018.

8. WisVote

WisVote technical staff focused on production support in October and November of 2018 to ensure that WisVote, MyVote, Canvass, and all WEC systems functioned properly to help support Wisconsin clerks in their election tasks. Staff will continue to focus on production support through 45 days after the election (the deadline for clerks to record votes and enter Election Day Registrations into the system). Once that is complete, staff will begin to focus on the next WisVote update, 2019 Sprint 1, which is scheduled for production in late January 2019. This sprint will focus on development tasks needed to support the Spring 2019 elections.

WisVote staff worked with County and Municipal Clerks statewide to support the November election. This included making sure they completed the necessary steps in WisVote, including polling places and reporting units set-up, checkpoints marked, absentee applications and ballots entered, and data quality updated and corrected. Staff are currently assisting clerks with post-election tasks such as recording who voted in the election, entering election day registrations, processing ERIC supplemental poll lists, and reconciling election statistics.

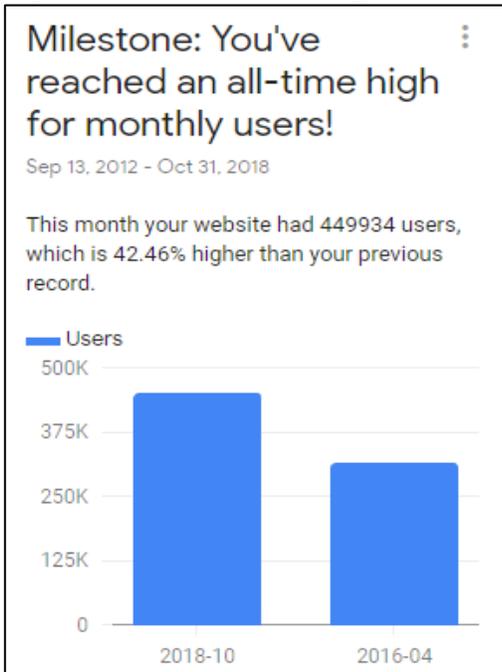
WisVote staff also continues to implement new and updated district maps that reflect an effort to more accurately display parcel and school district lines, as well as include newer annexations that have occurred throughout the state. These updates will continue to be deployed before every election to keep districts up to date and ensure voters are districted correctly. The most recent update was made on October 30, 2018 to prepare the system to generate polling places and ballot styles based on the most recent boundary changes in anticipation of the November election.

9. MyVote

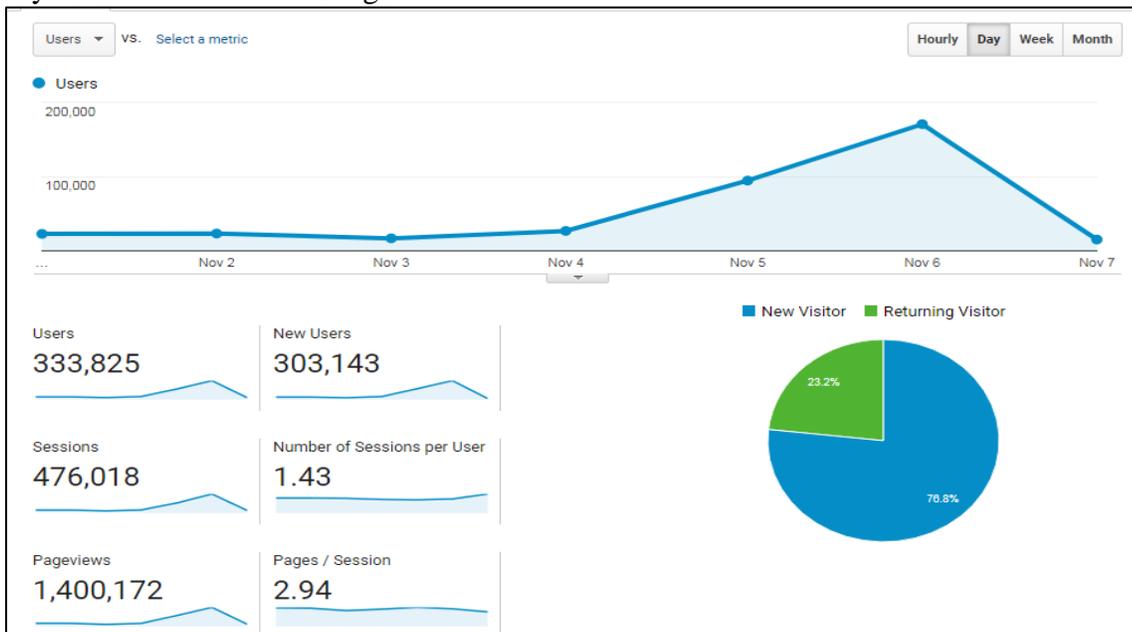
MyVote is the Wisconsin Elections Commission's main voter information tool. The website allows voters to register online during open registration, start the registration process during closed registration, request an absentee ballot, find their polling place, view a sample ballot, track their absentee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

MyVote usage reached new highs in the lead up to November 6th and on election day itself. The first graph shows the total monthly users in October, which at almost 450,000 was the highest number since April of 2016. The second graph shows that in the week leading up to the election, we had 333,825 users, with the numbers spiking the day before the election and peaking with 170,546 users on election day itself. Finally, the last graph shows the usage on election day, with the high point between 7 and 8 AM with 19,227 sessions and over 635,000 total pageviews for the day.

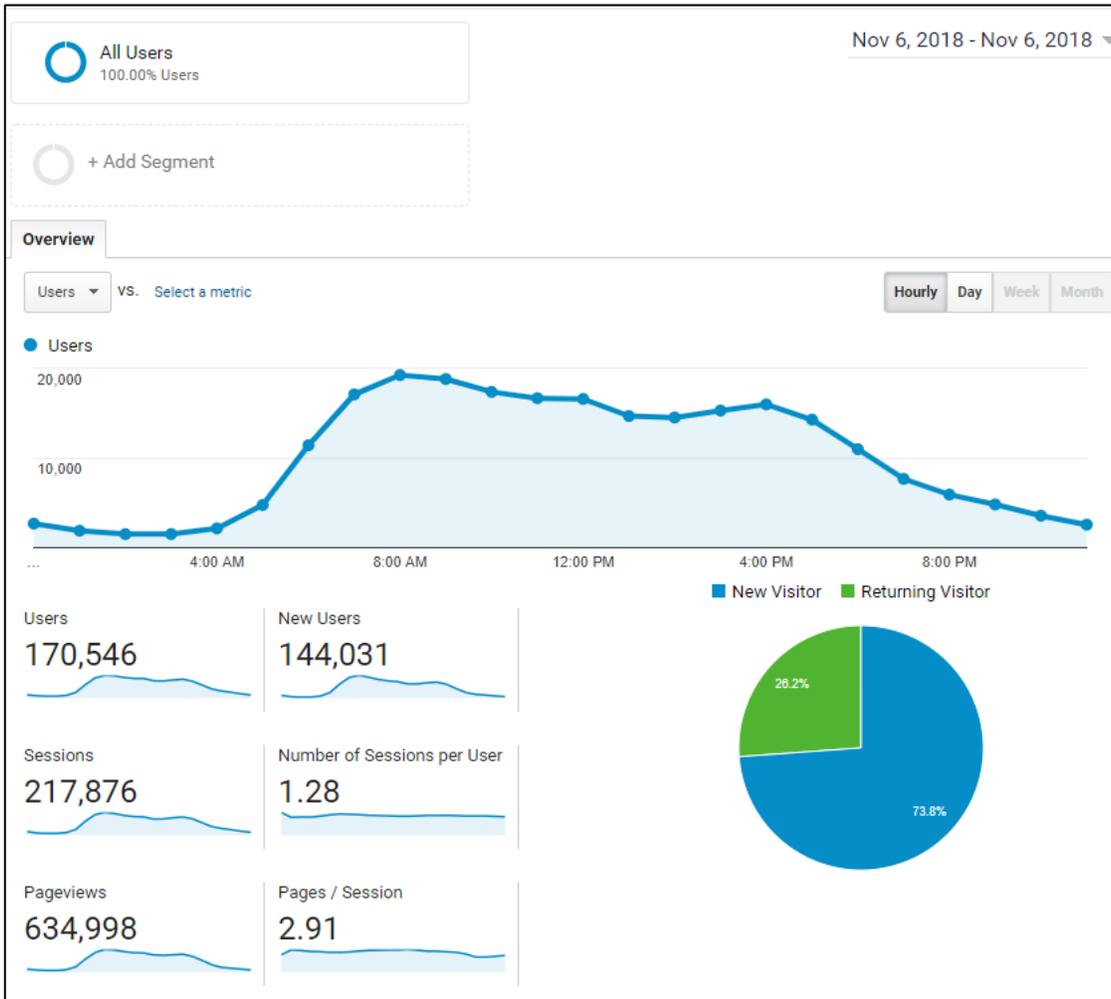
MyVote October 2018 Usage:



MyVote Election Week Usage:



MyVote Election Day Usage:



10. Canvass Reporting System

For the 2018 General Election counties used the Canvass Reporting System to transmit results for federal and state contests to the Wisconsin Elections Commission. At its September 25, 2018 meeting the Commission directed staff to use prior Canvass Reporting System rather than the newly developed WisVote Election Results module. The Commission also directed staff to provide updated canvass training materials to all counties.

On October 17, 2018 WisVote and Election Administration staff presented a training webinar on the Canvass Reporting System and Canvass Procedures for the 2018 General Election. The training included instructions for proofing reports and vote totals, and instructions for submitting electronic and original copies of the signed Federal/State Office Certification Report to the Commission.

As a new data quality measure, staff required all counties to print reports from the Canvass Reporting System and verify by email that the reporting units, contests and candidates were correct in the Canvass Reporting System. Counties that upload results files from election management software

were required to submit test upload files to confirm their election setup. Counties with issues identified in this pre-election verification period were contacted and the discrepancies were corrected or procedures were put in place to ensure that vote counts could be reported accurately.

Fifteen Counties used the Canvass Reporting System on Election Night for reporting unofficial results. Twenty counties uploaded election results files into the Canvass Reporting System for official results the remaining fifty-two counties hand entered the official results into the Canvass Reporting System. After the counties had entered official results into the Canvass Reporting System, staff performed additional data validation analysis. The purpose of the analysis was to identify possible data entry errors in the reported official results so that the errors could be correct prior to the certification of the official results by the Commission. Overall the canvass process went smoothly, and the added training and data review proved beneficial to the timely completion of the official canvass.

11. Complaints

Elections Administration staff and Staff Counsel have continued to process and resolve formal complaints related to the actions of local election officials, as well as informal inquiries submitted by voters and the public. For a complaint against a local election official to be processed in accordance with Wis. Stat. 5.06, an elector of a jurisdiction must file a written sworn complaint. A status report regarding those formal complaints received in 2018 will be included in the Commission Members' meeting folders. In addition, staff frequently handles informal complaints and inquiries submitted through telephone calls or through the agency's website, which are typically resolved promptly through a phone call or email with the complainant and local election officials if necessary. So far in 2018, we received 247 informal complaints through the agency website. This compares with 59 informal complaints and comments received through the agency website in 2017, which is not surprising given that there were only two regularly scheduled elections in 2017 and there were four in 2018.

12. Communications Report

Between September 15, 2018 and November 21, 2018, the Public Information Officer (PIO) engaged in the following communications activities in furtherance of the Commission's mission:

Media: The PIO logged approximately 400 media and general public phone calls and 300 media email contacts during this intense period prior to the General Election, which generated strong media interest in the Commission. The PIO arranged numerous interviews for the Interim Administrator or gave interviews when she was not available. The PIO prepared 10 news releases on a variety of subjects including preparations for the General Election and turnout.

Online: The agency's longtime Wisconsin-based webhost, Cruiskeen Consulting, is going out of business in early 2019 due to the retirement of its owner, accelerating agency plans to move three agency websites to Linux servers hosted by the Division of Enterprise Technology. They are the main agency website, the Bring It to the Ballot voter ID microsite, and the Election Training website. Staff has one Linux server running at DET with the Bring It site, which will be ready to go into production shortly. Plans are in place to migrate the other websites in December.

Public Records: The Commission received four formal public records requests between May 1, 2018 and September 15, 2018.

Records Management: Work on the project to review and either dispose of or archive all paper records stored in the basement has been on hold due to the election and other agency priorities.

14. Elections HelpDesk/Customer Service Center

The Elections Help Desk staff is supporting more than 2,400 active WisVote users, while also answering calls from the public and election officials. Staff is monitoring state enterprise network and data center changes and status, assisting with processing data requests, and processing voter verification postcards. Help Desk staff has been serving on and assisting various project teams including ongoing WisVote development, ERIC, and E-Poll Book teams. Staff continues to maintain and update Elections Commission, WisVote user and clerk listserv email lists. Voter cancellation notices from other states continue to be processed. Staff is coordinating and assisting with several upgrade projects such as migrating various Commission websites to new platforms, implementing Windows 10 on staff workstations, preparing for telecommunications upgrades (VoIP), various projects initiated by the Department of Administration (DOA) Data Center and administering Elections Commission’s Exchange email system.

The Help Desk staff continues to create new clerk user credentials for the WisVote system and the WisVote Learning Center to ensure all users are properly trained in WisVote and WisVote security. They also assist clerks with configuring and installing WisVote on municipal computers. The Help Desk continued to field a wide variety of calls and emails from voters and the public, candidates, political committees, and public officials. Commission staff offered extended hours in support of the November election. While calls were minimal during extended hours in the days leading up to election day. On Election Day, 1,395 calls were logged.

	Elections Help Desk Call Volume (608-261-2028)	Front Desk Call Volume (608-266-8005)	Total Incoming Call Volume
September 2018	1,931	797	2,728
October 2018	2,919	2,001	4,920
To November 15, 2018	4,926	1,179	6,105
Total Calls for Reporting Period	9,776	3,977	13,753

Email processed through the Elections Help Desk mailbox:

September 2018	2,471
October 2018	3,801
To November 15	6,613

15. Financial Services Activity

- As of August 31, 2018, Election Security Grant balance is \$6,599,077. We have met \$124,416 of the required \$348,916 match funds.
- Budget-to-actual operating results for the first fiscal quarter ending September 30 were summarized and communicated to management. A copy of the first quarter financial statement for GPR and HAVA is in the supplemental Board meeting folder.

16. Procurements

The following Purchase Orders have been processed since the September 2018 Commission meeting:

- \$51,170 in a Purchase Order was written for 3,000 Yubico Security keys for multi-factor authentication for logging into the WisVote system for Elections Security.
- \$190,560 in a Purchase Order was written for 2,000 Microsoft Dynamics 365 for Team members - software assurance from October 1, 2018 – September 30, 2021.
- \$9,792 in a Purchase Order was written for three new HP workstations for the IT contractors.
- \$5,000 in a Purchase Order was written for Google Maps platform software for geo-mapping.
- \$13,675 in Purchase Orders were written for temporary staff to assist in the multi-factor authentication rollout and general election readiness tasks.
- \$116,480 in a Purchase Order was written for IT Contractor Services for one full time IT contractor in FY2019 for Elections Security.
- \$840 in a Purchase Order was written for three HP graphics cards for the IT contractors.
- \$26,671 in a Purchase Order was written for four Microsoft Visual Studio Enterprise licenses with software assurance from December 1, 2018 – September 30, 2021 for the IT contractors.
- All referenced purchases were made using mandatory state contracts

17. Staffing

Julia Billingham joined the WEC financial team on November 12, 2018 as a Senior Accountant/Grant Accountant. Julia has a master's degree in accountancy from the University of Wisconsin-Madison and comes to us with over 10-years of experience as a senior accountant in the private sector.

18. Meetings and Presentations

WEC staff attended the following meetings:

September 27: WEC staff met with federal and state law enforcement and prosecutors to discuss Election Day incident response, coordination of roles, and current contact information.

October 1: WEC staff including Mike Haas, Michelle Hawley, Riley Willman, and Patrick Brennan attended the election security tabletop exercises hosted by the Sauk County.

October 3: Administrator Wolfe presented at the U.S. Election Assistance Commission's Election Readiness Summit in Washington D.C. The presentation highlighted Wisconsin's efforts in election security including the training of local election officials.

October 9: WEC staff met with representatives of the Republican Party of Wisconsin and Democratic Party of Wisconsin to discuss Election Day preparations and issues.

October 12: Administrator Wolfe and WEC Election Specialist Sarah Statz attended the WMCA District 2 meeting in Hudson, WI.

October 17: WEC staff members Michelle Hawley and Michael Sabaka assisted with election tabletop exercises in Washington County and Winnebago County.

October 18: Administrator Wolfe, Staff Counsel Haas and Elections Specialist Judnic attended a meeting with the Milwaukee County District Attorney's Office and political party representatives to discuss Election Day preparations and potential legal issues and contact information.

October 22: Staff Counsel Haas and Elections Specialist Judnic made presentations to Wisconsin law enforcement and prosecutors regarding Election Day issues during a webinar hosted by the Department of Justice.

October 22-24: WEC Training Officer Christopher Doffing attended the DevLearn eLearning conference in Las Vegas, NV.

October 26: WEC staff Jodi Kitts and Diane Lowe presented at the Wisconsin Association of School District Fall Workshop in Baraboo, WI.

October 29: Administrator Wolfe and WEC staff including, Mike Haas, Reid Magney, Robert Kehoe, Tony Bridges, Riley Willman, and Michael Sabaka attended and co-hosted the Wisconsin Elections Cyber Tabletop Exercise with the Department of Homeland Security. The meeting focused on elections cyber security.

19. Delegation of Authority

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

- Purchases and expenditures as listed above.
- Issuance of an informal opinion requested by the Wisconsin Department of Financial Institutions regarding a Foreword from the Governor in an agency publication.

ATTACHMENT #1

Wisconsin Elections Commission’s Training Initiatives
9/27/2018 – 11/3/2018

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years. MCT Core class is now available in the WisVote Learning Center.	3 hours	All municipal clerks are required to take the training; other staff may attend.	16-section presentation with quizzes	28
Chief Inspector	Required training for new Chief Inspectors before they can serve as an election official for a municipality during an election. CIT Baseline class is now available in the WisVote Learning Center.	2-3 hours	Election workers for a municipality.	In-Person: 7 7-section presentation with self-evaluation	155 60
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, special and school district clerks.	10/24/2018: Elections Security Updates; 10/18/2018: 2018 General Election Canvass;10/17/2018: Important Reminders for the November Election; 10/9/2018: WisVote Grab Bag; 10/3/2018: Special Voting Deputies	50 – 250 per live webinar; posted to website for clerks to use on-demand.

ATTACHMENT #1

Wisconsin Elections Commission’s Training Initiatives
9/27/2018 – 11/3/2018

WisVote Training	Online training in core WisVote functions – how to navigate the system, how to add voters, how to set up elections and print poll books.	Varies	New users of the WisVote application software.	Online	Not tracked
Other	<p>The Election Day Manual has been updated to incorporate statutory deadlines, processes, procedures and forms that reflect the federal court’s decision in <i>One Wisconsin Institute, Inc., et al. v. Thomsen, et al.</i>, 198 F.Supp.3d 896 (W.D. Wis., 2016). The manual has also been updated to reflect court and Commission decisions regarding the use of photography and videography by election observers, voters and members of the media. The Commission has also updated guidance regarding the use of certain bank statements and credit card statements as proof of residence for voter registration purposes.</p> <p>The Absentee Voting in Residential Care Facilities and Retirement Homes Manual has been updated to reflect the use of certain bank statements and credit card statements as proof of residence, the use of photography or videography by election observers and provide municipal clerks with some methods a voter may employ to decline a ballot for one or more elections. The manual also provides more details about the use of the Special Absentee Ballot Certificate Envelope (EL-122sp).</p> <p>Commission staff presented election administration and WisVote status information to county and municipal clerks attending the following conferences:</p> <ul style="list-style-type: none"> • Wisconsin Municipal Clerks Association District 5 on October 2, 2018 in Delafield • Wisconsin Municipal Clerks Association Districts 1 & 2 on October 12, 2018 in Balsam Lake. • Wisconsin Towns Association on October 16, 2018 in Stevens Point • Wisconsin Association of School Superintendents on October 26, 2018 in Wisconsin Dells 				