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Wisconsin Elections Commission

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Meeting of the Commission  
Monday, March 11, 2019  
10:00 A.M.

Agenda  
Open Session

Wisconsin State Capitol  
Room 412 East  
Madison, Wisconsin

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<b>A. Call to Order</b>	
<b>B. Administrator’s Report of Appropriate Meeting Notice</b>	
<b>C. Personal Appearances (Time reserved for personal appearances may be limited at the discretion of the Chair)</b>	
<b>D. Minutes of Previous Meetings</b>	<b>3</b>
<b>E. Election Security Update</b>	<b>16</b>
<b>F. Election Night Reporting Research</b>	<b>21</b>
<b>G. Post-Election Audits</b>	
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<b>2) Discussion of other Audit Options</b>	<b>56</b>
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**M. Certify Candidates for Special Election in Assembly District 64**

**N. Closed Session**

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

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

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

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

# WISCONSIN ELECTIONS COMMISSION

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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

Wisconsin Elections Commission Offices  
212 E. Washington Avenue, Third Floor  
Madison, Wisconsin  
10:00 a.m. December 3, 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, Nathan Judnic, Michelle Hawley, Riley Willman and William Wirkus

#### **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. September 11, 2018
2. September 25, 2018

**MOTION:** Approve open session minutes of Wisconsin Elections Commission meetings of September 11 and September 25, 2018. Moved by Commissioner Thomsen, seconded by Commissioner Jensen.

Motion carried unanimously.

#### **D. Personal Appearances**

**Wendy Kind** appeared on behalf of Disability Rights Wisconsin to discuss the group's partnership with WEC for accessibility audits and to comment on pending legislation.

**Eileen Newcomer** appeared on behalf of the League of Women Voters of Wisconsin to comment on pending legislation.

**Dane County Clerk Scott McDonell** appeared to speak on behalf of the Wisconsin County Clerks Association to discuss post-election audits, ERIC issues, election security and pending legislation.

**Peter Gilbert of St. Francis** appeared to discuss concerns about the voter list, absentee ballot envelopes and pending legislation.

Chair Knudson said the Commission would move to agenda item N out of order.

## **N. Discussion of State's Role in Election Night Reporting**

Chair Knudson introduced the issue of confusion on Election Night regarding Milwaukee's absentee results. Ms. Wolfe made a presentation based on a memorandum starting on page 94 of the December 3 Commission meeting materials regarding the state's role in election night reporting. Wisconsin does not have a statewide election night reporting system for unofficial results.

Neil Albrecht, executive director of the City of Milwaukee Election Commission, and Julietta Henry, director of the Milwaukee County Election Commission, provided information about the City of Milwaukee's central count absentee operation and the results reporting process. They discussed the efforts they make to inform the public and media about outstanding absentee ballot results and answered Commissioners' questions about the process used at the 2018 General Election. They reported that the tabulation of absentee ballots and reporting of results was completed in the same manner as previous elections and that election observers present at the City's central count location had no objections to the process.

Commissioners discussed the staff report and whether Wisconsin should study creating its own system for election night reporting.

**MOTION:** Direct 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. Moved by Commissioner Thomsen, seconded by Commissioner Jensen.

Discussion. Motion carried unanimously.

## I. Discussion of Pending Legislation AB 1071

Staff Counsel Michael Haas made a presentation based on a memorandum in the Commission's supplemental meeting materials regarding 2017 Assembly Bill 1071. In addition to staff's analysis of the bill, draft testimony was included.

Commissioners and staff discussed the proposed bill which, among other things, would move the Presidential Preference Primary to March and make changes to the time period for in-person absentee voting. They also discussed the draft testimony and what feedback the Commission should give the Legislature on the bill, which was the subject of a public hearing before the Joint Committee on Finance on the day of the WEC meeting.

**MOTION:** With respect to AB 1071, the Commission should inform the Legislature that we object to it as drafted because it does not take into consideration the significant cost of conducting an additional election and not enough is known about the costs. Moved by Commissioner Thomsen, seconded by Commissioner Jacobs.

Discussion.

Commissioner Jensen expressed concern regarding whether the Commission should take policy positions for or against legislation, or should simply point out potential problems with legislation. Commissioners discussed the WEC's role in the legislative process.

Chair Knudson called the question.

Roll call vote: Gill:	No	Glancey:	Aye
Jacobs:	Aye	Jensen:	No
Knudson:	No	Thomsen:	Aye

Motion failed 3-3.

**MOTION:** Direct staff to change the prepared draft testimony on AB 1071 so it is the position of the Commission and not the staff, and send it to the Legislature. Moved by Commissioner Knudson, seconded by Commissioner Jensen.

Discussion.

Commissioner Jacobs moved to amend the motion to add two additional paragraphs to the testimony, stating that the WEC has considered the proposed legislation in conjunction with existing statutes and it would be nearly impossible to conduct a separate Presidential Preference Primary with existing Spring elections. Also, the testimony would express concern that the cost of an additional election is significant and no funding has been proposed.

Commissioner Glancey seconded the amendment.

Commissioners discussed the language of Commissioner Jacobs' amendment. Chair Knudson suggested striking the phrase "nearly impossible" and replacing it with "extraordinarily difficult." Commissioner Jacobs suggested the following language: "It would be extremely difficult to accomplish given the existing statutory framework, and we are concerned that the completion of election tasks may not be possible."

Chair Knudson accepted Commissioner Jacobs language as a friendly amendment to his motion, as long as the testimony is presented for information purposes only.

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

Motion carried 6-0.

## **H. Discussion of Pending Legislation AB 1071**

Mr. Haas discussed 2017 Assembly Bill 1070, which would codify two existing administrative rules related to the Voter Photo ID Law. It would also impose significant new procedural requirements when agencies issue guidance documents.

Commissioners and staff discussed the legislation and its potential impact on the agency's ability to issue informal guidance and to complete priority tasks.

**MOTION:** Direct staff to send testimony of the WEC to the Legislature stating opposition to AB 1070 because of significant concerns regarding the impact on the ability of the agency to function and fulfill its statutory directives. Moved by Commissioner Jacobs.

There was no second to the motion.

Chair Knudson called a brief recess. The Commission reconvened at 12:26 p.m.

## **E. Post-Election Audit Update**

Assistant Administrator Richard Rydecki and Elections Specialist William Wirkus made a presentation based on a memorandum starting on page 13 of the December 3 Commission meeting materials regarding post-election audits of the November 6 General Election.

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, more than 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.

**MOTION:** Direct staff to continue to encourage counties to consider conducting a voluntary audit as part of their canvass procedures for the 2019 Spring election cycle and continue to offer reimbursements for up to \$300 per reporting unit for each audit conducted, up to a maximum of two reporting units. Accept the preliminary report of the 2018 Voluntary County Canvass and Post-Election Voting Equipment Audits and direct staff to provide a supplemental report regarding the two audit programs, including comprehensive reimbursement request information, for its March 2019 meeting. Moved by Commissioner Thomson, seconded by Commissioner Jensen.

Motion carried unanimously.

## **L. Certification of Results of the November 6, 2018 General Election**

**MOTION:** That the Wisconsin Elections Commission certify results of the November 6, 2018, General Election. Moved by Commissioner Knudson, seconded by Commissioner Jensen.

Motion carried unanimously.

## **P. Closed Session**

Adjourn to closed session as required by statutes to confer with counsel concerning litigation strategy.

**MOTION:** Move to closed session pursuant to Wis. Stat. 19.85(1)(g) to confer with counsel concerning litigation strategy. Moved by Commissioner Knudson, seconded by Commissioner Glancey.

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

Motion carried unanimously. The Commission convened in closed session at 12:50 p.m.

The Commission reconvened in open session at 1:07 p.m.

## **F. ERIC Update and Next Steps**

Ms. Wolfe made a presentation based on a memorandum starting on page 28 of the December 3 Commission meeting materials regarding the Electronic Registration Information Center (ERIC), including the 2018 Eligible but Unregistered mailing, the Supplemental Poll List process that was used for the 2018 General Election, and recommendations for the 2019 Spring Primary and Election. She said staff recommends that the ERIC Supplemental Poll List process no longer be used for the 2019 elections. Instead, staff recommends a fail-safe phone call procedure to be used for the 2019 elections.

Commissioners and staff discussed the recommendations. Commissioner Jacobs expressed a desire to continue use of the supplemental poll list. Commissioners requested a full report at their March 2019 meeting.

**MOTION:** Approve the staff plan described in the memorandum 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. Moved by Commissioner Thomsen, seconded by Commissioner Glancey.

Motion carried, 5-1.

## **G. Election Security Update**

Elections Training Officer Michelle Hawley and Elections Specialist Riley Willman gave a presentation based on a memorandum starting on page 31 of the December 3 Commission meeting materials regarding election security. They discussed implementation of multi-factor authentication, Active Directory Federated Services, centralization of web applications, vulnerability scanning, local election official security training, WisVote system access policy, and efforts to collect information and feedback from key election security partners. The presentation was for information only.

Chair Knudson congratulated the staff on implementation of multi-factor authentication for access to the state's voter registration and election management system.

## **J. Legislative Agenda**

Mr. Haas and Senior Elections Specialist Nathan Judnic made a brief presentation based on a memorandum starting on page 38 of the December 3 Commission meeting materials regarding the Commission's legislative agenda. The memorandum categorizes 73 possible legislative changes into five categories: major policy initiatives, minor policy initiatives, technical changes, administrative rule provisions and chapters not administered by the WEC.

Chair Knudson said he believes the Commission's top legislative priority should be the confirmation of Meagan Wolfe as administrator. Commissioners also discussed statutory

changes necessary to require additional post-election audits and the need for clean-up legislation for minor statutory issues. Mr. Haas said staff is working with Representative Bernier's staff on cleanup legislation.

**MOTION:** That the top legislative priority of the Wisconsin Elections Commission for the coming session is the confirmation of Meagan Wolfe as administrator, and to communicate that priority by letter to the Senate. Moved by Commissioner Knudson, seconded by Commissioner Thomsen.

Motion carried unanimously.

**MOTION:** The Commission adopts the items listed in the Legislative Agenda memorandum 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. Moved by Commissioner Jensen, seconded by Commissioner Gill.

Motion carried unanimously.

## **K. Ballot Designs – Spring 2019**

Ms. Wolfe and Mr. Rydecki made a presentation based on a memorandum starting on page 58 of the December 3 Commission meeting materials regarding ballot designs for Spring 2019. They stated there were no new revisions to the ballot templates provided to county clerks.

**MOTION:** Approve ballot designs presented by staff and direct staff to utilize the ballot designs for the 2019 Spring Primary and Spring Election. Moved by Commissioner Knudson, seconded by Commissioner Jacobs.

Motion carried unanimously.

Commissioners and staff discussed absentee ballot certificate envelopes. Administrator Wolfe reported that staff will be reviewing feedback from voters and clerks as part of the process of revising forms in 2019, including the certificate envelopes.

## **M. Yearly Internal Control Plan**

Chief Administrative Officer Sharrie Hauge made a presentation based on a memorandum starting on page 69 of the December 3 Commission meeting materials regarding written policies and procedures the Commission is required to adopt 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.

**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. Moved by Commissioner Knudson, seconded by Commissioner Thomsen.

Motion carried unanimously.

## **O. Commission Staff Update**

Ms. Wolfe directed Commissioners to the Commission Staff Update memorandum starting on page 98 of the December 2018 Commission meeting materials. She thanked the staff for its efforts in conducting a successful general election in November and discussed the types of issues encountered this election. They included wrong ballots being issued in some places and poll workers conflating photo ID and proof of residence documents. The MyVote Wisconsin website experienced all-time-high usage. County clerks used the original Canvass Reporting System which performed well, and staff will be looking at improving the new canvass reporting module in WisVote for the future.

Ms. Wolfe reported that Julia Billingham has started as a staff accountant, Rob Kehoe is onboard as director of training and technology, Jeff Harrison has joined the staff as an elections specialist, and the team of IT contractors is fully staffed again.

Commissioner Thomsen asked about reporting on the Commission's use of the HAVA election security grant and Chair Knudson asked about plans for the balance of the funds. Ms. Wolfe said now that we have an accountant on staff there will be more detailed reports on spending, and that plans for the balance of the funds will be included in the next plan.

## **H. Adjourn**

**MOTION:** Adjourn. Moved by Commissioner Jensen, seconded by Commissioner Gill. Motion carried unanimously.

The Commission adjourned at 2:22 p.m.

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The next meeting of the Wisconsin Elections Commission is scheduled for Friday, January 11, 2019, at the Wisconsin Elections Commission office in Madison, Wisconsin beginning at 10:00 a.m.

December 3, 2018 Wisconsin Elections Commission meeting minutes prepared by:

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Reid Magney, Public Information Officer

February 28, 2019

December 3, 2018 Wisconsin Elections Commission meeting minutes certified by:

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Julie Glancey, Commission Secretary

March 11, 2019



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MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

## Wisconsin Elections Commission

Wisconsin Elections Commission Offices  
212 E. Washington Avenue, Third Floor  
Madison, Wisconsin  
10:00 a.m. January 11, 2019

### 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 teleconference

Staff present: Meagan Wolfe, Richard Rydecki, Michael Haas, Sharrie Hauge, Robert Kehoe, Reid Magney and Diane Lowe

#### **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. Ballot Access Challenges and Issues**

Ms. Wolfe informed the Commission that no ballot access challenges had been filed.

#### **D. Ballot Access Report and Certification of Candidates for the 2019 Spring Election**

Lead Elections Specialist Diane Lowe made a presentation based on a memorandum starting on page 2 of the January 11 Commission meeting materials regarding candidates requesting ballot access for the 2019 Spring Election. A total of 39 candidates for state offices registered for the Spring Election, all of whom filed nomination papers with the Commission. There are two candidates for the office of Justice of the Supreme Court, one candidate for each of the three Court of Appeals Judge seats, and 34 candidates for 29 circuit court judge positions in 16 counties. There will be no statewide primary on February 19.

**MOTION:** Certify ballot status for the 39 candidates listed as “approved” on the Candidate Tracking by Office report included in the January 11 Commission meeting materials. Moved by Commissioner Jacobs, seconded by Commissioner Jensen. Motion carried unanimously.

**E. Letter to Senate Regarding Confirmation of Administrator**

Chair Knudson reminded Commissioners that at the December 3, 2018, meeting, they voted to make Ms. Wolfe’s confirmation as administrator their top legislative priority and communicate it by letter to the Senate. He asked for comments on the draft letter included in the meeting materials. Commissioner Thomsen had no changes to the letter and said he had no problem with the Chair signing it. Chair Knudson noted it was the consensus of the Commission to send the letter as drafted.

**F. Administrator Report**

Ms. Wolfe said there was nothing to report.

**G. Adjourn**

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

The Commission adjourned at 10:16 a.m.

#####

The next meeting of the Wisconsin Elections Commission is scheduled for Monday, March 11, 2019, at the State Capitol in Madison, Wisconsin beginning at 10:00 a.m.

January 11, 2019 Wisconsin Elections Commission meeting minutes prepared by:

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Reid Magney, Public Information Officer

February 28, 2019

January 11, 2019 Wisconsin Elections Commission meeting minutes certified by:

---

Julie Glancey, Commission Secretary

March 11, 2019

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MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

**Wisconsin Elections Commission**  
Commission Offices, Third Floor  
212 East Washington Avenue  
Madison, Wisconsin  
9:00 a.m. February 14, 2019

## Open Session Minutes

Present: Commissioner Beverly Gill, Commissioner Julie Glancey Commissioner Ann Jacobs, Commissioner Jodi Jensen and Commissioner Mark Thomsen, all by teleconference

Absent: Commissioner Dean Knudson

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

### **A. Call to Order**

Commission Vice Chair Jodi Jensen called the meeting to order.

### **B. Administrator's Report of Appropriate Meeting Notice**

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

### **C. Closed Session**

Adjourn to closed session as required by statutes to confer with counsel concerning litigation strategy.

**MOTION:** Move to closed session pursuant to Wis. Stat. 19.85(1)(g) to confer with counsel concerning litigation strategy. Moved by Commissioner Thomsen, seconded by Commissioner Glancey.

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

Motion carried unanimously. The Commission convened in closed session at 9:04 a.m.

**D. Adjourn**

The Commission adjourned in closed open session at 9:20 a.m.

#####

The next regular meeting of the Wisconsin Elections Commission is scheduled for Monday, March 11, 2019, at the State Capitol in Madison, Wisconsin beginning at 10:00 a.m.

February 14, 2019 Wisconsin Elections Commission meeting minutes prepared by:

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Reid Magney, Public Information Officer

February 28, 2019

February 14, 2019 Wisconsin Elections Commission meeting minutes certified by:

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Julie Glancey, Commission Secretary

March 11, 2019

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INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the March 11, 2019 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

The Wisconsin Elections Commission (WEC) believes that election security is at the forefront of ensuring the successful administration and security of Wisconsin Elections. The WEC further recognizes that the evolution of technology, risks, and vulnerabilities will demand that we remain cognizant and vigilant with our election security initiatives. We must also continue to forge and sustain strong relationships and maintain open lines of communication with local election officials, state, and national election security partners. The WEC made great strides in 2018 to improve the administration and security of elections, which included, and was not limited to, implementing multi-factor authentication for all WisVote users, updating the WisVote Access Policy to include the completion of cybersecurity focused electronic learning modules, recruiting and onboarding staff for six-federally funded positions, creating and implementing a robust election security tabletop exercise (TTX) training program for local election officials, and centralizing website applications previously hosted by third-party vendors.

As we look forward to 2020, we will continue to strategically plan, update, and implement internal technical controls that secure access to WisVote and other critical systems. In addition, we will expand our public outreach efforts to local election officials and other outside agencies.

## **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. An update on those projects is provided below.

### **A. Vulnerability Scanning**

As part of WEC's ongoing relationship with the Department of Homeland Security (DHS), DHS continues to run regularly scheduled vulnerability scans against all of WEC's public services. Meanwhile, the Wisconsin Department of Administration's Division of Enterprise Technology (DET) completes regular compliance and vulnerability scans against all of WEC's internal systems. Both agencies report their findings to the WEC, and WEC staff prioritize and remedy all reported findings.

In 2018, WEC staff participated in an on-site risk vulnerability assessment which tested agency security in detail. Valuable action items were generated as a result of that assessment and aided in significant agency security improvements. As a part of the agency's ongoing relationship with DHS, further assessments are anticipated in the future to aid in limiting future vulnerabilities and to ensure that any identified issues are timely and appropriately addressed.

### **B. 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. Prior to the end of 2018, WEC successfully enrolled more than 2,500 WisVote users into the MFA program, reaching its goal of 100 percent adoption.

Staff provided instructional materials and phone support, and now the majority of users authenticate to WisVote with the combination of login, password, and FIDO key. Some users had barriers with the keys and continue to use the telephone callback service. In addition, staff continues to investigate the Windows 10 application option for cases where the regular use of keys may be prohibitively challenging, such as municipalities with substantial numbers of temporary staff. It is the staff's intention that such municipalities will have an alternative way to authenticate to WisVote without an additional burden of managing FIDO keys for numerous temporary staff members.

WEC staff is also working to expand on the protection the FIDO keys afford to other services. The underlying algorithms behind the keys mean that the keys can be used for multiple services without weakening the security of those other services. Now that the keys are carried and used by all staff, it provides an opportunity to easily add MFA to other applications such as agency social media, server access, and administrative access to the agency's other website services.

### **III. Local Election Official Security Update**

#### **A. Advisory Committees**

A larger goal for WEC staff is to grow clerk coordination in all aspects of election security. A two-phased approach began after the WEC received the 2018 HAVA grant. The first phase successfully led to hiring additional WEC staff, creating various election security training opportunities, and implementing cybersecurity measures. To accomplish the second phase, WEC staff solicited feedback from local election officials and the public about different election security topics, including post-election audit programs, increased election security training at all levels, updating equipment, and managing and correcting misinformation about Wisconsin's elections. WEC staff established a baseline from the 2018 feedback and intends to expand upon that feedback and involvement as we prepare for future elections.

The WEC is currently in the process of creating three different clerk committees consisting of clerk representatives from the Wisconsin County Clerks Association, the Wisconsin Municipal Clerks Association, the Towns Association, and clerk-members serving in an at-large capacity. The various clerk committees will focus on three main areas, with one committee specifically committed to election security. One purpose of the clerk committee is to involve local election officials at the beginning of WEC projects to better tailor agency efforts to support the needs of local election officials. While the WEC always values the informal input of local elections officials, the clerk committee organizations will formalize the process for state and local elections officials to jointly plan and implement measures, including election security projects and initiatives. The WEC will convene its first meeting of the clerk committees on Thursday, February 28 and will update the Commission about their progress at future commission meetings.

#### **B. Clerk and Public Outreach**

In preparation for the 2018 elections, WEC staff, in consultation with local elections officials, created an extensive outreach plan concerning election security. These outreach plans yielded an election security tabletop exercise (TTX) program, a communications guide, and an election day emergency response plan template. These materials are accessible to all clerks on the WEC Learning Center website.

The goal of the TTX trainings, communication guide, and contingency plan template is to help local election officials assess the effectiveness of their existing election security policies and practices, to increase awareness by providing a high-level overview of election security realities, and to encourage implementation of election security best practices for increased preparedness and effective communication during an incident. WEC staff stressed the importance of communicating potential security incidents and reinforced the availability of WEC resources should clerks have questions or need assistance to resolve an incident.

WEC staff also engaged in security outreach to the general public throughout 2018. WEC determined it was vital to reassure the public that Wisconsin's elections were secure from potential security incidents, and WEC staff proactively addressed common election security concerns. Outreach efforts were conducted through both traditional media and online via the WEC website and social media accounts.

The WEC Administrator and Public Information Officer conducted many interviews with various members of the media ahead of all elections held during 2018.

WEC staff intends to build upon the 2018 election security outreach efforts to have a greater impact in advance of the 2020 election season. The WEC will continue to utilize interviews and press releases via traditional media to reach voters across the state and will expand outreach efforts online via the official agency website and social media accounts.

A nationwide concern during the 2018 election season was the spread of misinformation concerning the election process. WEC staff expects these concerns to continue to grow ahead of the 2020 elections. False information about the election process in Wisconsin from outside sources could erode public trust in the electoral system, in local election officials, and have an impact on voter turnout. In order to combat misinformation, WEC staff will continue to work with representatives from major social media platforms to quickly remove posts promoting false information about voting in Wisconsin. Additionally, WEC staff will increase its outreach efforts on major social media platforms and on the official agency website to further its role as the most accurate source of election information for Wisconsin electors.

To build upon election security communication improvements made in 2018, WEC staff will continue to provide local election officials with guidance on how to escalate any attempts to publicize misinformation about Wisconsin's elections and election process. In addition, WEC staff intends to prepare an outreach kit for municipal and county clerks to help them publicize general election security through traditional and online media in their communities. Communicating the election security improvements made in 2018 and planned projects ahead of the 2020 election season will further increase the level of confidence Wisconsin voters will have in elections and in their local election officials.

### **C. Local Election Official Security Training**

In May 2018, WEC staff planned and implemented a robust election training program 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. Staff reached out to county clerks to serve as regional TTX trainers and since that time, more than 1,000 Wisconsin election officials have participated in this training.

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

In addition to the TTX training, WEC staff continues to encourage the viewing and sharing of cybersecurity awareness electronic learning modules also hosted on the WEC Learning Center website.

#### **IV. Forging and Sustaining Relationships with Federal, State, and Local Election Partners**

Keeping Wisconsin elections secure requires a high level of collaboration and information sharing between WEC staff and key election security partners. The 2018 HAVA funds allowed for WEC staff and local election partners to address and implement immediate security updates. The WEC continues to recognize the importance of soliciting additional information and feedback from election partners at all levels, and the public at large, on the topic of election security.

WEC staff solicited and collected feedback regarding election security during county and municipal clerk conferences and trainings, via written correspondence, and at public meetings. Additionally, 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 news 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 included post-election audits performed before state certification, a need for paper ballots throughout the state, and 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. The results also demonstrated the need for continued focus on effectively communicating election security incidents, for which the WEC staff created and provided a communications guide and an emergency response plan template for local election officials to customize and use in the event of an election security incident on or around Election Day.

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 at future meetings.

In 2018, in addition to those previously outlined in this memorandum, the WEC staff experienced numerous collaborations in its efforts continue to keep Wisconsin elections secure. These experiences included, and were not limited to:

- meeting federal and state law enforcement and prosecutors to discuss Election Day incident response, coordination of roles, and current contact information
- coordinating with the Wisconsin Department of Justice to present webinar training regarding election and voting laws to state prosecutors and local law enforcement
- conducting an election security presentation at the Wisconsin County Clerks Association (WCCA) conference
- soliciting election security presentations by DHS and the Elections Assistance Commission (EAC) representatives
- participation in election cybersecurity TTX hosted by the DHS

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 an election security incident.



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## MEMORANDUM

**DATE:** For the March 11, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Interim Administrator

Prepared by:  
Commission Staff Team on Election Night Results Reporting

**SUBJECT:** Election Night Results Reporting - Research

### Introduction

At the Commission's December 3, 2018 meeting, the Commission directed staff "to research how other state election entities communicate unofficial election night results to the public and their statutory authority to do so." Additionally, the Commission directed 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."

Following the Commission's meeting, a team of staff members was assigned to take the lead on conducting and compiling the requested research. To provide additional context for the Commission, this memorandum also discusses the statutory and procedural requirements for processing absentee ballots at a centralized location. As the Commission is aware, approximately 28 municipalities, including the largest municipality, the City of Milwaukee, count absentee ballots at a centralized location. To obtain unofficial results from municipalities that have ballots counted both at the polls (voted at the polls) and a centralized location (voted absentee), the aggregation of those results occurs on election night.

The Commission staff offers some suggestions for the Commission's consideration to help improve current absentee central count procedures and avoid some of the election night confusion discussed at its December 3, 2018 meeting. See "Potential Improvements to Current Procedures" at pages 10-11 of this memorandum.

## **Background**

Unlike most states, Wisconsin does not have a statewide system for collecting and distributing results on election night. According to data collected by the National Conference of State Legislatures in 2014, approximately 39 states have some form of election night results reporting. 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 by 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 for state and federal offices 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 a centralized 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 as well as other factors like exit polling and statistical models, allowing 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, it does not make the results final.

## **Statutory Requirements for Unofficial Election Night Results Reporting**

Currently, 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.

### *The Role of the Municipality*

Wis. 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 Wis. 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.

Wis. Stat. § 7.52 discusses the process for tabulating absentee ballot totals 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.

### A. Absentee Ballot Central Count – Legislation

Absentee ballot central count was enacted through 2005 Wisconsin Act 451, which was a comprehensive bill that made changes to numerous areas of election law, including provisions for counting “late arriving absentee ballots from military electors.” Act 451 allowed military absentee ballots to be considered valid, and be counted, if they were returned to the clerk by the deadline for recount and were postmarked on or before election day. As part of this legislation, clerks were required to post a statement on their Internet site announcing the number of absentee ballots that had been issued but had not been returned by absentee electors by the closing of the polls. In 2011, Wisconsin Act 75, another comprehensive bill that made changes to numerous areas of election law, repealed the statute allowing absentee ballots to be counted if postmarked by election day and received by the deadline for a recount, but that legislation did not repeal the provision requiring absentee central count municipalities to post the number of issued and returned absentee ballots on their Internet sites.

### B. Absentee Ballot Central Count - Process

For municipalities that count all absentee ballots at a central location pursuant to Wis. Stat. § 7.52, results must be aggregated with results from ballots cast at polling locations on election day.

Currently, there are 28 municipalities which the Commission considers “absentee central count” municipalities. Prior to becoming an absentee central count municipality, it notifies the Commission in writing of its intention to do so and the procedures that will be used to process absentee ballots at the municipality’s central count location. Wis. Stat. § 7.52(1)(a). The Commission staff reviews the procedures and advises municipalities of the requirements and logistics required to successfully administer an absentee ballot central count location. The Commission maintains copies of the procedures submitted and periodically reaches out to inquire whether the procedures submitted are current.

Once the notice and procedures have been submitted to the Commission, the governing body passes an ordinance that states that in lieu of counting absentee ballots at the polls, a municipal board of absentee ballot canvassers is designated under Wis. Stat. § 7.53(2m) and is tasked with canvassing all absentee ballots received by the municipal clerk by 8 p.m. on election day. *Id.* The Commission also maintains a copy of the municipal ordinance so that staff can track the number of absentee central count municipalities statewide. At every election held in the municipality following enactment of the ordinance, the board of absentee ballot canvassers shall, any time after the opening of the polls and before 10 p.m. on election day, publicly convene to count the absentee ballots for the municipality. *Id.* The clerk is to provide 48 hours’ notice of the meeting time and location and provide the same access to the public as is provided to public observers at a polling location on election day. *Id.*

The board of absentee ballot canvassers is composed of the clerk (or a qualified elector designated by the clerk), and 2 other qualified electors of the municipality appointed by the clerk. Wis. Stat. § 7.53(2m). Members serve 2-year terms commencing on January 1 of each odd-numbered year. *Id.* A clerk may not serve on the board of absentee ballot canvassers when they are up for election and

have an opponent. *Id.* In that instance, a replacement is designated by the head of the governing body. *Id.* Additional inspectors may also be appointed under Wis. Stat. § 7.30(2)(b) to assist the absentee ballot board of canvassers. Wis. Stat. § 7.52(1)(b).

In each absentee central count municipality, no later than the closing hour of the polls, the municipal clerk shall post at his or her office and on the Internet at a site announced by the clerk before the polls open, and shall make available to any person upon request, a statement of the number of absentee ballots that the clerk has mailed or transmitted to electors and that have been returned by the closing hour on election day. Wis. Stat. § 7.52(1)(c). This informational posting shall not include the names or addresses of any electors. *Id.*

No earlier than 7:00 a.m. on election day, the board of absentee ballot canvassers and additional inspectors process all the absentee ballots cast in the municipality. Absentee envelopes are checked to ensure all signatures and other required information has been provided prior to opening. Pollbooks and absentee ballot logs are reconciled to ensure that no voter has cast more than one ballot. Pollbook numbers are issued and written on the back of the corresponding ballot. Wis. Stat. § 7.52(3)(a). As each ballot is processed, the name and address of the absentee voter is announced so that any member of the public present may hear it. *Id.*

The board of absentee ballot canvassers ensures that the number of ballots and the total shown on the pollbook agree prior to the commencement of counting the ballots. Wis. Stat. 7.52(4)(e). The board of absentee ballot canvassers follows the same general procedures, and uses the same forms prescribed by the Commission as those used at the polling place when processing, counting and securing absentee ballots. The board of absentee ballot canvassers completes the required canvass statements and certifies to the correctness of the statements and tally sheets (if applicable) and sign their names. Wis. Stat. § 7.52(7). When the tally is complete, the board of absentee ballot canvassers publicly announces the results from the statements, and the records of the count are open to public inspection and copying under Wis. Stat. § 19.35(1). *Id.*

“The board of absentee ballot canvassers shall make full and accurate return of the votes cast for each candidate and proposition on the tally sheet forms.” Wis. Stat. § 7.52(8). After recording the votes, the board of absentee ballot canvassers secures the pollbooks, canvass statements, tally sheets (if applicable) and provides copies to the county clerk and municipal clerk. Unofficial results are also transmitted via modem or physically delivered to the county clerk on a removable memory device to comply with the election night reporting requirement contained in Wis. Stat. § 7.51 so that information can be displayed for the public on the designated county reporting website.

The combining of polling place results and absentee ballot central count results occurs on election night, but there is no statutory requirement that a municipality wait for results from both sources prior to information being reported to the public. As discussed later in this memorandum, the Associated Press reports results as soon as they are obtained and can be verified, regardless of the “source” of those results.

### *The Role of the County*

Once the tabulated results from each reporting unit are received by the county, Wis. 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 these 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*

Wis. 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. Official results are later aggregated through the CRS during the official canvass and published by the WEC.

### **State Specific Comparison Research**

WEC staff participated in conference calls with representatives from the state election agencies in Michigan, Minnesota, Colorado and North Carolina and asked them a series of questions about election night results reporting in their state. Staff also reached out to Illinois and was informed that they do not currently have a centralized election night results reporting requirement or system.

Below is a summary of information the staff obtained from the conference calls with each of the states. The chart included as Attachment 1 compares some basic information obtained from the selected states.

Overall, WEC staff learned that there are many factors that impact state process for election night reporting, such as how and where absentee ballot are counted, whether the election night reporting systems are integrated with other state systems (such as results certification systems or the statewide

voter registration database), whether the State had a role in voting equipment programming, and how the state election night reporting fits into local business processes.

### *Michigan*

Michigan began working on election night reporting in 2004. The intent was to have counties enter their candidates and contests into the state voter registration database, and then generate an export that would be used to program the voting equipment. The voting equipment programming would store the unique identifiers for the candidates, offices and precincts so that results could then be easily imported back into the state system on election night. Problems arose when some counties did not want to use that standard file because they were used to their own methods. If counties did not use the standard file from the state to program their voting equipment, they would not be able to upload the results file on election night. Some smaller counties also opted not to use the voting equipment software to aggregate results and therefore could not upload a results file. Counties must hand key results into the state system if they cannot import a file.

In 2016, Michigan also ran into issues with its election night reporting website due to heavy usage. As a result, Michigan opted not to do any state election night reporting for the 2018 General Election. They are considering new options for the next election cycle.

As part of the voting system certification process, Michigan does require that voting system vendors be able to accept the standard file generated from the state voter registration system for programming and must be able to produce a results file in a standard format that can be imported into the state system for election night reporting. This process ensures that voting systems can integrate with results reporting systems if the state opts to report election night results in the future.

### *Minnesota*

Minnesota has been doing statewide election night reporting for the longest of the states that were interviewed, beginning sometime in the 1980s. Initially they only reported state and federal offices but added local offices to the system in 2004. The election results reporting system is fully integrated with the state election management system (which is also used to display sample ballots on the state's voter look-up website). Candidates and contests are entered into the state system, and the state generates export files for the voting equipment vendors to use to make voting equipment programming easier. By providing these, the State was able to offer something as an incentive to participate in the reporting process for both counties and the equipment vendors.

Minnesota has separate databases for the accumulation of the data from the counties and for publication to the public. Elections staff decides when to publish data from the accumulation database to the public website so that they do not get overwhelmed with traffic. They can also hold precinct level results in places where the polling place tally may be complete, but the centralized counting of absentee ballots is still going on. Minnesota counts all absentee ballots for state and federal elections centrally using counting boards, so for large elections they wait to publish any precinct counts until both the polling place and central absentee counts are available. In the meantime, clerks can keep sending in their data until the precinct results are complete without impacting the results seen by the public. Minnesota also allows absentee ballots to be pre-processed,

meaning that election officials can begin to open absentee envelopes and begin tabulating ballots ahead of election day. This helps avoid delays in the release of absentee election results on election night.

### *Colorado*

Colorado uses a vendor-provided election night reporting system. Colorado counties are required to provide an export from their voting equipment that lists the candidates and contests ahead of time to the state in order to set up the election night reporting system and to allow state staff to standardize contests and candidate names for contests that span more than one county. On election night, each county uploads results into its own page. County contests appear on a results page for that county and state and federal contests appear on the State's page. Data from the election night reporting system is then used by the state's Ballot Access group to verify certified results counts and to produce the state results abstract.

In Colorado, all electors get a ballot mailed to them. They can mail it back, deliver it to a drop box or return it to a voting center. Alternatively, they can vote in-person at a vote center ahead of election day or at a polling place on election day. Counties can begin processing returned ballots up to 15 days before the election but cannot release results until election night. Colorado reports county totals on election night and not precinct-level counts, so absentee counts and polling place counts can be added throughout the night on election night.

Finally, Colorado has run into problems where election night results were not uploading correctly because the system ran out of memory. There have also been issues with counties meeting the process deadlines and the number of steps involved creates strain on the staff at the state elections office.

### *North Carolina*

North Carolina has been conducting election night reporting since 2014 as part of its state voter registration system. The state requires counties and vendors to produce a file prior to the election which gets validated to ensure it is not missing any precincts or contests. The state has an active role in equipment programming and because it has only one vendor, it is easier to implement consistent rules. They also run several "mock elections" before each election to test that the data and processes are set up properly.

Much like Minnesota, North Carolina has an internal website for counties to upload data and separate site that displays the election night results to the public. There have been issues with the site going down and displaying the wrong reporting amounts due to outstanding absentee ballots. Like Minnesota, North Carolina has procedures in place to delay posting of polling place counts until absentee counts can be added in and allows absentee ballots to be pre-processed ahead of election day to expedite the counting process. Because the results reporting system is a component of the state voter registration system, North Carolina is also able to take specific tallies like provisional and absentee votes versus polling place votes and can provide counties with reconciliation reports to ensure that the count of voters marked as having voted in the election matches with the final election results, down to the method of voting, within each precinct.

### *Illinois*

Illinois does not have election night reporting. Staff was not able to talk to Illinois election officials in depth, but much like Wisconsin, the counties oversee reporting their own results. Illinois has several different voting equipment vendors. The state does not have a role in programming voting equipment, however counties need to upload election results files to the state as part of the final certification process for state and federal offices. They perform pre-election testing to ensure that all results files can be successfully uploaded as part of the certification process.

### **Other Research**

Due to the current prominent role of the Associated Press (AP) in reporting election nights results, staff participated in a conference call with one of its representatives and asked a series of questions about the AP's process for obtaining results and publishing them for public consumption on election night.

Below is a summary of information the staff received from the AP on its election night reporting operations.

#### *Associated Press*

According to the AP, Wisconsin is one of approximately 10 states that has no role in election night reporting at the state level. The AP has a representative in every county in the state for national elections and fewer for spring elections. It also has staff looking at county websites and running its results feed. They also have regional representatives who provide overall coordination for Wisconsin and 5 other states in the region. The AP regional representative's job is to work with counties to verify that all the standard framework data is correct ahead of election day, so when results are obtained, they can be displayed quickly and accurately. They are also in communication with counties on election night to relay and/or solve any data issues that arise.

AP employees gather data on election night and report them into results reporting centers. This process begins 20 minutes after polls close and continues throughout the night. They continue to work with counties to verify results. They are aware of the absentee central count process and monitor those results separately, but continuously update and publish results regardless of whether they are polling place results or absentee central count results. This process can be confusing if absentee ballots are not grouped and reported by precinct immediately. Other states have similar processes and issues when it comes to reporting absentee ballot results. Some states are able to provide a count of outstanding absentee ballots to AP, which is helpful for them to determine if results are complete and to contextualize the results being released.

The AP monitors county websites (and state websites where available) to verify results. However, AP never bases its reporting to the public solely on this information. It always uses a combination of results from its employees on the ground and website information to verify data before it is published for the public. They also complete statistical checks using algorithms to make sure the data they are receiving is logical and compare against turnout projections and historical results for the same type of election. Even if the Commission developed a centralized election night reporting system, the AP

would continue to report results using its existing methods, although the Commission's reporting, depending on its timeliness, could be used as an additional point of data validation prior to publishing information for the public.

### **Commission Considerations**

At this earliest stage of research, the staff team has not yet reached out to county or municipal clerks or other election partners to obtain feedback on election night reporting. Due to the decentralized nature of election administration in Wisconsin, any successful centralized election night reporting system would likely have to rely on a partnership between county and municipal clerks and the Commission. If the Commission directs staff to continue its research of election night reporting, obtaining feedback from these partners early in the process would be strongly recommended.

Based on the research conducted, the staff team believes the following issues should be considered by the Commission in conjunction with the discussion of next steps (if any) regarding election night reporting.

#### *Statutory Authority*

In March 2016, the Legislature passed 2015 Wisconsin Act 261 which created the timeframes and posting requirements for municipalities, counties and the Commission. As discussed above, municipalities report results to their respective county no later than two hours after they have been tabulated, and counties receive the results from their municipalities and are required to post them within two hours of receipt. The Commission is required to maintain a page on its website that links to all the county sites that report the results. Act 261 is the most recent directive from the Legislature as to what it collectively believes the responsibilities of each level of government is for reporting unofficial results on election night. The Commission should consider whether current statutes permit the Commission to implement additional reporting requirements/methods to facilitate a centralized system without additional legislation. As an administrative agency tasked with carrying out specific statutory requirements, Commission staff is always sensitive to proposing and implementing major initiatives that are not specifically directed by statute.

#### *Legislative Input/Changes*

The Commission could seek input from members of the Legislature or legislative staff about whether increased centralized results reporting on election night is something they desire and would support. Commission staff could also reach out to the Legislative Reference Bureau and request a bill draft on this topic which could then be shared with members of the Legislature. The Commission could also identify this issue as a legislative priority and add it to WEC's legislative agenda. Without legislative changes that would mandate reporting to the Commission on election night, or some other central reporting mechanism, it may be difficult to achieve voluntary compliance from counties and/or municipalities currently responsible for reporting results under the provisions of 2015 Wisconsin Act 261. Additionally, without specific statutory authority authorizing the Commission to take on a more centralized reporting role, members of the Legislature may inquire where the Commission derives its authority to institute such a system.

To encourage compliance, some incentive or value-added benefit to comply may need to be considered to reach the desired result. For example, in some states the election night reporting requirement is one part of a larger cycle that includes voting equipment programming, ballot design/printing, and official canvass reporting/certification, so it has been worked into the larger election administration business process. That business process model is not currently used in Wisconsin and would be a shift in both process and culture if municipalities and counties were directed to do so by the Legislature.

#### *Voting Equipment Vendor Role/Certification*

Some states that have an election night reporting system have worked with the voting equipment vendors to ensure (through the certification process) that there are import and export capabilities that are consistent with the State's reporting system. As discussed in the previous section of this memo, this can be part of the compliance incentive offered to municipalities and counties. Currently in Wisconsin, while WEC staff has worked with vendors to produce certain files in a usable format, it is not part of the traditional testing campaign and certification that is issued to vendors allowing them to do business in Wisconsin. Additional communication with voting equipment vendors and adjustments to the testing protocol currently in place (including potential statutory or administrative rule changes) would likely be needed if a similar business process is pursued.

#### *Accuracy and Verification of Election Night Data*

Ensuring accuracy of any results centrally reported to the Commission from 72 counties, comprised of more than 1,850 municipalities in a short window of time (generally between 8 p.m. and midnight on election day) could be challenging, given the decentralized nature of elections in Wisconsin. Currently, the Commission is required to provide a page on its website that provides a link to the county reporting pages but does not have a role in vetting and double-checking the information that is posted to those sites.

If the Commission is the reporting hub for all results reported by its 72 counties on election night, a method for verifying the accuracy of results would need to be developed, so that the Commission's reputation of being the most accurate source for election information would not be compromised. If a statewide process is put in place, the media and public would likely expect the Commission not only to list results from the counties but to aggregate results for state and federal offices. The public, candidates and the Commission rely on the unofficial results reported by municipalities, counties and the AP. Candidates involved in close races rely on these numbers to decide whether to claim victory, concede defeat, or plan for a recount. A centralized system at the State level with verifiable and reliable information could be a source used by candidates to make their decisions, but only if it is as prompt, accurate and accessible as media reports in a short window of time immediately after polls close.

If the Commission would become the central repository for results, additional security measures would need to be explored. Currently, results are spread across the reporting pages of 72 separate counties. An actor attempting to affect voter confidence by manipulating the display of election results currently must look to those separate sites. If results are reported to one centrally located site, this could provide a more attractive target for those with malicious intent than penetrating 72 (or a

portion of) separate sites. Additional security plans would need to be researched and implemented prior to any centralized reporting system being used, but that research is outside of the scope of this memo.

### *Cost and Resources*

The staff team did not dig deeply into cost estimates for this memo, but should the Commission decide to pursue some version of election night reporting in Wisconsin, there would certainly be some costs to consider. To accomplish centralized reporting from all corners of the State in a short window of time, undoubtedly a technology solution would likely need to be developed, tested and involve a level of user training – all of which would cost time, money and staff resources. The security of the system, as mentioned earlier, could also cost money to ensure appropriate redundancy and performance. In speaking with other states, the amount of staffing resources dedicated to election night reporting, both the development and the ongoing performance and maintenance, should not be underestimated. As with all technology projects, the potential added value of a new process and prioritization should also be considered, to ensure that the Commission can meet all its important statutory duties with the level of staffing currently authorized.

### *Potential Improvements to Current Procedures*

To address some of the concerns or confusion discussed by the Commission related to reporting of results for the 2018 General Election, some improvements could be made to current procedures short of implementing a centralized election night reporting at the State level that would help ensure that candidates, political parties and members of the public are confident in the results reported on election night in municipalities that count absentee ballots at the polls or at an absentee central count location.

Some of the public's confusion on election night in November 2018 occurred because some of the early Milwaukee County results reported by the AP did not include absentee ballots canvassed at the City of Milwaukee's absentee central count location. When absentee ballot results were eventually included in the reported totals, the number of votes in the top of the ticket race jumped significantly, leading to false claims that ballots were somehow "discovered" which led to a candidate taking the lead who had been trailing prior to absentee ballots being added to the reported results.

These issues are not unique to the City of Milwaukee or Milwaukee County, as there are other municipalities across the State that centrally count absentee ballots. For the public that does not know how absentee ballots are added to the reported totals when they are counted centrally, such swings in the votes later in the night can result in decreased confidence, even though the process is correct and there is no impropriety. Additionally, as discussed below, the City of Milwaukee did not post the number of absentee ballots that had been issued and returned on its website, so it was unknown how many absentee ballots were being processed and counted at the central count location. While individuals stationed at the central count location were likely aware that counting of absentee ballots was still occurring, and that the preliminary results reported did not include any absentee totals, that notation was not included in all media reports.

As discussed earlier in this memo, Wis. Stat. § 7.52(1)(c) requires municipalities that canvass absentee ballots at a central count location to “no later than the closing hour of the polls...post at his or her office and on the Internet at a site announced by the clerk before the polls open, and shall make available to any person upon request, a statement of the number of absentee ballots that the clerk has mailed or transmitted to electors and that have been returned by the closing hour on election day.” Through testimony provided to the Commission by the Executive Director of the City of Milwaukee Election Commission, this posting did not occur in the City of Milwaukee for the 2018 General Election.<sup>1</sup>

Commission staff reached out to the clerks of the other absentee central count municipalities to determine if absentee information posting occurred in their municipality for the 2018 General Election. Similar to the explanation provided by Mr. Albrecht from the City of Milwaukee during his testimony, at least four other municipalities incorrectly believed that when the requirement to count late arriving absentee ballots was repealed, the posting requirement was also removed. From the municipalities that responded, at least ten municipalities stated that they have been posting the required absentee information on their websites as prescribed by the statute, while ten municipalities indicated that they did not have absentee information posted on election night.

Regardless of whether it was intentional or an oversight, Wis. Stat. § 7.52(1)(c) has not been repealed, and therefore absentee central count municipalities are required to post absentee information as prescribed. At a minimum, the posting requirement puts individuals on notice there are additional ballots that are not being tabulated at the polling locations on election day, and that the results reported from an individual polling place will not include absentee ballots for that location.

Commission staff intends to take additional steps to draw more attention to the absentee ballot central count process to help better inform the public about results reporting on election night, such as:

- Issue a communication to clerks of absentee central count municipalities to remind them of the statutory requirement to post the number of outstanding absentee ballots that have been issued and returned in accordance with the statutory requirement.
- More closely monitor the internet sites of absentee central count municipalities to ensure compliance with this statutory requirement and take appropriate steps to remedy any noncompliance with this requirement, including issuing an order under Wis. Stat. § 5.06(4).
- Include disclaimer language on its website that clearly states that information contained on the county reporting website may be incomplete until the counting and reporting of absentee ballots at central count locations is complete.
- Reach out to central count municipalities, and the counties in which those municipalities are contained and encourage them to include disclaimer language on their respective websites that

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<sup>1</sup> See Testimony of Neil Albrecht, Executive Director, City of Milwaukee Election Commission here: <https://wiseye.org/2018/12/03/wisconsin-elections-commission-december-2018-meeting/>  
The testimony begins at the 37:40 mark.

clearly states that results may be incomplete until the counting and reporting of absentee ballots at central count locations is complete.

- Reach out to the AP to brainstorm ideas on how to best communicate information about absentee central count results to the public during its reporting, which may include the development of a disclaimer like what the Commission, counties and municipalities could provide on their websites.
- Include in its media advisory press releases issued prior to major elections a statewide list of the absentee central count municipalities and a short primer on how results from those municipalities are reported and added to results from polling locations.

### **Next Steps**

The staff team believes the process and communication improvements discussed above are common sense measures that could be made using existing staff and resources and could go a long way to help eliminate some of the confusion surrounding the absentee central count process and election night results reporting that occurred last fall.

The staff team does not provide any additional recommendations for the Commission regarding whether to consider implementing statewide election night reporting at this time. The staff team does request feedback from the Commission whether additional actions or research should be pursued.

## Attachment 1

### Election Night Reporting - State Comparison

Demographic Data	Wisconsin	Michigan	Minnesota	Colorado	North Carolina	Illinois
Total Population (In Millions)	5.8	10	5.6	5.7	10.4	12.7
Number of Counties	72	83	87	64	100	102
Current Number of Equipment Vendors	3	3	3	3	1	5
Election Night Questions						
Does the state have a role in election night reporting?	Limited	Limited	Yes	Yes	Yes	No
What year did the state start working on Election Night reporting start?	2010	2004	1980s	2012	2014	N/A
Does the state report only state and federal offices, or local offices as well?	None	State and Federal	All	State and Federal	All	N/A
Does the state report county totals or precinct-level results?	None	County Totals	Precinct Level	County Totals	Precinct Level	N/A
Who enters Election Night results into the state system?	County and Municipal	County	County and Municipal	County	County	N/A
How are Election Night results entered into the state system?	Hand-enter and Upload	Hand-enter and Upload	Hand-enter and Upload	Hand-enter and Upload	Upload	N/A
Does the Election Night Reporting system integrate with state voter registration database?	Yes	Yes	Yes	No	Yes	N/A
Other Questions						
Does the State have a role in the programming of voting equipment?	No	Yes	Yes	No	Yes	No
Are absentee ballots counted at a central location or at the polling place?	Both	Both	Central Count	Central Count	Central Count	Central Count

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INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the March 11, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared and Presented by:

Robert Williams      Cody Davies  
Elections Specialist   Elections Specialist

**SUBJECT:** 2018 Post-Election Voting Equipment Audit Final Report

### 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.<sup>1</sup> 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.

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<sup>1</sup> 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.

For the 2018 post-election voting equipment audit, the Commission approved a significantly larger sample size of ballots subject to audit, increasing the number of selected reporting units to 5% of the state total. The final process saw 186 reporting units ultimately selected that were subject to audit. Commissioners also opted to set the deadline for audit completion to November 28, 2018, prior to the state deadline for certification of election results. This pre-certification deadline allowed time for staff to review submitted audit reports and determine if there were any anomalies contained therein that could impact the Commission’s decision to certify the November 2018 General Election results.

**2018 Voting Equipment Audit Summary**

Audit results reported by local election officials and reviewed by WEC staff, did not identify any issues or anomalies with the tabulation functionality of the voting equipment, nor did they uncover any programing issues with the machines on which results were audited.

Included in the totals 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 office.

**Accessible Voting Equipment Audit Results Summary**

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

There are four approved accessible voting systems that directly record and tabulate votes currently used 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. Ballot marking devices allow voters to use a touchscreen interface or tactile keypad 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 from 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

<b>Optical Scan Equipment</b>	<b>Audits Conducted</b>
Sequoia Insight	19
ES&S M100	6
Optech Eagle	1
AccuVote-OS	5
ES&S DS200	82
Dominion ICE	16
ES&S DS850	2
ES&S DS450	2
Clear Ballot Group ClearCast	5
Hand-Count Paper Ballots – No OS Equipment	48

All voting equipment audits of tabulation equipment were completed by or under the supervision of either the municipal or county clerk. 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. Issues experienced by staff can generally be divided into two classifications: Auditor errors and election administration errors. A representative summary of those issues is itemized below:

### Auditor Errors

- Several municipalities incorrectly audited the U.S. Senate race rather than the State Senate or Sheriff contest. Impacted municipalities were required to reconvene the audit, with proper notice, and conduct a supplemental audit of the correct contest. All other audit results submitted by these municipalities were reviewed and confirmed by staff. Upon receipt of amended audit results, staff evaluated the submissions and found no anomalies.
- 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 proper mark next to the write-in line for the machine to register a vote for a contest. In these cases, the voting equipment performed up to expectations in that it did not count votes where no oval had been filled in.
- There were various municipalities where voter intent was considered by auditors in the execution of their duties. For example, if a voter marked the oval for a write-in line but crossed off the candidate name they initially wrote in, the machine would correctly count this mark as a write-in on the results tape. For the purposes of the audit, the votes were to be counted in the same manner as the machine would count them. In municipalities where voter intent was considered by auditors, initial results occasionally did not reconcile. Upon revisiting the issue and retallying without voter intent as a consideration, the numbers in these municipalities did reconcile.
- On one Insight tabulator, there was a single ballot with what the machine identified as an “un-processable error.” Auditors were unable to single out this ballot, as it was not segregated by the machine. As a result, the audit was +1 on several contests. All other numbers reconciled, however.
- A marginal mark was identified during one audit 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.
- There were instances where paper jams in DRE machines caused several ballot records in multiple reporting units to not print. The lack of ballot records in these instances made it impossible to audit those ballots without extracting the electronic audit logs from the voting equipment used on Election Day.

### Election Administration Errors

- The ballot pool for an audit in one municipality initially contained 8 ballots from another reporting unit leading to inaccurate audit results. The ballots in question were identified and removed from the pool and the adjusted totals reconciled with the machine totals from Election Day.
- Ballots were occasionally, without necessity, re-fed through the tabulator on Election Day after a jam. In some instances, these ballots had been counted by the machine, but election inspectors were unaware of this.
- One municipality conducted the election with their voting equipment set to an administrative mode, which did not allow them to print a results tape at the end of the night. Unable to reconcile without the tape, the municipality’s ballots were transported to the office of the County

Clerk, at the sole discretion of the County Clerk, and rerun through reprogrammed equipment at the County Clerk’s office.

Many of the initial reported discrepancies occurred, as outlined above, because voter intent was taken into account when auditors were 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 related 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. However, voting equipment is not technologically advanced enough to recognize this type of improper mark, so no vote on ballots containing such marks should have been tallied during the audit process.

**Audit Results**

In total, 135,712 ballots were counted by hand in the course of this audit.<sup>2</sup> Each municipality was required to provide a summary of each of the four audited contests showing the allocation of votes between candidates, write-in votes, undervotes, etc. The table below breaks down the gubernatorial contest into further detail by showing total number of votes after aggregating the summaries as reported by each municipality participating in the audit.

<b>Governor/Lieutenant Governor Candidates</b>	<b>Total Votes Audited</b>
Walker/Kleefisch	72,268
Evers/Barnes	60,249
Anderson/Baird	950
White/Anderson	497
Turnbull/Losch	924
Enz/No Candidate	144
Write-ins/Scattering	58
Undervotes	622
<b>Total Votes Cast on Equipment</b>	<b>135,712</b>

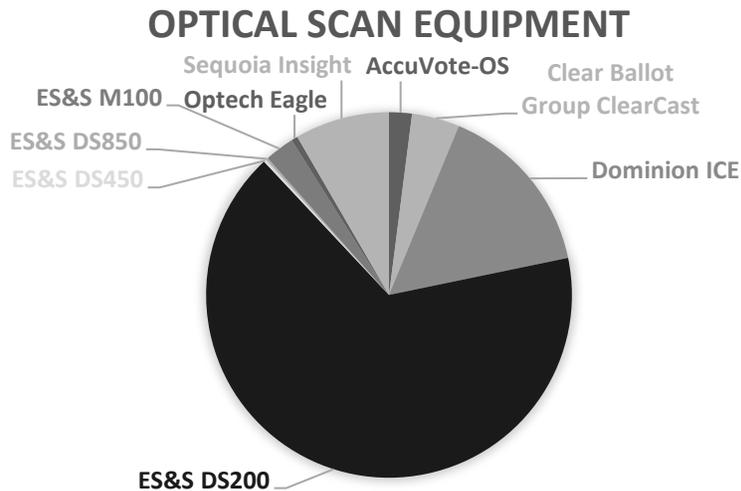
As previously detailed, there were several instances of auditor and election administration error that led to discrepancies between equipment result tapes and the total number of ballots audited in specific contests. The information used to obtain the vote totals for the gubernatorial contest was pulled directly from the reporting forms completed by auditors. As such, and as was expected, the total number of votes cast on voting equipment and the total number of ballots audited do not perfectly match. There were multiple occurrences in which auditors included the hand-count paper ballots that were cast in their reporting units in their final ballot totals when only the votes cast on the accessible voting equipment should have been tallied. In other cases, un-processable ballot errors or jams/misfeeds of the VVPAT paper roll led to discrepancies between the total votes as recorded by the voting equipment and the total number of ballots available to be audited. In at least one case, overvoted ballots, which were to be

<sup>2</sup> This total only includes the ballots that were cast on or tabulated by voting equipment in the selected municipalities. As detailed elsewhere, some municipalities included their hand-counted ballots in their reporting forms. Municipal subtotals containing the hand-counted ballots can be found in Appendix 1.

tallied as undervotes on the final reporting form, were set aside by auditors, who were unsure of how to reflect this outcome on the provided tally sheets.

<b>DRE Equipment</b>	<b>Total Ballots Audited</b>
Sequoia Edge	15,370
AccuVote-TSX	316
iVotronic	283
Populex	95
<b>Optical Scan Equipment</b>	<b>Total Ballots Audited</b>
Sequoia Insight	9,398
ES&S M100	3,135
Optech Eagle	675
AccuVote-OS	2,431
ES&S DS200	79,731
Dominion ICE	18,660
ES&S DS450	303
ES&S DS850	242
Clear Ballot Group ClearCast	5,079

Certain participating municipalities experienced issues unique to optical scanning equipment. For example, a number of auditors reported discrepancies arising from poorly marked ballots, refeeding of ballots that were already tabulated by the voting equipment, and the issue of voter intent. In all cases, the incidents that led to the discrepancies between the final audit tallies and the equipment result tapes were documented, either by Election Inspectors on Election Day or by auditors throughout the course of conducting the audit.



## **Post-Audit Municipal Reimbursement**

At its September 2018 meeting, the Wisconsin Elections Commission elected to offer municipalities reimbursement for actual costs incurred, up to \$300 per reporting unit, for conducting each audit with staff authorized to make additional reimbursement if funds were available. 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. More information on municipality-specific requests can be found in Appendix A. Figure 1 below outlines reimbursement requests received by WEC audit staff. Figure 2 shows requests as they were approved.

WEC received 151 reimbursement requests totaling \$46,662.72 and the agency financial team continues to process any outstanding reimbursements. Included in the total are 47 requests that exceeded the \$300 per reporting unit maximum. These requests total \$25,869.56, which is included in the larger figure listed above. The highest requested amount was \$1,326.48. Of the requests over \$300, 17 were within \$100 of the maximum. There were also 35 municipalities which did not submit a request for reimbursement.

Any municipality that submitted a reimbursement request over the allowable maximum set by the Commission was paid \$300, with their overage considered for approval by Administrator Wolfe and/or Commission Chair Knudson. Approval and processing of reimbursement requests was divided into three categories based directly on the amount submitted by the municipality. The payment categories utilized by the audit and financial teams focused on requests under \$300, those between \$300 and \$400, and those which totaled more than \$400, with each having a different threshold for approval.

Processing of payments at or below \$300 were the most promptly completed. Since the Commission approved reimbursements up to \$300, the 104 municipalities with requests below that amount had their payments promptly processed by the WEC financial team, provided they submitted forms containing the information outlined above. Members of the audit team conducted an initial review of reimbursement materials to ensure that all relevant criteria for payment had been met prior to forwarding said materials for payment. Upon receiving the reimbursement requests from the audit team, the financial team first contacted the municipalities to confirm their mailing address, then processed the payment and sent a check to the address provided by the municipal clerk. An initial batch of payments for the 104 municipalities was sent out on January 26, 2019. The total reimbursement to these municipalities was \$20,793.16.

Based upon the Commission's motion, additional steps were completed with regard to reimbursement requests in excess of \$300. When considering requests received totaling more than \$300, but less than \$400, staff, in collaboration with Assistant Administrator Rydecki, provided Administrator Wolfe with data regarding the municipality's actual costs. After review, Administrator Wolfe approved all 17 requests in this category for a total of \$5,863.19.

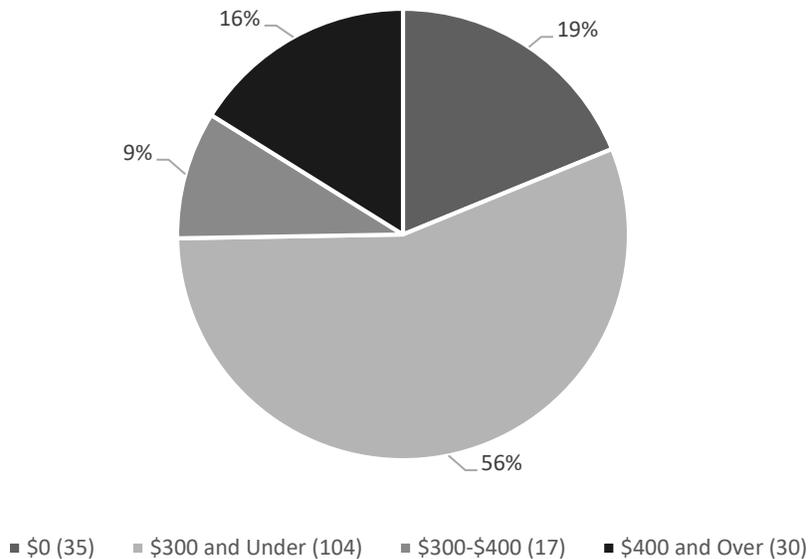
The final category of submitted reimbursement requests are those above \$400. As with the \$300-\$400 requests, audit team staff lacked specific authority to approve this group of payments, which contained 30 reimbursement requests at a total of \$20,006.37. The highest requested amount was

\$1,326.48. Audit team staff, in collaboration with legal counsel and Assistant Administrator Rydecki, considered numerous options of how best to manage this group of requests.

The audit team presented the situation to Administrator Wolfe to confer with Commission Chair Knudson on whether these reimbursement requests would be approved. To aid the process, audit staff contacted the 30 municipalities to obtain further information about their requests. As a requisite for further consideration, municipalities were required to submit a more detailed accounting of their audit procedures, pay rates, mileage expenses, and offer an explanation as to why their costs were in excess of \$300. Clerks were given a deadline of February 7, 2019 to reply.

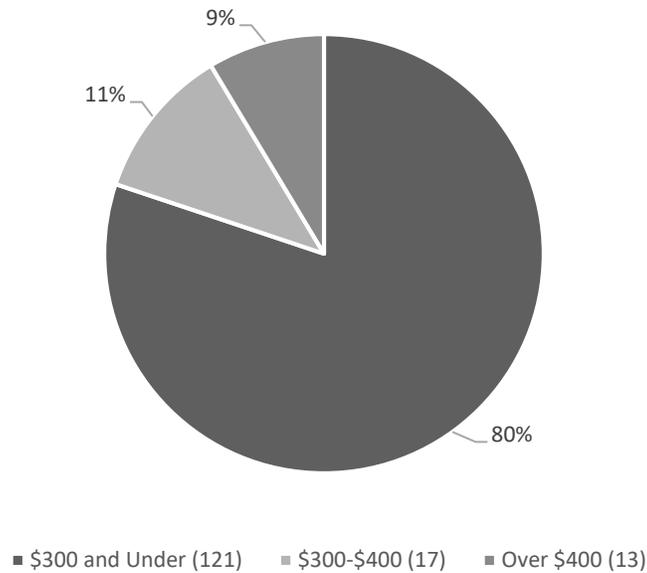
Of the 30 municipalities contacted, 14 responded, providing further information for consideration of overage costs. After discussion with Commissioner Knudson, Administrator Wolfe approved 13 reimbursement requests over \$400. Total payments processed on reimbursement requests over \$400 was \$9,157.67. The remaining 17 municipalities that requested more than \$400, having failed to adequately respond to additional information requests, received a payment of \$300, totaling \$5,100.

**Figure 1**  
**Reimbursements as Requested by Municipalities**



As detailed above, municipal reimbursement requests totaled \$46,662.72. However, due to the fact that many of the requests over \$300 were capped at that amount, the actual cost of the audit was notably lower. According to audit team calculations, the final cost of the 2018 Post-Election Voting Equipment Audit will be \$40,914.02. This cost takes into consideration the 104 municipalities which requested \$300 or less, the 17 municipalities where overages were not approved, the 17 municipalities which requested between \$300 and \$400, as well as the 13 municipalities where overages were approved. Reimbursements approved are outlined below in Figure 2.

**Figure 2**  
**Reimbursements as Approved by WEC**



**Next Steps**

By gleaning as much useable data from the audit process as possible, staff will have a greater capacity to improve both the audit and reimbursement processes for future iterations of the voting equipment audit. Through communicating with municipal clerks and auditors throughout the tallying process and through ad hoc feedback received when audit materials were submitted to WEC, staff identified several improvements to the materials disseminated by WEC that would make conducting the audit a more efficient and accurate process.

**Improvements to Instructions and Resources**

In terms of specific material-related issues, either reported during the audit or noted during the final review of the completed audit reports, complications with the tally sheets seemed to be the most common by a large margin. For many auditors, the space on each tally sheet was not large enough to fit the requisite number of tally marks in each field. This resulted in auditors marking the tally sheets inaccurately. When compounded with the small typeface on the sheets themselves, the imprecise tally marks led to several reported errors and, in certain cases, necessitated that the audit be reconducted to obtain more accurate results.

Staff is currently updating and redesigning specific audit materials while the lessons learned from the most recent audit are still fresh. The tally sheet will be redesigned to increase flexibility that will account for multiple audit methods and for the varied format of ballots that are required to be tallied during the process.

It was reported to staff that certain reporting units did not conduct the audit in the prescribed manner and, instead, implemented their own procedures. The most common alternative means of conducting the

audit was based on the same methodology employed in situations that require full hand recounts. When staff reviewed and compared audits conducted in this manner with audits following the suggested method, it was found that the audits following the recount method were just as accurate. Auditors who employed this method also found it to be a more efficient and organized means of tallying ballots. Staff utilized both the original procedure and the recount method when conducting audits on two reporting units from the Village of Menomonee Falls in the WEC office.

After a review of each technique, it was determined that either method could effectively be employed in future audits and that, as in other aspects of the process, one size does not necessarily fit all when dealing with a broad range of municipalities, clerks, and levels of experience. Reformulating the tally sheets and the prescribed procedures to be more flexible and more responsive to alternative methods will be a central focus of further developing the post-election audit process moving forward.

Additionally, staff will be participating in usability training in the coming weeks. A portion of this training will focus on intuitive and user-friendly form design, which will grant additional insight as to how to best update existing audit materials. By combining the invaluable feedback received from those who participated in the audits with a bolstered understanding of effective form design, it is hoped that the materials that will be distributed for the 2020 voting equipment audit will be more accessible, more efficient and more practical.

**Reimbursement Program**

Using both the aggregated data for the number of ballots audited in each reporting unit and the reimbursement requests submitted by participating municipalities produced additional metrics by which to evaluate the costs incurred by municipalities while conducting the audit. Specifically, the audit team was able to calculate a cost-per-ballot figure for each municipality that submitted a reimbursement request. From this base calculation, additional information can be garnered.

Due to the high level of variance present in the data, using the typical approach of calculating the average (arithmetic mean) would not be appropriate. Instead, the median value of the cost calculation from all reporting units was found to be a more accurate representation of the central tendency of the data. After calculating the cost per ballot of each reporting unit, the data displayed a significant range between the low end, at \$0.10 per ballot, and the high end, at \$191.10 per ballot for a median value of \$0.49 per ballot. While certain values are obviously outliers in relation to the rest of the data, using the median value in lieu of calculating the average allowed us to utilize the information from all submitted reimbursement requests instead of from a truncated set of data with outliers removed. The tables below offer additional detail:

Median Cost to Audit a Single Ballot	\$0.49
Lowest Reported Cost per Ballot	\$0.10
Highest Reported Cost per Ballot	\$191.10
Of submitted reimbursement requests:	13% reported costs at $\leq$ \$0.25 per ballot
	51% reported costs at $\leq$ \$0.50 per ballot
	85% reported costs at $\leq$ \$1.00 per ballot
	15% reported costs at $\geq$ \$1.00 per ballot

Staff is in the process of analyzing the data garnered from the reimbursement portion of the audit to determine whether the reimbursement cap, currently \$300.00 per reporting unit, is still a viable limit for the expenses incurred throughout the audit. The cost-per-ballot tables and Appendix 1 offer a more complete picture of the originally requested reimbursement amounts and the total number of ballots audited by each participating municipality. Cost-per-ballot figures vary significantly from municipality to municipality. Based on a review of the compiled data, this variance appears to be a result of any one of several factors, not all of which exist in each unique reporting unit.

A factor that led to disparate reimbursement amounts is the sheer variability by which different municipalities paid the individuals who conducted the audit. In some municipalities, the clerk and municipal staff who participated in the audit submitted reimbursement requests detailing not only the base hourly wage for each employee, but also a calculation of each employee's fringe benefits for the amount of time it took to conduct the audit. Other municipalities, conversely, simply paid all participating auditors a flat hourly rate that did not vary from individual to individual.

In most cases, and as can be expected, costs are higher in larger municipalities and in reporting units with a larger number of voters. However, there are also instances where submitted reimbursement requests do not follow these trends and, even after additional justification for the reported expenses has been provided, a number of the requests still seem unrealistic when viewed in the context of the aggregated data.

As such, it is unclear at this time whether the imposition of a uniform reimbursement limit for all participating municipalities is the most equitable means by which to approach the reimbursement portion of the audit. Staff will continue to analyze the data and, if necessary, will reformulate the reimbursement process to be more correlative to factors such as municipality size, labor costs and the number of ballots cast in a given reporting unit. If such an overhaul is pursued, further research will inform whether the new process would operate on a cost-per-ballot basis or by other means.

### **Conclusion**

Tabulation and accessible voting equipment used in the 2018 General Election recorded and tabulated votes in a manner that satisfied certification standards and Wis. Stat. § 7.08(6). The audit results indicated there were no identifiable bugs, errors, or failures of the tabulation voting equipment. While there were discrepancies identified during the audit, they were the result of human error that occurred as part of the process of conducting the audit. Additionally, the results of the audit did not identify any programming errors that impacted how the audited voting equipment counted votes. The 2018 post-election voting equipment audit was the largest audit of its kind undertaken in the State of Wisconsin. Over the course of three weeks, more than 135,000 ballots were hand counted by dutiful and diligent local election officials. As with prior audits, the expanded audit and random selection process effectively confirmed the accuracy of voting equipment used in Wisconsin during the 2018 General Election.

### **Recommended Motion:**

Staff recommends that the Commission accept this final report of the 2018 Post-Election Voting Equipment Audit.



**Appendix 1**

Municipalities with Approved Reimbursement Amounts and Total Number of Ballots Audited

County	Municipality	Optical Scan	Accessible System	Amount Approved	Ballots Audited
Adams County	City of Adams	Optech/Command Central- Eagle	ES&S Automark	\$332.00	675
Ashland County	City of Ashland	ES&S M100	ES&S Automark	\$299.00	237
Barron County	Town of Barron	None	Dominion (Sequoia)/Command Central-Edge	\$40.00	301
Barron County	Town of Prairie Lake	None	Dominion (Sequoia)/Command Central-Edge	\$432.00	633
Barron County	Town of Rice Lake	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$701.25	1,383
Barron County	Town of Sioux Creek	None	Dominion (Sequoia)/Command Central-Edge	\$160.00	257
Bayfield County	Town of Eileen	ES&S M100	ES&S Automark	\$73.94	383
Brown County	City of Green Bay	ES&S DS200	ES&S Automark	\$300.00	860
		ES&S DS200	ES&S Automark	\$300.00	742
Brown County	Town of Holland	ES&S DS200	ES&S Automark	\$248.81	812
Brown County	Town of Scott	ES&S DS200	ES&S Automark	\$486.00	2,056
Brown County	Town of Wrightstown	ES&S DS200	ES&S Automark	\$300.00	1,117
Brown County	Village of Allouez	ES&S DS200	ES&S Automark	\$297.00	1,183
Buffalo County	Town of Milton	None	Dominion (Sequoia)/Command Central-Edge	\$231.50	239
Burnett County	Town of Oakland	None	Dominion (Sequoia)/Command Central-Edge	\$72.00	283
Calumet County	City of Kaukauna	Dominion (Premier)-Accuvote-OS	Dominion (Premier)-Accuvote TSX	\$0.00	0
Calumet County	Town of Brothertown	Dominion (Premier)-Accuvote-OS	Dominion (Premier)-Accuvote TSX	\$0.00	635

Calumet County	Town of New Holstein	Dominion (Premier)-Accuvote-OS	Dominion (Premier)-Accuvote TSX	\$0.00	735
Calumet County	Village of Harrison	Dominion (Premier)-Accuvote-OS/ES&S DS200	Dominion (Premier)-Accuvote TSX/ES&S ExpressVote	\$0.00	1,047
Calumet County	Village of Stockbridge	Dominion (Premier)-Accuvote-OS	Dominion (Premier)-Accuvote TSX	\$0.00	329
Chippewa County	City of Bloomer	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$300	1,524
Chippewa County	Town of Colburn	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$145.06	368
Chippewa County	Town of Estella	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$117.08	196
Chippewa County	Town of Wheaton	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$300	1,366
Chippewa County	Village of New Auburn	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$300	177
Clark County	Town of Butler	None	ES&S iVotronic	\$0.00	27
Clark County	Town of Weston	ES&S M100	ES&S iVotronic	\$0.00	268
Columbia County	City of Wisconsin Dells	ES&S DS200	ES&S Automark	\$0.00	0
Columbia County	Town of Marcellon	ES&S DS200	ES&S Automark	\$330.60	498
Columbia County	Village of Pardeeville	ES&S DS200	ES&S Automark	\$299.00	899
Crawford County	Town of Haney	None	Dominion (Sequoia)/Command Central-Edge	\$51.99	112

Dane County	City of Madison	ES&S DS200	ES&S ExpressVote	\$0.00	631
		ES&S DS200	ES&S ExpressVote	\$0.00	1,037
Dane County	City of Stoughton	ES&S DS200	ES&S Automark	\$260.00	1,753
Dane County	Town of Montrose	ES&S DS200	ES&S Automark	\$294.77	662
Dane County	Town of Oregon	ES&S DS200	ES&S Automark	\$300	2,011
Dane County	Town of Springdale	ES&S DS200	ES&S Automark	\$665.65	1,234
Dane County	Village of Belleville	ES&S DS200	ES&S Automark	\$327.00	998
Dane County	Village of Deforest	ES&S DS200	ES&S ExpressVote	\$0.00	8
Dane County	Village of Mcfarland	ES&S DS200	ES&S ExpressVote	\$819.15	4,939
Dane County	Village of Windsor	ES&S DS200	ES&S ExpressVote	\$1,052.17	1,380
Dodge County	City of Beaver Dam	ES&S DS200	ES&S ExpressVote	\$0.00	1,257
Dodge County	City of Fox Lake	ES&S DS200	ES&S ExpressVote	\$264.29	583
Dodge County	City of Waupun	ES&S DS200	ES&S ExpressVote	\$300	1,893
Dodge County	Town of Hubbard	ES&S DS200	ES&S ExpressVote	\$0.00	0
Door County	Town of Baileys Harbor	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$0.00	832
Douglas County	Town of Parkland	ES&S DS200	ES&S ExpressVote	\$330.00	532
Douglas County	Town of Solon Springs	ES&S DS200	ES&S ExpressVote	\$199.00	514
Douglas County	Village of Oliver	ES&S DS200	ES&S ExpressVote	\$120.00	204
Dunn County	Town of Eau Galle	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$196.32	354
Dunn County	Town of Elk Mound	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$296	798
Dunn County	Town of Spring Brook	Dominion/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$374.54	812

Eau Claire County	City of Eau Claire	ES&S DS200	ES&S ExpressVote	\$252.06	1,615
Eau Claire County	Town of Drammen	ES&S DS200	ES&S ExpressVote	\$197.70	402
Florence County	Town of Fence	None	Dominion (Sequoia)/Command Central-Edge	\$120.91	107
Florence County	Town of Fern	None	Populex-Populex 2.3	\$48.40	95
Fond Du Lac County	City of Fond Du Lac	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$0.00	0
Fond Du Lac County	Town of Forest	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$299.76	585
Forest County	Town of Lincoln	None	Dominion (Sequoia)/Command Central-Edge	\$275.50	398
Grant County	Town of Paris	None	Dominion (Sequoia)/Command Central-Edge	\$96.80	283
Grant County	Town of Platteville	None	Dominion (Sequoia)/Command Central-Edge	\$271.78	444
Grant County	Town of Waterloo	None	Dominion (Sequoia)/Command Central-Edge	\$110.72	157
Green County	Village of Monticello	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$141.99	561
Green Lake County	Town of Green Lake	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$228.00	648
Iowa County	Town of Moscow	None	Dominion (Sequoia)/Command Central-Edge	\$276.00	295
Iron County	Town of Carey	None	Dominion (Sequoia)/Command Central-Edge	\$274.17	75
Jackson County	Town of Albion	None	Dominion (Sequoia)/Command Central-Edge	\$45.00	441
Jackson County	Town of Bear Bluff	None	Dominion (Sequoia)/Command Central-Edge	\$130.00	66
Jefferson County	Town of Jefferson	ES&S DS200	ES&S ExpressVote	\$300.00	1,047
Juneau County	City of New Lisbon	None	Dominion (Sequoia)/Command Central-Edge	\$282.60	446
Juneau County	Town of Lisbon	None	Dominion (Sequoia)/Command Central-Edge	\$0.00	1

Juneau County	Town of Necedah	None	Dominion (Sequoia)/Command Central-Edge	\$300	857
Juneau County	Village of Hustler	None	Dominion (Sequoia)/Command Central-Edge	\$138.26	80
Kenosha County	City of Kenosha	ES&S DS200	ES&S ExpressVote	\$300.00	844
		ES&S DS200	ES&S ExpressVote	\$364.50	293
Kenosha County	Town of Brighton	ES&S DS200	ES&S ExpressVote	\$239.08	823
Kenosha County	Village of Somers	ES&S DS200	ES&S ExpressVote	\$298.18	435
Kenosha County	Village of Twin Lakes	ES&S DS200	ES&S ExpressVote	\$300	2,309
Kewaunee County	Town of Carlton	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$140.70	525
La Crosse County	City of La Crosse	ES&S DS200	ES&S Automark	\$255.20	392
		ES&S DS200	ES&S Automark	\$525.10	1,224
La Crosse County	Town of Hamilton	ES&S DS200	ES&S Automark	\$257.02	1,236
Lafayette County	Town of Gratiot	None	Dominion (Sequoia)/Command Central-Edge	\$100.00	231
Lafayette County	Town of Wiota	None	Dominion (Sequoia)/Command Central-Edge	\$120.00	193
Langlade County	Town of Ainsworth	None	Dominion (Sequoia)/Command Central-Edge	\$90.60	223
Langlade County	Town of Evergreen	None	Dominion (Sequoia)/Command Central-Edge	\$212.89	172
Lincoln County	City of Tomahawk	ES&S DS200	ES&S Automark	\$221.77	435
Manitowoc County	City of Two Rivers	ES&S M100	ES&S Automark	\$196.86	1,005
		ES&S M100	ES&S Automark	\$193.14	986
Manitowoc County	Town of Franklin	ES&S M100 None per county	ES&S Automark	\$0.00	0
Manitowoc County	Town of Meeme	ES&S M100	ES&S Automark	\$300.80	326
Marathon County	City of Marshfield	ES&S DS200	ES&S Automark	\$254.30	346
Marathon County	City of Wausau	ES&S DS200	ES&S Automark	\$330.31	913
		ES&S DS200	ES&S Automark	\$0.00	0
Marathon County	Town of Eau Pleine	ES&S DS200	ES&S Automark	\$182.64	349

Marathon County	Town of Rib Falls	ES&S DS200	ES&S Automark	\$78.50	529
Marathon County	Town of Ringle	ES&S DS200	ES&S Automark	\$250.92	939
Marathon County	Village of Dorchester	ES&S M100 none	ES&S iVotronic	\$0.00	0
Marathon County	Village of Elderon	ES&S DS200	ES&S Automark	\$80.60	70
Marinette County	Town of Peshtigo	None	Dominion (Sequoia)/Command Central-Edge	\$94.56	634
Marquette County	Town of Mecan	None	Dominion (Sequoia)/Command Central-Edge	\$271.91	343
Marquette County	Town of Neshkoro	None	Dominion (Sequoia)/Command Central-Edge	\$194.00	259
Menominee County	Town of Menominee	ES&S DS200	ES&S Automark	\$0.00	168
Milwaukee County	City of Franklin	ES&S DS200	ES&S Automark	\$0.00	250
		ES&S DS200	ES&S Automark	\$0.00	277
Milwaukee County	City of Glendale	ES&S DS200	ES&S Automark	\$149.98	510
Milwaukee County	City of Greenfield	ES&S DS200	ES&S Automark	\$300	1,061
		ES&S DS200	ES&S Automark	\$300	1,223
Milwaukee County	City of Milwaukee	ES&S DS200/DS850	ES&S Automark	\$207.90	83
		ES&S DS200/DS850	ES&S Automark	\$398.32	159
Milwaukee County	City of Oak Creek	ES&S DS200	ES&S Automark	\$300	1,954
Milwaukee County	City of South Milwaukee	ES&S DS200	ES&S Automark	\$567.17	1,651
Milwaukee County	City of St. Francis	ES&S DS200	ES&S Automark	\$300	1,763
Milwaukee County	City of West Allis	ES&S DS200	ES&S Express Vote	\$0.00	1,194
Milwaukee County	Village of Hales Corners	ES&S DS200	ES&S Automark	\$300	1,354
Milwaukee County	Village of Whitefish Bay	ES&S DS200	ES&S Automark	\$115.50	883
Monroe County	City of Sparta	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$378.00	1,034
Monroe County	City of Tomah	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$259.00	965
Monroe County	City of Tomah	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$0.00	0

Monroe County	Town of Greenfield	None	Dominion (Sequoia)/Command Central-Edge	\$167.25	305
Monroe County	Town of Wilton	None	Dominion (Sequoia)/Command Central-Edge	\$273.58	178
Oconto County	Town of Maple Valley	None	Dominion (Sequoia)/Command Central-Edge	\$234.00	295
Oneida County	City of Rhinelander	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$203.50	364
Oneida County	Town of Cassian	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$148.50	626
Oneida County	Town of Crescent	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$0.00	1,159
Outagamie County	City of Appleton	ES&S DS450	N/A	\$70.33	175
		ES&S DS450	N/A	\$51.45	128
Outagamie County	Town of Grand Chute	ES&S DS200	ES&S ExpressVote	\$300	1,945
		ES&S DS200	ES&S ExpressVote	\$300	604
Outagamie County	Village of Harrison	ES&S DS200	ES&S ExpressVote	\$0.00	0
Ozaukee County	City of Mequon	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$300	1,124
Ozaukee County	Town of Saukville	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$300.28	1,113
Pepin County	Town of Frankfort	None	Dominion (Sequoia)/Command Central-Edge	\$80.00	138
Pierce County	Town of El Paso	ES&S DS200	ES&S ExpressVote	\$296.16	321
Pierce County	City of River Falls	ES&S DS200	ES&S ExpressVote	\$0.00	175
Polk County	Town of Black Brook	None	Dominion (Sequoia)/Command Central-Edge	\$300	540
Portage County	City of Stevens Point	ES&S DS200	ES&S Automark	\$180.00	957
		ES&S DS200	ES&S Automark	\$0.00	0
Portage County	Town of Hull	ES&S DS200	ES&S Automark	\$375.17	1,064
Price County	Town of Eisenstein	None	Dominion (Sequoia)/Command Central-Edge	\$262.10	139
Racine County	City of Racine	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$292.01	1,054
Racine County	Village of Caledonia	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$0.00	0

Richland County	City of Richland Center	None	Dominion (Sequoia)/Command Central-Edge	\$139.26	71
Rock County	City of Beloit	ES&S DS200	ES&S Automark	\$161.72	319
		ES&S DS200	ES&S Automark	\$238.28	470
Rock County	City of Janesville	ES&S DS200	ES&S Automark	\$300.00	867
Rusk County	Town of Stubbs	None	Dominion (Sequoia)/Command Central-Edge	\$274.00	211
Rusk County	Town of True	None	Dominion (Sequoia)/Command Central-Edge	\$95.30	114
Rusk County	Town of Wilson	None	Dominion (Sequoia)/Command Central-Edge	\$235.38	59
Sauk County	Town of Fairfield	ES&S DS200	ES&S ExpressVote	\$280.25	630
Sauk County	Town of La Valle	ES&S DS200	ES&S ExpressVote	\$285.00	750
Sauk County	Village of Lime Ridge	ES&S DS200	ES&S ExpressVote	\$0.00	82
Sauk County	Village of Sauk City	ES&S DS200	ES&S ExpressVote	\$968.20	1,714
Sawyer County	Town of Couderay	None	Dominion (Sequoia)/Command Central-Edge	\$269.46	115
Shawano County	City of Marion	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$382.20	2
Shawano County	Town of Hartland	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$216.60	356
Shawano County	Village of Bowler	None	Dominion (Sequoia)/Command Central-Edge	\$132.00	86
Sheboygan County	City of Sheboygan	Clear Ballot Group, Inc. - Clear Cast/Clear Count	Clear Ballot Group, Inc. - Clear Access	\$0.00	760
		Clear Ballot Group, Inc. - Clear Cast/Clear Count	Clear Ballot Group, Inc. - Clear Access	\$0.00	572
Sheboygan County	Town of Herman	Clear Ballot Group, Inc. - Clear Cast/Clear Count	Clear Ballot Group, Inc. - Clear Access	\$312.00	901
Sheboygan County	Village of Random Lake	Clear Ballot Group, Inc. - Clear Cast/Clear Count	Clear Ballot Group, Inc. - Clear Access	\$350.52	781

Sheboygan County	Town of Wilson	Clear Ballot Group, Inc. - Clear Cast/Clear Count	Clear Ballot Group, Inc. - Clear Access	\$300	2,062
St. Croix County	Town of Cylon	ES&S DS200	ES&S ExpressVote	\$103.56	320
St. Croix County	Town of Forest	ES&S DS200	ES&S ExpressVote	\$138.15	253
St. Croix County	Village of Deer Park	ES&S DS200	ES&S ExpressVote	\$103.56	92
St. Croix County	Village of Roberts	ES&S DS200	ES&S ExpressVote	\$281.60	728
Taylor County	Town of Goodrich	None	ES&S iVotronic	\$0.00	160
Taylor County	Village of Lublin	None	ES&S iVotronic	\$50.00	26
Trempealeau County	Town of Arcadia	None	Dominion (Sequoia)/Command Central-Edge	\$300.00	687
Trempealeau County	Town of Pigeon	None	Dominion (Sequoia)/Command Central-Edge	\$163.26	152
Vernon County	Town of Franklin	None	Dominion (Sequoia)/Command Central-Edge	\$213.96	392
Vilas County	Town of Boulder Junction	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$335.00	681
Walworth County	City of Lake Geneva	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$292.15	979
Walworth County	Town of East Troy	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$0.00	460
Washburn County	Town of Evergreen	None	Dominion (Sequoia)/Command Central-Edge	\$341.95*	211
Washburn County	Town of Stone Lake	None	Dominion (Sequoia)/Command Central-Edge		153
Washington County	City of West Bend	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$300	1,351
Washington County	Town of Jackson	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$0.00	2,686
Washington County	Village of Germantown	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$536.95	2,153
Washington County	Village of Richfield	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$0.00	2,054
Waukesha County	City of New Berlin	ES&S DS200	ES&S ExpressVote	\$0.00	893

Waukesha County	City of Waukesha	ES&S DS200	ES&S ExpressVote	\$701.08	810
		ES&S DS200	ES&S ExpressVote	\$1,158.95	1,339
Waukesha County	Village of Hartland	ES&S DS200	ES&S ExpressVote	\$544.00	4,857
Waukesha County	Village of Menomonee Falls**	ES&S DS200	ES&S ExpressVote	\$0.00	512
		ES&S DS200	ES&S ExpressVote	\$0.00	1,173
Waupaca County	Town of Union	Dominion (Sequoia)/Command Central- Optech Insight	Dominion (Sequoia)/Command Central-Edge	\$266.16	322
Waushara County	Town of Bloomfield	None	Dominion (Sequoia)/Command Central-Edge	\$299.00	439
Winnebago County	City of Oshkosh	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$0.00	845
		Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$0.00	1,033
Winnebago County	Town of Nekimi	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$150.00	757
Winnebago County	Town of Nepeuskun	Dominion ImageCast Evolution	Dominion ImageCast Evolution	\$253.04	392
Wood County	City of Wisconsin Rapids	ES&S DS200	ES&S Automark	\$0.00	3,678
Wood County	Village of Port Edwards	ES&S DS200	ES&S Automark	\$171.93	887

\*Combined reimbursement was submitted by Washburn County, which facilitated audit process for the Towns of Evergreen and Stone Lake

\*\*The audits for both reporting units from the Village of Menomonee Falls were completed in the WEC office

# WISCONSIN ELECTIONS COMMISSION

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MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the March 11, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared and Presented by:

William Wirkus Elections Specialist	Richard Rydecki Assistant Administrator
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**SUBJECT:** Election Audit Program Update

In addition to the post-election voting equipment audit, staff continues to provide guidance to counties who wish to include a hand-count audit as part of their canvass process, while also conducting research about other election audit procedures. This document will provide an update on the voluntary county canvass audit process while also outlining election process audits and provide Commissioners with an update on staff research regarding risk-limiting audits (RLAs).

### Voluntary County Canvass Audit Program

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 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.

During the November General Election, nine counties participated in a Voluntary County Canvass Audit. Those counties include Dane, Marathon, Milwaukee, Portage, Rock, Shawano, Washington, Waushara, 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 has authorized each county participating in voluntary audits a reimbursement up to \$300 per reporting unit audited (up to two) for actual expenses incurred as a result of the audit. For the

November General Election, four counties requested reimbursement and have their requests approved, as follows:

<b>County</b>	<b>Reporting Units Audited</b>	<b>Reimbursement Amount</b>
Dane	2	\$557.26
Milwaukee	2	\$478.25
Shawano	1	\$189.84
Wood	2	\$40.00

At its December 3, 2018 meeting, the Commission once again renewed its desire to encourage counties to conduct Voluntary County Canvass audits for the 2019 Spring Election cycle and reauthorized the reimbursement of \$300 per reporting unit for the cycle. Staff will continue to provide updates of this program for future Commission meetings.

### **Risk-Limiting Audit Research and Observation**

Staff participated in several risk-limiting audit events and accepted an invitation to observe two RLA pilots that were conducted in Michigan after the 2018 November General Election. The pilots were conducted in three Michigan jurisdictions and staff were able to observe the administration of the pilots in both Lansing and Kalamazoo. The audits were organized and administered through a partnership between the Brennan Center, academics from Massachusetts Institute of Technology (MIT) and University of California at Berkeley, as well as state and local Michigan election officials. These partners used the information about Michigan election administration procedures and practices to draft audit instructions using several different audit methods. Both ballot-polling and ballot comparison audit methods were piloted which meant the audit method and specific procedures used were slightly different in each jurisdiction. In addition, the audit results were analyzed using both traditional RLA and Bayesian statistical methods.

Staff were also able to attend the Election Audit Summit which took place over two days in December 2018 which was hosted by MIT and organized through a partnership with Caltech/MIT Voting Technology Project. A significant portion of the programming focused on the development of new tools to assist states and local jurisdictions in implementing an RLA process into their election administration protocol. Updates were also provided about recent RLA pilots that were held in Virginia and California and implementation concerns and strategies were interrogated. Additional election audit programs were discussed, including panels on audits of election-related address data that ensure accurate voter districting and ballot design analysis that focuses on clarity and usability standards that minimize voter confusion.

The final election auditing event in which staff participated was a risk-limiting audit conference that was organized by several election integrity organizations and hosted at the Microsoft Innovation Lab in Washington D.C. in January 2019. Panels were organized to discuss both emerging and ongoing

concerns over implementation of an RLA program. The cost of administering RLAs was analyzed and states who have implemented RLA programs provided a legislative history of the development of the laws that provide the framework for their specific programs. Attendees were also able to participate in a demonstration that simulated an RLA, which was identified as a tool to assist with providing a digestible explanation for a process that is undergirded by complex statistical analysis.

Several organizations actively promoting and supporting the implementation of RLA programs are interested in piloting an RLA in Wisconsin in 2019. Pilot observation in Michigan was especially helpful in determining the viability of engaging in a similar pilot as the election infrastructure in Michigan is similar to Wisconsin's decentralized system. Staff will provide the Commission with an update on the audit program for future meetings. WEC staff will explore options to engage in an RLA pilot program with relevant organizations and local election partners and will report to the Commission on any plans to pilot audit processes during a special or mock election in 2019.

## **Election Process Reviews and Audits**

### **I. INTRODUCTION AND BACKGROUND**

#### **A. Current Training Requirements**

Among a host of other duties, Wisconsin's 1850 municipal clerks administer elections at the municipal level. Under Wis. Stat. §7.15(1m), Wisconsin municipal clerks must obtain at least six hours of election-related training every two years. All clerks must be initially certified by attending the Municipal Clerk Core Curriculum Training Course, which counts towards the six hours. Further, clerks must earn a total of six hours during their current term in order to recertify for the next term. While many clerks serve multiple terms and are experienced in administering elections, many clerks begin each election cycle without ever having conducted an election. In fact, there is as much as 20-25% turnover of clerks every year. Similarly, Election Inspectors must receive election-related training every two years, under the responsibility of the municipal clerk, and likewise experience moderate turnover.

#### **B. Overview of Problem and Challenges with Decentralization**

Because of the decentralized nature of elections in Wisconsin, the sheer number of clerks, and the clerk turnover rate, it can be a challenge to ensure that elections are administered uniformly across jurisdictions. Election officials currently have a number of resources available to them from the WEC and clerk professional organizations that can be used to understand and prepare for elections, such as in-person trainings, webinars, and manuals. Many clerks have limited time to digest all the materials available on different aspects of elections to gain a necessary level of election administration knowledge that would allow them to efficiently complete all required election tasks. For example, a clerk in a small town with limited financial resources may be part-time and only permitted to work a limited number of hours each week. This might only permit the clerk to obtain the minimum required six hours of training every-two-years, without a budget for additional training. These conditions make administering an election for a new clerk or for a clerk who has not administered an election recently, an intimidating,

daunting task. In addition, there are difficulties in creating and maintaining a uniform voting experience and application of voting laws for voters throughout Wisconsin.

### **C. Current Problem Resolution**

Currently, WEC staff's approach to preparing clerks is to provide an array of resources to clerks to ensure that they can take as much training as possible. The WEC also provides resource materials such as manuals and guides to supplement training content and provide robust instructions for nuanced and specialized procedures. Through answering thousands of emails and calls, staff addresses questions regarding election procedures and requirements, often during the period leading up to a statutory deadline or election-event. Staff also field communications from clerks, voters, and candidates about missed deadlines, improper administrative procedures, or other inconsistencies in how elections laws are applied.

Staff are often tasked with providing corrective guidance in these situations after they have occurred or when local election officials are attempting to remedy administrative problems on Election Day. In these situations, communication with local officials is difficult and the ability to apply corrective action is impacted by other Election Day responsibilities. Informed by processes in other states, including neighboring Michigan, staff has been exploring ways to further assist election officials in administering elections and ensuring standardization for how elections are conducted. In particular, staff believes an abridged tool which helps election officials in planning and implementing all steps of an election could be a useful aid. This process would begin with the posting of notices and that reviews procedures all the way through the canvass process and the handling and retention of election materials. This tool could be used as a checklist or planning instrument and used as a procedure review tool after the election to analyze the conduct of the election and identify areas for improvement or additional training.

## **II. ELECTION PREPARATION CHECKLISTS AND PROCESS AUDITS**

A process audit evaluates whether proper procedures were followed with respect to an entire election from pre-election through post-election. This might include reviews of processes such as notices, certifying candidates for ballot access, design and printing of ballots, and training of election inspectors. This type of audit is distinguishable from results audits such as voting equipment, traditional post-election audits, or risk limiting audits which assess whether votes were counted accurately, or correct winners were identified through the vote counting process.

While results audits can be effective at confirming vote counting, they can leave gaps in the assessment of the integrity of the election process. Process Audits, also called Independent Audits are useful to verify that various other procedures were sufficient to ensure the accuracy of voter registration, a properly set up polling place, and to preserve ballots.<sup>1</sup>

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<sup>1</sup> Weeks, Luther. *CTElection Audit*, <<http://ctelectionaudit.org/2018/SOTSTaskForceTestimony.pdf>>

The Brennan Center recommends that audits should extend beyond just verification of votes on voter-verifiable paper records, to include a review of the entire voting system. This includes voting system certification and also pre-election “logic and accuracy testing.”<sup>2</sup> In addition, such audits could include catching errors in absentee ballot processing or aggregation mistakes at central count vote tally locations.<sup>3</sup> Similarly, comparisons of the number of ballots cast to the number of voters who signed the poll book, interviews with poll workers, and poll worker comparison of results tapes to publicly reported results are all important practices that increase transparency and confidence in election administration, according to the Brennan Center.<sup>4</sup>

The Administration and Cost of Elections project (ACE), an international elections organization which seeks to foster the integrity and credibility of elections, provided recommendations for process audits by some of its collaborators. Regarding the polling place, they suggest verifying that the official ballot boxes and machines are present, that tamper-evident seals have been checked and are intact, and that unused ballots are secured.<sup>5</sup> In addition, they suggest checking for a verification or endorsement on the back of ballots (and whether missing endorsement ballots favor one candidate), whether there are “identical or significant patterns of the same markings on ballots,” and whether results sheets or tape match what was reported in the central election results location.<sup>6</sup>

### III. EXAMPLES

#### A. Michigan

The State of Michigan recently provided our office with a presentation on its process audit program. Under Michigan Law, MCL 168.319, the Secretary of State was required to develop an audit process that would “thoroughly review procedures performed before, during, and after the conduct of an election, including a review of voted ballots with a hand tally of select contests.”<sup>7</sup> The Bureau of Elections selects precincts and contests randomly the day after the election. Precincts selected for audit will be notified by the county or Bureau of Election of their selection and inform them of pre-audit preparation requirements. The parties will coordinate to schedule the audit in a public location and the auditing agency will provide the clerk with the materials and list of items needed for the audit. In Michigan, the items needed for the audit include, but are not limited to:

- Election and registration notices
- Public test notice
- Minutes or resolution regarding election inspector appointments

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<sup>2</sup> Norden, Lawrence, et. al. *Post-Election Audits: Restoring Trust in Elections*, <<https://www.brennancenter.org/publication/post-election-audits-restoring-trust-elections>>, Pg. 39

<sup>3</sup> *Id.* at Pg. 8

<sup>4</sup> *Id.* at Pg. 39

<sup>5</sup> Jeff Fischer, *Best Practices with Conducting Election Audits* <<http://aceproject.org/electoral-advice/archive/questions/replies/937298687>>

<sup>6</sup> *Id.*

<sup>7</sup> Michigan Secretary of State, *Post-Election Audit Manual*, Pg. 3 <[https://www.michigan.gov/documents/sos/Post\\_Election\\_Audit\\_Manual\\_418482\\_7.pdf](https://www.michigan.gov/documents/sos/Post_Election_Audit_Manual_418482_7.pdf)>

- Listing of appointed election inspectors
- Sealed container containing all testing materials (test deck, pre-determined results, zero and results tape)
- Pollbook
- Sealed ballot container with ballots
- Final canvass report

The audit must be conducted within 30 days of the completion of the Canvass and uses a comprehensive worksheet to document and conduct the audit uniformly. Discrepancies and any corrections by the board of canvass are noted on the back of the worksheet.

## **B. Arkansas**

One way of both planning for and assessing that an election was properly conducted, is to follow a checklist. The Arkansas State Board of Election Commissioners has developed checklists for use to gather data on whether all required steps were taken in relation to an election.<sup>8</sup> The checklist covers everything from the proper establishment of polling places and ballot preparation through results certification. The checklist itself provides specific guidance and information with respect to deadlines and requirements and could even be used before the election as a planning tool. An example checklist for the General Election, is attached hereto as Appendix A.

## **C. Washington**

The State of Washington has developed a program that includes two types of election reviews. A full review of election procedures is regularly scheduled at least once every five years in each county and a truncated review is required during a recount. These processes were designed to measure compliance with approximately 235 election laws and rules that provide the foundation of more than 83 election tasks. The full election reviews are initiated in advance of an election and consist of both in-person observation and a review of written documents and procedures for that specific election. For example, a county subject to review will have to submit election materials, such as the test deck used for pre-election logic and accuracy voting equipment tests, for review as part of this process. Site visits are utilized to review facilities used for election-related storage and observe balloting procedures and setup configurations at vote centers. The recount review process is governed by a checklist that is designed to ensure that ballot security and ballot tabulation procedures were followed during the election subject to recount.

The entire review process occurs over a four-month period and concludes with a final report issued to the county under review. The report contains a fact sheet that outlines some county statistics such as voter registration number and voter turnout percentages, identifies best practices the county is already utilizing and identifies some areas for improvement. The county has the ability to provide a response to initial report findings before the report is finalized. Washington state law requires this process but

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<sup>8</sup> Arkansas State Board of Election Commissioners, *Forms & Checklists*, < <http://www.arkansas.gov/sbec/forms-checklists/> >

specifies “The report does not affect the validity of the outcome of a primary or election or the validity of any canvass of returns.” A follow up report is issued one year after the review to assess changes that were implemented in response to the original report. A brief overview of the Washington election review program and timeline is attached hereto as Appendix B.

#### **D. Other States**

Some jurisdictions, like Arkansas, have developed broader processes for the entire pre-election to post-election process, while other have checklists for specific tasks. For example, New Castle County Delaware has a comprehensive checklist for Election Officers (poll workers) that seek to cover setup on Election Day, closing of the polls, and any common situation that may arise in between.<sup>9</sup> It appears to be similar to the WEC’s Election Day Manual, but in a more checklist-oriented form. Los Angeles County has a similar Election Day checklist with an accompanying manual.<sup>10</sup>

### **IV. POSSIBLE IMPLEMENTATION IN WISCONSIN**

Wisconsin elections could benefit from the implementation of a comprehensive election process review program. The decentralized nature of the Wisconsin elections system makes it difficult to ensure that elections are administered in a uniform manner across the state. Throughout the election process, nearly 2,000 county and municipal clerks provide oversight and training for 30,000 election inspectors that will conduct voting at over 2,500 Wisconsin polling places. The variance between the size of municipalities, the number and quality of available resources and the significant turnover rate of local election officials makes it difficult to administer effective training that accounts for standard procedures and allows for the efficient incorporation of changes in election law.

Current Wisconsin law does not require the WEC to conduct any type of process audit or review. The WEC does have broad authority to oversee the administration of elections in Wisconsin and provide various types of training to local election officials, but states such as Michigan and Washington have a statutory obligation to administer such programs. Without a change in statute it is unclear how effective a similar program would be if implemented in Wisconsin.

A potential program could be created using a variety of different models for both the selection of jurisdictions subject to review and the subject matter included in the process. For example, Michigan selects a fixed number of process audit candidates at random after an election and reserves the right to add specific jurisdictions to that list, while Washington uses a model that ensures each of their counties will be reviewed over a five-year period. There is also some flexibility in how a program could be administered as a peer review model could be adopted where county clerks would be responsible for conducting the evaluations of municipal election officials. This configuration could be implemented as more of a mentorship program that would be beneficial considering the significant turnover rate of local

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<sup>9</sup> Delaware Department of Elections: New Castle County Office, *Election Officer Training – Election Officer Checklist*. <  
[https://electionsncc.delaware.gov/poll\\_workers/pw\\_training.shtml](https://electionsncc.delaware.gov/poll_workers/pw_training.shtml) >

<sup>10</sup> Los Angeles County Registrar-Recorder/County Clerk, *Election Guide and Checklist*, <  
[https://www.lavote.net/docs/rccc/election-info/08072018\\_Election-Guide-and-Checklist.pdf](https://www.lavote.net/docs/rccc/election-info/08072018_Election-Guide-and-Checklist.pdf) >

election officials and focus on introducing new clerks to the best practices and proper procedures early in their tenure.

### **Conclusion**

A robust election audit program increases voter confidence in the integrity of the election and could serve to provide training opportunities and increased uniformity and efficiency in local election administration. Commission staff has provided an update on the current voluntary county canvass audit process, an update regarding national risk-limiting audits discussions and opportunities for RLA pilots, and an overview of a type of audit not previously presented to the Commission called process audits.

### **Recommended Motion:**

The Commission directs the staff to continue to assist and encourage counties to conduct voluntary canvass audits, to research proposed RLA pilot models for Wisconsin, and to explore different forms and the feasibility of implementing process audits in Wisconsin. Proposals or further research for RLA pilots or process audits may be presented for consideration at future Commission meetings.

**COMMISSION CHECKLIST  
FOR  
NOVEMBER GENERAL ELECTIONS**

(Effective May 18, 2004; Revised July 15, 2015)

This checklist is provided by the State Board of Election Commissioners as a tool for capturing and maintaining relevant data pertaining to the General Election.

1. \_\_\_ Conducted a public meeting to determine, by lot, the order in which the names of candidates would appear on the ballots
  - a) \_\_\_ by the deadline of **not later than seventy-two (72) days before the election**
  - b) \_\_\_ published notice of the meeting **at least three (3) days before the meeting** in some newspaper of general circulation in the county [*§7-5-207(c)*]
  
2. \_\_\_ **If applicable**, altered the boundaries of existing election precincts and established new ones by order
  - a) \_\_\_ **at least sixty (60) days before the election**
  - b) \_\_\_ recorded the board's orders with the county clerk [*§7-5-101*] in order for the county clerk to submit written, printed, and digital copies of the map and boundaries to the Secretary of State and Arkansas Geographical Information Systems Office [*§7-5-101(c)(1)*]
  
3. \_\_\_ Ensured that all polling sites are the same as those established by the preceding general election or, **if applicable**, designated any new polling site(s) **at least thirty (30) days before the election** in a public meeting by unanimous vote of the members present [*§7-5-101(d)*]
  - a) \_\_\_ posted notice of any changes in polling sites at all previous polling sites used in the last election [*§7-5-101(d)(3)*]
  - b) \_\_\_ provided polls accessible to voters with disabilities [*§7-5-311(a)*]
  
4. \_\_\_ **If applicable**, conducted early voting at additional polling sites outside the county clerk's office [*§7-5-418(b)(1)(A)*]
  - a) \_\_\_ determined, in a public meeting by unanimous vote, the location(s) of additional off-site early voting polling sites [*§7-5-418(b)(1)(B)*]
  - b) \_\_\_ notified the county clerk of the board's decision **within ten (10) days of its decision** [*§7-5-418(b)(3)(A)*]
  
5. \_\_\_ Provided regular absentee ballots [*§7-5-211(c)*] and, where applicable, "special absentee runoff ballots" [*§7-5-406(c)*]
  - a) \_\_\_ delivered the ballots to the county clerk **at least forty-seven (47) days before the election** [*§7-5-407(a)(1)*]
  
6. \_\_\_ Prepared paper ballots and voting machine ballot styles as provided by law. [*§§ 7-3-104, 7-5-207, 7-5-208, 7-5-406, 7-5-601, 7-5-610, 7-8-302, 7-9-117, 7-10-102, 14-14-917*]
  - a) \_\_\_ certified the printed ballots and voting machine ballot styles before delivery to the county clerk prior to the start of absentee voting [*§7-5-512(a)*]

7. \_\_\_ Prepared voting machines upon the proper certification of candidates and questions  
*[\S7-5-515(a)]*
  - a) \_\_\_ published notice of the time and place of the voting machine preparation  
*[\S7-5-516]*
  
8. \_\_\_ Tested and secured voting systems:
  - a) \_\_\_ conducted logic and accuracy (L&A) testing of voting machines and electronic vote tabulating devices **at least seven (7) days before early voting begins for the election** *[\S\S7-5-515(c)(1); 7-5-611(a)(2)]*
  - b) \_\_\_ conducted public testing of voting machines and electronic vote tabulating devices in addition to L&A testing *[\S\S7-5-515(c)(2)(A); 7-5-611(b)]*
    1. \_\_\_ gave public notice of the time and place of the public test by publication in a daily or weekly newspaper in the town, city, or county using the voting machines or devices **at least forty-eight (48) hours before testing** *[\S\S 7-5-515(c)(2)(A); 7-5- 611(b)(1)]*
  - c) \_\_\_ ensured that paper ballot systems that include electronic vote tabulating device(s) were programmed to reject overvoted ballots *[\S7-5-604(a)(5)(B), (6)(B)]*
  - d) \_\_\_ certified the accuracy of the voting system by filing the test results with the county clerk and sending a copy of the electronic results to the Secretary of State *[\S\S7-5-515(e); 7-5-611(8) as amended by Act 1218 of 2015]*
  - e) \_\_\_ after preparation, testing, and examination, secured the voting machines against further voting *[\S7-5-517(a)]*
  - f) \_\_\_ placed voting machine activation devices in a sealed package labeled with the serial number of the voting machine, the precinct location of the voting machine and the number registered on the protective counter *[\S7-5-517(b)]*
  - g) \_\_\_ certified, by machine serial number, the number registered on the protective counter of each voting machine and that all contest counters registered ZERO in the presence of the candidates or their representative, if in attendance *[\S7-5- 517(c)]*
  - h) \_\_\_ secured voting machine activation devices until released for delivery to poll workers *[\S7-5-517(d)]*
  
9. \_\_\_ Designated suitable times and places where voting machines will be exhibited for purpose of instruction
  - a) \_\_\_ published notice of voting machine demonstration in newspaper at least **forty-eight (48) hours** before first date of demonstration *[\S7-5-509 as amended by Act 1218 of 2015]*
  
10. \_\_\_ Appointed election officials **at least twenty (20) days before the election**  
*[\S7-4-107(b)(1)]*
  - a) \_\_\_ selected and appointed a sufficient number of poll workers for each polling site (minimum of two (2) election clerks, one (1) election judge, and one (1) election sheriff) *[\S\S7-4-107(b)(1); 7-7-302]*
  - b) \_\_\_ selected and appointed minority party poll worker(s) for each poll as provided by law *[\S7-4-107(b)(2)]*
  - c) \_\_\_ **if applicable**, appointed poll workers if adequately staff additional off-site early voting polling sites under the election commission's supervision *[\S7-5-418(b)(2)]*
  - d) \_\_\_ appointed absentee election clerks to process, count, and canvass absentee ballots *[\S7-5-414(a)]*
  - e) \_\_\_ confirmed that all poll workers have attended poll worker training *[\S7-4-107(b)(2)]*

11. \_\_\_\_ Published in a newspaper of general circulation in the county, public notice of the date of the election, the places and times for early voting, hours of voting on election day, polling sites, candidates and offices to be elected, the time and location of opening, processing, canvassing, and counting ballots, and the time and location of opening, processing, canvassing, and counting early and absentee ballots
  - a) \_\_\_\_ by the deadline of **at least twenty (20) days before the election**  
[§§7-5-202(a); 7-5-416]
  - b) \_\_\_\_ published a second publication **at least five (5) days before the election**  
[§§7-5-202(b); 7-5-416]
  
12. \_\_\_\_ Delivered at least one (1) voting machine equipped for use by individuals with disabilities to the county clerk’s designated early voting location and all off-site early voting locations **prior to the start of early voting** [§§7-5-413(a)(1); 7-5-418(a)(1)(A)]
  
13. \_\_\_\_ Posted in a public place in the county clerk’s office, the list of appointed election officials, including the names of election commissioners **at least fifteen (15) days before the election** [§7-5-202(b)(2)]
  
14. \_\_\_\_ Posted a list at the door of the courthouse of all nominations, proposed amendments to the constitution, and all questions to be submitted to the electors at the election **at least ten (10) days before the election** [§7-5-206]
  
15. \_\_\_\_ If using paper ballots to be counted by hand or at a central counting location, developed a voter education program to inform voters about the consequences of overvoting and how to correct the ballot containing an overvote [§§7-5-604(a)(5)(C), (6)(C)]
  
16. \_\_\_\_ **At least one (1) day before the election**, delivered ballots and supplies to persons designated by the commission to deliver to poll workers [§7-5-211(a)]
  - a) \_\_\_\_ provided sufficient quantities of ballots, voting booths, and voting machines for each polling site [§§7-5-310; 7-5-512(c); 7-5-602]
  - b) \_\_\_\_ provided all required supplies, forms, and postings [§§7-5-211(a)(2); 7-5-512(b),(d); 7-9-114(b)], including a poll workers’ certificate to use on election day to record the exact time and number of votes shown on the public counters and to attest that voting machines were made inaccessible to voting at the official time for closing the polls and upon terminating of the voting by removing the activation devices [§7-5-526]
  
17. \_\_\_\_ Began opening, processing, canvassing, and counting absentee ballots **no earlier than 8:30 a.m.** on election day [§7-5-416]
  
18. \_\_\_\_ Received all election materials and returns from the poll workers **immediately after the polls closed** including one (1) copy of the certificate of election results and, if any, one (1) copy of tally sheets, and any reports of challenges to votes, if any [§7-5-317(b)]
  - a) \_\_\_\_ provided poll workers with a receipt for delivery of the sealed package containing the voting machine activation devices and certified return records [§7-5-527(e)]
  - b) \_\_\_\_ delivered ballot stubs to the county treasurer [§7-5-317(a)(5)]

19. \_\_\_ Reported the initial count of early and absentee votes to the Secretary of State **no later than thirty (30) minutes** after the polls closed [*§7-5-416(a)(5)(B)*]
20. \_\_\_ Declared preliminary and unofficial results of the election (including a statement of the number of outstanding absentee ballots of overseas voters) **immediately after the count of the votes was completed** on election day and reported the results to the county clerk for immediate transmission to the Secretary of State via the internet website provided by the Secretary of State [*§7-5-701(a)(2)*]
21. \_\_\_ Before certification of the results of the election
- a) \_\_\_ reviewed and determined the validity of all provisional ballots [*§§ 7-5-308(a), (d)(1); 7-5-417(c)*]
  - b) \_\_\_ mailed first class notice to all provisional voters telling them whether their vote was counted, and, if not counted, the reason not counted [*§7-5-308(c)(1), Rule 906 on Poll Watchers, Vote Challenges, and Provisional Voting*]
  - c) \_\_\_ counted all overseas absentee ballots that were properly executed and received by the county clerk by **5:00 p.m. ten (10) calendar days after the election REGARDLESS** of whether they would change the outcome of the election [*§7-5-411(a)(1)(B)*]
  - d) \_\_\_ compiled electronic countywide totals from the activation pack or device from each voting machine used to collect votes and verified that they matched manually compiled countywide totals from the polling locations' certified return records [*§7-5-529*]
  - e) \_\_\_ produced an audit log for each voting machine used in the election [*§7-5-530(a)*]
22. \_\_\_ Certified the official election results via the internet to the Secretary of State and by mail to the county clerk by the deadline of **no earlier than forty-eight (48) hours and no later than the fifteenth day after the election** [*§§7-5-701(a)(1); 7-5-707(a)*]
23. \_\_\_ Mailed to the Secretary of State certified copies of the abstract of the returns of the election for members of Congress, all executive, legislative and officers and of all votes cast on any measure
- a) \_\_\_ by the deadline of **no earlier than forty-eight (48) hours and no later than the fifteenth day after the election** [*§§7-5-701(c)(1); 7-9-119(b)*]
  - b) \_\_\_ filed a certificate detailing the result of the election with the county clerk [*§7-5-701(b)*]
24. \_\_\_ After certification
- a) \_\_\_ cleared the voting machines for future elections
  - b) \_\_\_ secured, audit logs and voter-verified paper audit trails to **remain secure for two (2) years** [*§7-5-531*]
  - c) \_\_\_ secured all voting machines (voting machines to **remain secured for at least three (3) days** following election unless otherwise ordered)
  - d) \_\_\_ cleared the voting machines for future elections
  - e) \_\_\_ preserved all ballots, certificates, and election materials [*§7-5-531; 7-5-702*]

25. \_\_\_\_ Delivered a certificate of election **within nineteen (19) days after the election** to the person having the highest number of legal votes for any county office [*§7-5-701(a)(3)*]
26. \_\_\_\_ **RECOUNT (if applicable)**
- a) \_\_\_\_ Conducted a recount upon a motion of the county board of election commissioners [*§7-5-319(b)*]
  - b) \_\_\_\_ Received a petition for recount from a candidate by the deadline of:
    1. \_\_\_\_ **no later than two (2) days after the county board declared preliminary and unofficial results**, if the number of outstanding overseas absentee ballots was insufficient to change the results of the election [*§7-5-319(a)(2)*]
    2. \_\_\_\_ **before the county board certified the results of the election**, if the number of outstanding overseas absentee ballots was sufficient to potentially change the results of the election [*§7-5-319(a)(3)*]
  - c) \_\_\_\_ notified all candidates whose election could be affected by the outcome of the recount **within forty-eight (48) hours after receipt of the petition for recount** [*§7-5-319(i) as amended by Act 1218 of 2015*]
  - d) \_\_\_\_ provided the candidate requesting the recount a copy of the test results on the voting machines and the electronic vote tabulating device(s) performed under A.C.A. §§ 7-5-515 and 7-5-611 [*§7-5-319(b)*]
  - e) \_\_\_\_ Opened the package containing the paper ballots and recounted the paper ballots
    1. \_\_\_\_ in the same manner as the initial count [*§7-5-319(d)*]
    2. \_\_\_\_ in a manner different than the initial count [*§7-5-319(d)*]
    3. \_\_\_\_ if direct-recording electronic voting machines were used, recounted the ballots using the VVPAT as the official ballot [*§7-5-319(c)*]
      - A. \_\_\_\_ manually added the total votes for each candidate involved in the recount from the voter-verified paper audit trail, OR
      - B. \_\_\_\_ counted by hand the votes for each candidate involved in the recount from the voter-verified paper audit trail, OR
      - C. \_\_\_\_ used the paper record produced by the machine for manual audit due to a damaged voter-verified paper audit trail, OR
      - D. \_\_\_\_ used the paper record produced by the machine for manual audit, as the machine is exempt from the voter-verified paper audit trail requirement
    4. \_\_\_\_ after the recount, secured the paper ballots, voting machines, electronic vote tabulating devices, audit logs, VVPATs, election materials and returns for retention and storage as provided by law [*§§7-5-319(f); 7-5-531; 7-5-532(e); 7-5-702*]
    5. \_\_\_\_ certified the results of the last recount [*§7-5-319(b)*]





## About the Review Process

A review of county election procedures is based upon a number of resources – reviewer observations, written procedures, written or verbal explanations, requested county documents, answers to the county VR questionnaire and additional communications. To track these resources, the reviewer utilizes the reviewer’s checklist, and the reviewer’s document verification list to examining approximately 235 laws and rules addressing more than 83 election tasks.

The reviewer considers tasks and compliance pertaining to a specific election. The review encompasses all pre-election tasks, election procedures; post election procedures, canvassing, and certification of the election. Normally, the reviewer confines the number of visits to the county to no more than four.

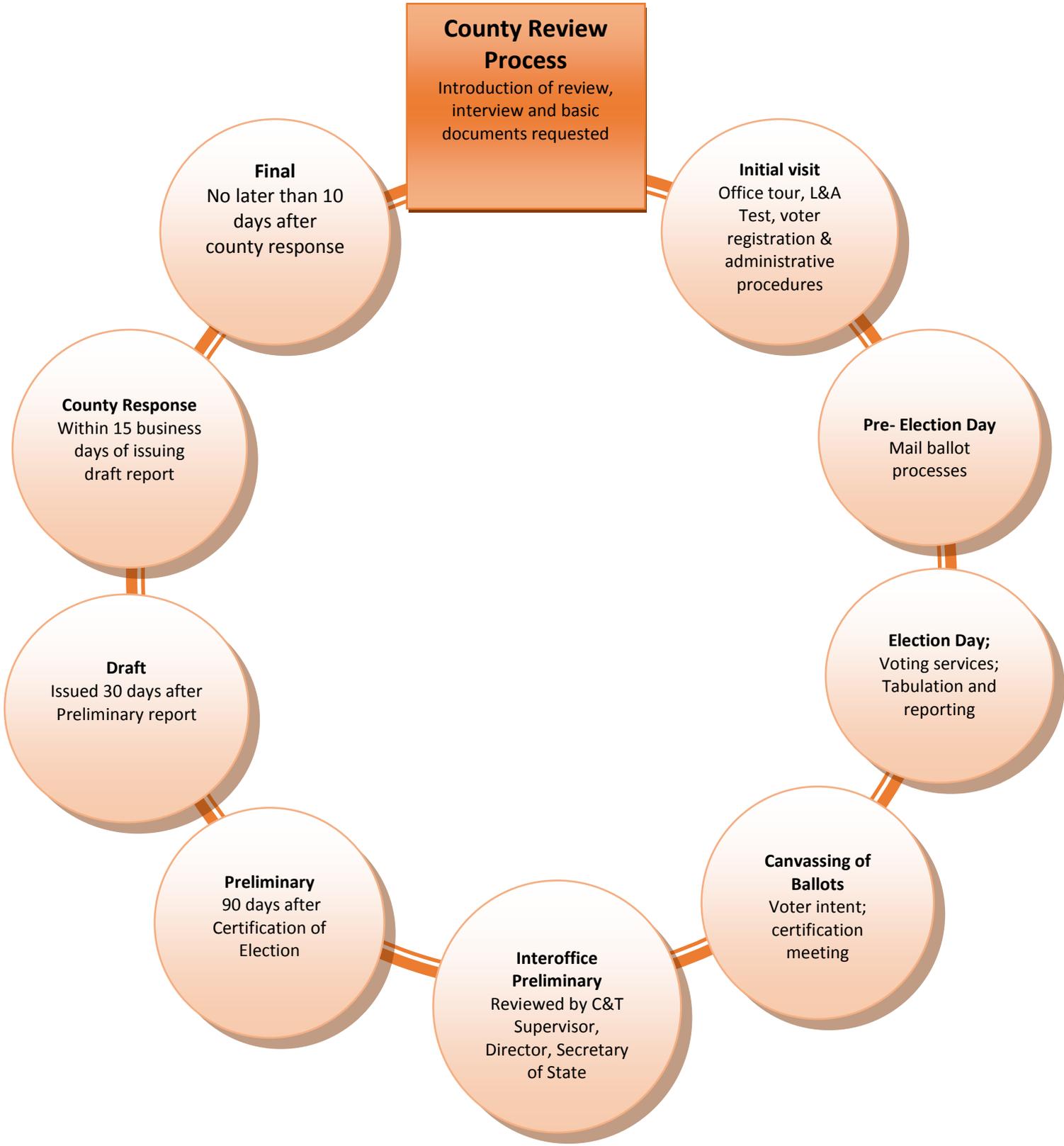
**Preliminary discussion.** No later than 90 days after the election is certified, the County Auditor receives a copy of discussion items as a preliminary to the review report. The reviewer will, when providing the list, request a discussion time. The County Auditor is welcome at this time to clarify any issues or communicate to the reviewer misunderstandings of procedure. The discussion list is for the Auditor and/or staff only.

**Draft and county response.** Inside of 30 days following the discussion of review items, the reviewer issues a Draft Report to the County Auditor and to other members of the County Canvassing Board.

The County Auditor and/or the County Canvassing Board must respond in writing no later than 15 business days after the issuance of the Draft Review Report. The official response must list the steps the county will take or has taken to correct any recommendations listed in the report.

The County Auditor may appeal any part of the Draft Review Report in accordance with *WAC 434-260-145*.

**Final review report.** The reviewer issues the Final Review Report within 10 days of receipt of the county response but no later than 25 business days after issuance of the Draft Review Report. Members of the County Canvassing Board and the Chair of the Election Administration and Certification Board receive copies. The Office of the Secretary of State retains a copy for public inspection.





# Secretary of State

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*Kim Wyman*

ELECTIONS DIVISION  
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**Follow-up.** One year following the issuance of the county response, a follow-up to the review will be conducted in accordance to *RCW 29A.04.570 (3)*. The Office of the Secretary of State must verify that the county has taken steps to correct problems noted in the report.



# WISCONSIN ELECTIONS COMMISSION

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INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the March 11, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Interim Administrator

Prepared and Presented by:

Jodi Kitts

WisVote Specialist

William Wirkus

Election Administration Specialist

**SUBJECT:** Assessment of Wisconsin's Electronic Registration Information Center (ERIC) Participation

## I. INTRODUCTION

The object of this report is to provide a brief background on the Electronic Registration Information Center (ERIC), an overview and assessment of the implementation of Wisconsin's participation in ERIC from 2016 to present, and recommendations for improvement for the future. In particular, the recommendations will focus on the portion of ERIC membership which requires Wisconsin to act regarding residents who have purportedly moved within the state, called "in-state movers."

## II. BACKGROUND

### A. What is ERIC?

2015 Wisconsin Act 261 directed Wisconsin to join ERIC, an inter-state consortium formed to improve the accuracy of voter registration data and to assist voters to become registered at their current addresses. ERIC uses modern "big data" matching and analytics to identify electors who may be eligible but are not registered to vote, voters who have moved since their last registration date, and voters who may no longer be eligible and should be removed from voter rolls. The goal of ERIC is to encourage these electors to register or update their information ahead of an election to better manage the volume of registration activity leading up to and on Election Day. Ultimately, long-term participation is aimed at reducing costs, increasing accuracy, and improving efficiency in the voter registration process. ERIC currently has 26 member-states representing all geographic regions in the United States.

## **B. Requirement of Membership**

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

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

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

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

## **III. 2017-2018 WISCONSIN LIST MAINTENANCE FOR MOVERS**

When originally determining how to proceed with the list maintenance provisions of ERIC, Commission staff reviewed list maintenance options in the Statutes. Wisconsin Statutes provide for two types of list maintenance – a process for voters who have not voted in the last four years, and a process for voters for whom there is reliable information that the voter no longer resides at the address on their voter registration. There is no specific process designated in the Statutes for the treatment of movers as identified by ERIC (hereinafter “movers”). Wis. Stat. §6.36 simply requires Wisconsin's membership and compliance with the ERIC Membership Agreement. The Membership Agreement provides only that the State “initiate contact with [such voters] in order to correct the inaccuracy or obtain information sufficient to inactivate or update the voter's record.” It does not specifically mandate the removal of such individuals as active registered voters or a timeframe for determining their status.

At the March 14, 2017 meeting, the Commission approved staff's recommendation to follow the statutory process related to voters for whom there is reliable information that they no longer reside at their registration address (Wis. Stat. § 6.50(3)). This process involves sending the voter a notice in the mail asking the voter if they would like to continue their registration at their current address. If so, the voter signs and returns a continuation form. If the voter does not respond requesting continuation within 30 days or does not complete a new registration at a different address, the voter's registration record is marked as inactive and the voter must register again before voting.

ERIC provided data to the Commission in October 2017 indicating that 341,855 registered voters appeared to have moved based on information the voter provided to the Wisconsin DMV, the USPS

National Change of Address service, or government agencies in other states. Before any action was taken regarding these voters, Commission staff vetted the list for changes that were not relevant to the voter's registration, such as changes to mailing addresses or temporary changes. After this internal vetting, the WEC mailed a postcard to flagged voters directing them to reregister if they had moved or to sign and return the card to keep their registration current. The postcard was forwardable, so if the voter had provided a new address to the US Post Office, the card would be forwarded to their new address. These voters had 30 days in which to respond to keep their registrations active. The postcards were mailed beginning on November 6, 2017.

The following chart shows the counts of In-State and Out of State Mover postcards mailed in 2017:

Type of Mailer	Count
In-State	282,448
Out of State	59,407
<b>Total:</b>	<b>341,855</b>

Some voters who received the postcard contacted the Elections Commission questioning why they received the card. Staff identified several data discrepancies that caused voters to appear on the Movers list who may have not moved, such as differences in spelling between the street name on their voter registration record versus their DMV record, or cases where the new address was a PO Box. Staff identified any voters impacted by these situations and proactively marked those voter records for continuation of their registration at their current address so they would not be deactivated.

In January 2018, the voter registrations of those voters who did not return the postcard or update their registration were deactivated. Voters whose postcards were returned to the clerk as undeliverable were also deactivated.

The following chart provides the number of voters who requested continuation, cards returned as undeliverable, and voters who did not respond to the mailing:

Total Postcards Sent	Count
Requested Continuation	6,153
Undeliverable	83,743
No Response	251,959
<b>Total Sent:</b>	<b>341,855</b>

The deactivation of these movers caused some problems for the 2018 Spring Primary, as some voters who had not moved, but had not returned the postcard, were left off the poll book. In other words, while available data from the DMV implied many had moved, some of the voters, in fact, had not moved. Some reasons for this include voters who registered a vehicle or obtained a driver's license at an address other than the address they considered to be their voting residence. This included persons who registered a vehicle at a business address, vacation home, or their child's college address, and college students who obtained a driver's license when they are temporarily living away from home. In these situations, the voters may have provided an address in their transaction with the DMV that was different

from their voting address, even though DMV asked for their residential address on their forms. These voters were likely unaware that the information provided to the DMV would affect their voter registration status.

After talking to affected voters, WEC staff identified several additional situations where voters appeared to have moved but did not. This included cases where the voter registration address in WisVote contained a unit number but their DMV record did not, or vice versa, as well as voters listed as movers by NCOA but no new address was provided. These voters were proactively reactivated by Commission staff because data provided by NCOA in these cases did not constitute reliable information that the voter had moved. Overall, 12,133 were proactively reactivated by staff or were stopped from being deactivated due to these data discrepancies between January and March of 2018.

Deactivation of voters who were believed to have moved, based on this data, led to many calls of concern from clerks, media, and concerned citizens. These concerns led to the creation and approval of a "Supplemental Movers Poll List." Deactivated voters flagged as in-state movers were included on the Supplemental Movers Poll List instead of the regular poll book, beginning with the 2018 Spring Election. By signing the Supplemental Movers Poll List, voters were affirming their continued presence at the address on the list and their registrations were re-activated without requiring a new registration application. Clerks were also permitted to contact these voters ahead of the election, or to investigate these voters' addresses against other reliable government records available to the clerk to confirm their residency status before Election Day. The Supplemental Movers Poll List process was continued for all succeeding 2018 elections. Commission staff carried out the reactivation of voter records on behalf of clerks, by reviewing and processing copies of the Supplemental Movers Poll Lists submitted by clerks after each election.

The following chart shows the number of voters who used the Supplemental Movers Poll List process to continue their registration during elections in 2018, as reported by municipal clerks:

<b>Supplemental Movers List Usage by Election</b>	<b>Count</b>
04/03/2018 - Spring Election	1,333
06/12/2018 - Special Election	16
08/14/2018 - Partisan Primary	1,077
11/06/2018 - General Election	3,558
<b>Total for 2018 Elections:</b>	<b>5,984</b>

The municipalities of City of Milwaukee, City of Green Bay, and Village of Hobart requested wholesale reactivation of all movers, based on their authority under Wis. Stat. §6.50 to determine what constitutes "reliable information" with respect to a change in an elector's residence. These municipalities determined that the voters flagged by ERIC, by comparing voter registration data to data provided by the DMV and other government agencies, was not reliable enough to remove them from the poll list.

The following chart shows the number of voters reactivated by these municipalities prior to the 2018 General Election:

Municipality-Wide Reactivations	Count
City of Milwaukee	34,293
City of Green Bay	4,137
Village of Hobart	322
<b>Total:</b>	<b>38,430</b>

Movers identified in 2017 have now had four statewide elections to either reaffirm their presence at their registration address or to complete a new registration. Because of high voter turnout, the 2018 General Election provided a good test of the data in ERIC reports. 3,558 voters used the Supplemental Movers List to continue their registration, which is 1.04% percent of the total movers. 773 of Wisconsin's 1,850 municipalities reported having at least one voter who signed the Supplemental Movers List in the 2018 General Election, while 983 reported no voters using the Supplemental Movers List. 91 municipalities did not report back to Commission staff on the use of the Supplemental Movers List. Some municipalities reported incorrect use of the Supplemental Movers Lists where voters signed the list but crossed off their address and wrote in a new address. This appeared to be due to election worker confusion on how to correctly use the Supplemental Movers List. These voters should have in fact registered at their new voting address and provided proof of residence.

For the three municipalities that chose to reactivate all movers, only a small percentage of voters voted at the old address where the movers card was mailed, with higher numbers of voters registering at a new address or not voting at all.

The following chart shows the election participation for reactivated movers in the three municipalities that chose to reactivate all movers:

Reactivation Requests	Milwaukee	%	Green Bay	%	Hobart	%
Reactivated but did not Vote in November	22,914	67%	2891	70%	224	70%
Registered at new address on or before Election Day and voted	9,022	26%	1025	25%	87	27%
Voted at old address	2,357	7%	221	5%	11	3%
<b>Total Reactivated by Request:</b>	<b>34,293</b>		<b>4,137</b>		<b>322</b>	

At the December 3, 2018 Commission Meeting, the Commission approved staff's recommendation to cease use of the Supplemental Movers Poll Lists for the 2019 Spring Primary and Spring Election. Instead, staff implemented a call-in process where if voters reported that they should be on the poll list and were not, election workers would contact the municipal clerk to determine if the voter was an ERIC Mover. Commission staff received no calls during the Spring Primary related to movers. Based on the prior Commission approval, staff plans to continue this process for the April Spring Election.

Following the 2019 Spring Primary, staff pulled final statistics on the 2017 Movers. The following chart shows the final statewide disposition of the voter records involved in the 2017 Movers mailing:

<b>Overall Disposition of Voters Identified as Movers</b>	<b>Count</b>	<b>Percent</b>
Updated voter registrations	160,863	47%
Deactivated registrations which remain inactive	134,517	39%
Remain active at original address	46,475	14%
<b>Total</b>	<b>341,855</b>	

Currently, the system of using in-state mover data, sending postcards to these flagged voters, and deactivating unresponsive voters has highlighted several areas requiring improvement. First, ERIC pulls in-state mover information from agencies such as the Division of Motor Vehicles. Voters provide alternative addresses to governmental agencies for a variety of reasons that may not correspond to an actual physical move or may not reflect an individual’s intent regarding their voting residence. Second, the postcard itself, at first blush, may be overlooked by the recipient—many people only think about voting close to an election, and election mail outside of that cycle is easy to overlook. Third, the deactivation of voters who were removed from the poll book even though they had not moved can diminish voter confidence in the voting process. Rather than removing voters based on data that does not always indicate a change in voting residence, one of ERIC’s stated goals is to make “voter registration lists and processes more accurate, more complete, and fully compliant with federal, state, and local laws.”<sup>1</sup>

#### **IV. LIST MAINTENANCE FOR MOVERS IN OTHER ERIC STATES**

Wisconsin elections are built on a partnership between the WEC and the state’s 1,850 municipal clerks and 72 county clerks. WEC provides a statewide computer system used by those clerks to manage voter registrations and election data, provide high-level election administration, support local election officials, and provide voter information to the public. Other ERIC member states have a mix of state-run voter registration systems and “bottom-up” systems that rely on counties to provide voter maintenance and provide varying degrees of support and administration to local clerks. WEC staff surveyed other ERIC states to obtain insight into their processes regarding in-state movers. The states of Illinois, Ohio, Virginia, and Minnesota responded and provided useful information about their processes.

##### **A. Virginia**

Virginia, like Wisconsin, is considered a “top-down” state as the Department of Elections provides a single application and central storage of registration and election data used by the localities. Each municipality, by law, is responsible for maintaining the data so only that municipality’s staff can alter information on the voter rolls. At the state level, the Department of Elections completes the list maintenance activity by identifying voters and sending matched voters to the municipality.

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<sup>1</sup> Electronic Registration Information Center, Inc., *Membership Agreement*, Exhibit A, Pg. 13. < [https://ericstates.org/wp-content/uploads/2019/01/ERIC\\_Bylaws\\_2018-11-30.pdf](https://ericstates.org/wp-content/uploads/2019/01/ERIC_Bylaws_2018-11-30.pdf)>

The Department of Elections processes the files comparing the ERIC data to the current state of the voter rolls to avoid contacting voters who have reregistered at a new address. The State sends voters flagged by ERIC as in-state movers a letter with a postage-paid tear-away portion to allow them to sign and affirm their address or make a change. Responses are routed to the local municipalities. Registrations of voters who do not respond or otherwise reregister are made inactive. An inactive voter arriving at the polls will appear in the poll book, but the voter must sign an affidavit to receive a standard ballot. The voter's participation will change their status back to Active. If the individual ceases voting, their registration will eventually be inactivated through the NVRA cancellation process. Virginia law dictates that a voter with an inactive status who has not voted in two consecutive Federal elections can be removed from the voter roster. The Virginia code dictates most of the process, and internal agency managers and legal counsel manage the details.

## **B. Ohio**

Ohio has a "bottom-up" voter registration system which is connected to each county using a dedicated network of fiber lines to process transactions such as duplicate registration resolution, motor vehicle transactions, and Online Voter Registration transactions among others. The State sends postcards to voters ERIC flagged as in-state movers. The primary purpose of the postcard is to encourage the voter to update their registration, but the voter's registration remains active and there is no deactivation process associated with the postcard. Ohio's ERIC process is governed by administrative rules rather than by statutes.

## **C. Illinois**

Like Ohio, Illinois has a "bottom-up" voter registration system, with each jurisdiction having their own domain. The Illinois State Board of Elections is the independent state agency handling high-level oversight of elections, providing support and training to counties. Records of voters flagged by ERIC as in-state movers are vetted by the state, and the vetted list is provided to the counties. The counties then send out a postcard, using either the State's template or a design of the counties' choosing. Illinois statutes require that voters who appear on NCOA and ERIC in-state movers lists are automatically registered at their new address. If the postcard is returned as undeliverable, the new address is rejected, and the registration reverts to the previous address. Voters are not removed from the poll book due to ERIC mailings.

Illinois' NVRA process is separate from its ERIC processes. If a voter has not voted in two election cycles, a postcard is sent. If the voter does not respond, the card is undeliverable, or they have not reregistered, the voter record is inactivated. Inactive voters are not listed in the poll book but can vote a provisional ballot. Illinois uses both statutory processes and administrative rules to manage ERIC voters.

## **D. Minnesota**

Minnesota employs a "top-down" voter registration system that all counties use to input and manage voter information. Minnesota is exempt from most NVRA requirements. Under Minnesota law, for those registered voters who move, counties update their registration and then send them a postcard

confirming their updated registration at a new address. For those voters that ERIC indicates move in state, Minnesota queues their records in the state voter registration system, so that the counties can then update their registration. When a voter's record is automatically updated due to information received through ERIC, Minnesota sends that voter a postcard notifying them that their record has been updated and provides them with instructions on how to contact their county auditor if that update was in error. If a voter moves outside of Minnesota, their record changes to "inactive" and a postcard is sent to confirm that their registration should be deactivated. If a record has been "removed" (inactivated because they moved to another state, are deceased, etc.), Minnesota does not keep them on the poll list/polling place roster. Minnesota does not have provisional balloting, so the remedy for a voter to fix this if it was done in error is to use election day registration to reregister. State statute governs the list maintenance process as it relates to ERIC reports.

## **V. RECOMMENDATIONS**

### **A. In-State Movers**

The object of these recommendations is to outline procedures which, as confidently and accurately as possible, identify when an "in-state mover" has in fact moved such that it is appropriate for his or her voter registration to be deactivated. After researching how other ERIC states handle their in-state movers and evaluating Wisconsin's implementation in 2017 and 2018, Commission staff has prepared a recommended plan for modifying the process used in 2017-2018 for in-state movers, including replacement of the Supplemental Movers List.

As an overview, staff recommends the plan include continuing to send postcards to voters identified by ERIC as in-state movers each year. However, instead of deactivating their voter registrations within approximately 30 days under Wis. Stat. § 6.50(3), deactivation would take place between 12 months and 24 months after the postcard was sent, in the summer after each General Election. In the intervening period the voter would have a significant amount of time in which to either return the postcard affirming their address, complete a new registration via online or paper form, or affirm or complete a new registration at the polling place during any election. This means the voter would have the opportunity to affirm or register in as few as four and as many as six regularly-scheduled elections.

For example, voters who receive the movers postcard in the summer of 2019 would be able to affirm their registration until the summer of 2021, giving them 6 elections to take action (Feb, April, August and November 2020 and Feb and April of 2021).

Voters who receive the movers postcard in the summer of 2020 would also be able to affirm their registration until the summer of 2021, giving them 4 elections to take action (August and November 2020 and Feb and April 2021).

The polling place process would entail a voter signing their name in the regular poll book next to their address and a statement affirming that they have not moved. After these multiple fail-safe opportunities, anyone who had not affirmed or completed a new registration would have their registration with the old, presumably inaccurate address deactivated.

This recommended plan includes multiple elements which require both further study and development. The following is a more detailed breakdown of recommendations and changes envisioned in implementing these recommendations:

- **Improve In-State Mover's List:** Continue to refine and narrow the list provided by ERIC to ensure that it identifies those voters who most likely did have a change in residence based on information they provided to the USPS and the Wisconsin DMV. WEC will continue to work with DMV, NCOA, and ERIC to identify the potential for distinguishing address change types that may be used to refine the data used in the comparison.
- **Postcards:** Continue sending out yearly postcards (likely during the summer) to voters identified as having moved, giving them opportunity to affirm their address, complete a new registration (to update their address) or participate in an election using their old address. The postcard would include language providing the extended deadline in which the voter has to affirm or complete a new registration, before deactivation of their voter registration record. Postcards returned as undeliverable could be noted by Clerks in WisVote as undeliverable for data gathering purposes, but the voter would otherwise continue to follow the same procedure as any other voter identified as an in-state mover and their registration would remain active until the deadline for in-state mover deactivation 12-24 months later.
- **WisVote Changes:** In the previous process in-state movers who were sent a card were designated as "Active Suspended" in WisVote concurrently with the sending of the postcard card followed by a change to "Inactive – Moved" after deactivation. Staff proposes that any person who is identified as an in-state mover and sent a postcard be designated in WisVote as "Active" but with a "Mover" or similar designation until deactivation of their registration.
- **Poll List:** Under these proposed changes, voters identified as a Mover and sent a postcard would be identified as such on the poll list for the next General and Spring Elections and their respective primaries. If these voters appear to vote at an election, by signing the poll list, they would be signing an affirmation statement that they have not moved from the address listed.
- **Absentee Voters:** Likewise, any person who votes absentee, either by mail or in-person, from an address appearing on the movers report, would automatically have their status changed from "Mover" to the regular "Active" status when they return the ballot with a properly completed certificate envelope. Their "old" address would be affirmed by virtue of the fact that they are certifying on the envelope that "...I am a resident of the ward of the municipality in the county of the state of Wisconsin indicated heron, and am entitled to vote in the ward at the election indicated hereon; that I am not voting at any other location in this election..."
- **MyVote Changes:** For those in-state movers receiving a postcard, staff proposes an expedited method by which they can either affirm their address or update their registration. Staff proposes exploring whether use of a QR code and/or hand-keyed code on the postcard could assist in expediting this process of both retrieving the record and providing the necessary proof of residence for purposes of a MyVote registration update. There may also be the option of providing the voter with a more specific reason for why they received the postcard (i.e. USPS

National Change of Address notification, transaction at the DMV, etc.) to help answer questions why the voter received the postcard.

- **Amended In-State Mover's Deactivation Timeline:** Registrations for in-state movers would only be deactivated every two years after at least a general election and a spring election (and their primaries) had passed since receipt of the postcard in which a voter had not voted at their address listed in WisVote. Previously the process was statutorily designed so that registrations were inactivated within 30 days of the postcard being sent out. Movers who received the November 2017 postcard were deactivated in January 2018, in the year of a Spring Primary, Spring Election, Partisan Primary, and General Election. The new recommended process would allow the opportunity to participate in at least 4 to 6 elections (and thus the ability to affirm or decline to affirm the address on the poll list) before deactivation. Given that the in-state movers data is a largely accurate indicator of someone who has moved or who provided information to the post office or DMV which make it appear that they moved, staff believes this approach is a reasonable method of ensuring proper maintenance of the voter registration list under Wis. Stat. §5.05(15). Regular ERIC-associated list maintenance based on in-state mover data will still take place, but only after the identified in-state movers have had between 12 and 24 months, and between 4 and 6 regularly scheduled elections to affirm their address or complete a new registration.
- **Legal Authority Related to Recommended Process:** Voter list maintenance procedures have attracted increased attention from policymakers and the public, both in Wisconsin and nationwide. Wis. Stat. § 6.361(1)(ae) requires Wisconsin's participation in ERIC and compliance with its membership agreement "for the purposes of maintaining the official registration list..." Among other requirements, ERIC's membership agreement compels the state to act on all credible ERIC data identifying individual voters and to "...at a minimum, initiate contact with that voter in order to correct the inaccuracy or obtain information sufficient to inactivate or update the voter's record." Neither the ERIC enabling statute, nor the ERIC Membership Agreement establish specific procedures or timelines for inactivating a registration of a voter who appears on the movers list.

As noted above, the Commission has relied on the language and framework of Wis. Stat. § 6.50(3) to treat the movers list as reliable information that the individuals listed have changed their voting residence. The Commission also has general statutory to ensure "proper maintenance of the [registration] list. Specifically, the Statutes provide:

The commission is responsible for the design and maintenance of the official registration list under s. 6.36. The commission shall require all municipalities to use the list in every election and may require any municipality to adhere to procedures established by the commission for proper maintenance of the list.

*See Wis. Stat. § 5.05(15).*

Wis. Stat. § 5.05(15) provides a broader source of statutory authority to the Commission for ensuring the integrity and maintenance of the statewide voter registration list, which supports the process recommended by staff.

Wis. Stat. § 5.05(1)(f) also provides the Commission with rulemaking authority “for the purpose of interpreting or implementing the laws regulating the conduct of elections...or ensuring their proper administration.” At this time staff is seeking the Commission’s feedback regarding the recommended process and a decision as to whether it should be adopted as the Commission’s policy. However, staff also believes any such long-term process should be reflected in either the agency’s administrative rules or the Statutes. Given that no deactivation of voter records would occur under the proposed process until after the 2021 Spring Election, there is some time for the Commission to adopt a policy and obtain feedback from the Legislature as to whether the procedures should be enacted through legislation or administrative rules. The Legislature certainly may also establish a different approach with more specific procedures if it does not agree with a process adopted by the Commission.

## **B. Out-of-State Movers**

We recommend dividing voters identified by ERIC as out-of-state movers into two separate processes depending on whether they are placed on the out-of-state list on account of 1) NCOA or motor vehicle data; or 2) Completion of voter registration in another state.

### **1. Out-of-State NCOA or Motor Vehicle Data**

Out-of-state data stems from a transaction a voter took in another state at a motor vehicle department, by completing a change of address with the Postal Service, or by completing a new voter registration. WEC staff received few contacts regarding out-of-state movers. However, because motor vehicle data and NCOA data is subject to the same nuances as in-state movers, staff recommends adopting the same procedures for those two sub-categories as outlined for in-state movers. For example, apparent occasional voter behaviors such as registering a family car at another address for a college student, keeping a car at a second home or business, or due to varying wheel taxes and emissions testing standards, which may result in their names appearing on the out-of-state movers list (even though they maintain voter residency in Wisconsin). Staff recommends these voters be given the same window of 4-6 elections and 12-24 months to affirm or complete a new registration before deactivation of their voter registration.

### **2. Completion of Out-of-State Voter Registration**

Since the advent of the statewide voter registration system, the Commission and its predecessor agencies have treated voter registration in another state as an affirmative act by the voter to sever one’s voter residency in Wisconsin, and thus appropriate to trigger deactivation of voter registration. Wisconsin regularly receives lists from other states of voters who were previously registered in Wisconsin and who have registered in another state. Staff reviews these lists and manually deactivates these individual registrations upon receipt. Wis. Stat. § 6.36(1)(d) specifically authorizes this process:

Upon receipt of official notification by the appropriate election administrative authority of another state, territory, or possession that an elector whose name appears on the list has registered to vote in that state, territory, or possession, the commission

or the municipal clerk of the municipality where the elector formerly resided shall change the elector's registration from eligible to ineligible status.

Similarly, the voter residency statute, Wis. Stat. § 6.10(10) points out that "If a person moves to another state with an intent to make a permanent residence there, or, if while there the person exercises the right to vote as a citizen of that state by voting, the person loses Wisconsin residence."

Staff recommends that voters identified through the list maintenance reports provided by ERIC as having registered in another state be deactivated under the authority of Wis. Stat. § 6.36(1)(d). The source of the data regarding voter registrations is the individual states which received and processed those voter registrations. ERIC acts as a conduit to other member states by analyzing and condensing the data and then sending the data on to only those states where the identified individual had a previous registration. During the 2017-2018 ERIC Implementation, out-of-state registrations accounted for between 35% and 40% of the voters identified as out-of-state movers.

### **C. Expanded ERIC Data Set**

Beginning in April 2018 additional voter participation data is available to states to use as part of their list maintenance processes. The data compares voter participation records both in-state and across member states. The data can be used to investigate errors in the recording of participation and in identifying and investigating potential duplicates. The WEC will be receiving these additional reports and incorporating them into the currently existing list maintenance and referral processes.

#### **Recommended Motion:**

Commission staff proposes these recommendations after reviewing the Commission's initial implementation of ERIC relating to movers and examining opportunities for improvement. Staff believes this proposal provides an appropriate and balanced opportunity for movers to affirm their voting address or complete a new registration and for making use of the list maintenance reports provided by ERIC. As staff explores and implements the technical changes in the system to accommodate these processes, feedback of local election officials regarding the workflow will be solicited and reviewed to identify any changes or improvements. If the Commission directs staff to explore these options, staff will bring specific proposals to the Commission for approval at its June 2019 meeting. Staff recommends the following motion:

The Wisconsin Elections Commission directs staff to research and begin the implementation of the proposed ERIC list maintenance process in accordance with the staff recommendations stated herein. WEC staff will report back to the Commission at its June 2019 meeting on the status of implementation, technical feasibility of the new process, feedback from local election officials, and drafting of an administrative rule/proposed statutory change for the Commission's consideration.

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INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the March 11, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Interim Administrator

Prepared and Presented by:  
Nathan W. Judnic  
Senior Elections Specialist

**SUBJECT:** Report of Suspected Election Fraud, Irregularities or Violations

Wis. Stat. § 7.15(1)(g) requires municipal clerks to “report suspected elections frauds, irregularities, or violations of which the clerk has knowledge to the district attorney for the county where the suspected activity occurs and to the commission.” The Commission is then required to “annually report the information obtained ... to the legislature under s. 13.172(2).” Wis. Stat. § 13.172(2) directs state agencies to submit reports to the chief clerks of each house of the Legislature who in turn publish notice of the report in the journals of the respective houses and then distribute the report to members of the Legislature upon request.

Municipal clerks typically provide reports of suspected election fraud or irregularities to the Commission by email or letter, and in most cases the report is a copy of the referral they have made to the District Attorney under Wis. Stat. § 7.15(1)(g). Attached to this memorandum is the proposed cover letter and report to be submitted to the Legislature which summarizes the information received from local election officials. This report is limited in that it only reports District Attorney referrals made by municipal clerks that the Commission has been made aware of. It is possible that other suspected election frauds, irregularities or violations have been referred without the Commission’s knowledge. It is also possible that citizens or organizations may have filed complaints directly with a District Attorney which the Commission has no way of knowing or tracking.

The Commission has directed staff to compile this report to be submitted for review in the spring of each year. The timeframe for this report is February 16, 2018 through February 15, 2019.

The report provides the Legislature with four key pieces of information: date on which the Commission received information from the municipal clerk about the referral, the county in which the referral was made, a brief description of the suspected election fraud, irregularity or violation, and the election during

which the event occurred. Where the referral was specific or contained multiple instances of the same type of activity that was referred, the report notes the multiple activity referred in parentheses.

For most types of referrals, the Commission has no information about whether the District Attorney found enough evidence to file charges or whether any charges resulted in a conviction.

**Recommended Motion:**

Direct Commission staff to submit the attached cover letter and report titled “Report of Suspected Election Fraud, Irregularities or Violations” to the Legislature per Wis. Stat. §§ 7.15(1)(g) and 13.172(2).

# WISCONSIN ELECTIONS COMMISSION

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ANN S. JACOBS  
JODI JENSEN  
MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

March XX, 2019

Sent Via Email Only

Patrick E. Fuller  
State Assembly Chief Clerk  
17 W. Main St., Room 401  
Madison, WI 53703  
[Patrick.Fuller@legis.wisconsin.gov](mailto:Patrick.Fuller@legis.wisconsin.gov)

Jeff Renk  
State Senate Chief Clerk  
P.O. Box 7882  
Madison, WI 53707  
[Jeff.Renk@legis.wisconsin.gov](mailto:Jeff.Renk@legis.wisconsin.gov)

**Re: Submission of Report to Legislature – Report of Suspected Election Fraud,  
Irregularities or Violations pursuant to Wis. Stat. § 7.15(1)(g)**

Chief Clerks Fuller and Renk:

Enclosed please find the Wisconsin Election Commission's report to the Legislature of suspected election fraud, irregularities or violations as reported to the Commission by municipal clerks pursuant to Wis. Stat. § 7.15(1)(g). This report is submitted to your offices pursuant to Wis. Stat. § 13.172(2) and notice of this report is to be included in the journals of each respective house, with distribution of the report to members of the Legislature upon request.

Report Notes

The report provides the Legislature with four key pieces of information: date on which the Commission received information from the municipal clerk about the referral, the county in which the referral was made, a brief description of the suspected election fraud, irregularity or violation, and the election during which the event occurred. Where the referral was specific or contained multiple instances of the same type of activity that was referred, the report notes the multiple activity referred in parentheses.

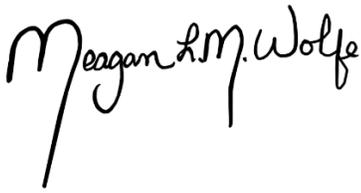
This report includes notices of referrals received February 16, 2018 through February 15, 2019 and is limited in that it only reports referrals to District Attorneys made by municipal clerks that the Commission has been made aware of, and it is possible that other suspected election frauds, irregularities or violations have been referred without the Commission's knowledge. It is also possible that citizens or organizations have filed complaints directly with a District Attorney which the Commission has no way of knowing or tracking. For most types of referrals, the Commission has no

information about whether the District Attorney found enough evidence to file charges or whether any charges resulted in a conviction.

If you have any questions regarding this report, please contact the Elections Helpdesk at 608-261-2028 or [elections@wi.gov](mailto:elections@wi.gov).

Sincerely,

**WISCONSIN ELECTIONS COMMISSION**

A handwritten signature in black ink that reads "Meagan H.M. Wolfe". The signature is written in a cursive style with a large, prominent "M" at the beginning.

Meagan Wolfe  
Administrator

Cc: Wisconsin Elections Commission

Enclosure

# WISCONSIN ELECTIONS COMMISSION

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## Report of Suspected Election Fraud, Irregularities or Violations

Pursuant to the requirement contained in Wis. Stat. § 7.15(1)(g), the Wisconsin Elections Commission (WEC) submits to the Wisconsin Legislature the following report of “suspected election fraud, irregularities or violations” based on information submitted to the WEC by municipal clerks. This report is submitted to the chief clerks of each house of the Legislature per Wis. Stat. § 13.172(2).

The timeframe for this report is information the WEC received from February 16, 2018 through February 15, 2019. Please see the transmittal letter to the chief clerks which accompanies this report that describes the contents and limitations of this report.

<b>Date</b>	<b>County</b>	<b>Suspected Election Fraud, Irregularity or Violation</b>	<b>Related Election</b>
3/1/18	Marathon	Voting twice in same election (absentee and at polls)	2018 Spring Primary
4/10/18	Marathon	Voting twice in same election (absentee and at polls)	2018 Spring Election
4/12/18	Outagamie	Voting twice in same election (absentee and at polls)	2018 Spring Election
4/19/18	Portage	Voting twice in same election (two different municipalities)	2018 Spring Election
4/30/18	Brown	Voting twice in same election (absentee and at polls)	2018 Spring Election
8/15/18	Brown	Voter on ineligible list cast ballot	2018 Partisan Primary
9/20/18	Brown	Voting twice in same election (absentee and at polls) (two voters)	2018 Partisan Primary
10/3/18	Marathon	Absentee ballots voted after voter determined to be deceased	2018 Spring Election, 2018 Partisan Primary
10/17/18	Fond du Lac / Green Lake	Voting twice in same election (two different municipalities)	2018 Partisan Primary
11/12/18	Marathon	Voting twice in same election (absentee and at polls)	2018 General Election
11/26/18	Dane	Voting twice in same election (two different municipalities)	2018 General Election
11/26/18	Sheboygan	Voter on ineligible list cast a ballot	2018 General Election

<b>Date</b>	<b>County</b>	<b>Suspected Election Fraud, Irregularity or Violation</b>	<b>Related Election</b>
11/27/18	Milwaukee	Voter on ineligible list cast a ballot	2018 General Election
11/30/18	Sheboygan	Voting twice in same election (absentee and at polls)	2018 General Election
11/30/18	Washburn / St. Croix	Voting twice in same election (two different municipalities)	2018 General Election
12/3/18	Marathon	Voting twice in same election (two different municipalities)	2018 General Election
12/4/18	Brown	Voting twice in same election (absentee and at polls)	2018 General Election
12/13/18	Kenosha	Ineligible voter cast a ballot (felon still under supervision)	2018 General Election
1/7/19	Kenosha	Voting twice in same election (multiple absentee ballots)	2018 General Election
1/15/19	Milwaukee	Election Day Registration confirmation postcard returned as undeliverable mail	2018 General Election
1/15/19	Marathon	Voting twice in same election (absentee and at polls)	2018 General Election
1/23/19	Kenosha	Voter ineligible to vote (U.S. Citizenship)	2018 General Election
1/23/19	Milwaukee	Election Day Registration confirmation postcard returned as undeliverable mail	2018 General Election

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INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the March 11, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Interim Administrator

Prepared and Presented by:  
Robert Williams  
Elections Specialist

**SUBJECT:** Legislative Update

### New State Legislation

1. *Senate Joint Resolution 2 and Assembly Joint Resolution 1: A constitutional amendment to establish and ensure the rights of crime victims (second consideration).*

Sponsors: Bipartisan. This second consideration constitutional amendment provides for a 19-point list of rights for victims of crime in this state. The constitutional amendment also authorizes the victim to enforce his or her rights in court, and the attorney for the government in the case involving the victim may seek enforcement of the victim's rights upon request of the victim.

SJR 2 and AJR 1 public hearings on held January 9, 2019. Both resolutions voted out of committee on January 15 and January 16 respectively. Since SJR 2 and AJR 1 relate to a proposed state constitutional amendment, one of the resolutions must be passed by both houses of the Legislature during the current session before being presented as a statewide referendum.

2. *Senate Joint Resolution 9 and Assembly Joint Resolution 11: Proposing an advisory referendum related to an amendment to the U.S. Constitution.*

Sponsors: Minority. This resolution would place an advisory question on the November 2020 ballot to ask the people if Congress should propose an amendment to the U.S. Constitution to overturn *Citizens United v. F.E.C.* and related cases.

SJR 9 introduced on February 25, 2019 and referred to the Committee on Elections, Ethics, and Rural Issues. AJR 11 introduced on February 28, 2019 and referred to the Committee on Campaigns and Elections.

3. *Senate Bill 48 and Assembly Bill 43: Allowing an elector to show their marked ballot.*

Sponsors: Bipartisan. This bill would eliminate the prohibition in place under current law which makes it a Class I felony for an elector to show their marked ballot to any other person or mark it so that it is identifiable.

SB 48 introduced on February 25, 2019 and referred to the Committee on Elections, Ethics, and Rural Issues. AB 43 introduced on February 28, 2019 and referred to the Committee on Campaigns and Elections.

4. *Senate Bill 59 and Assembly Bill 56: State finances and appropriations constituting the executive budget act of the 2019 Legislature.*

This bill is the “executive budget bill” under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations for the 2019-21 fiscal biennium. The bill contains the WEC’s budget for the 2019-2021 biennium. Also included in the bill are recommendations for the creation of a nonpartisan redistricting commission, automatic voter registration, and updates to the state’s voter identification and in person absentee voting laws. In depth analysis of the Governor’s budget proposal can be found in the biennial budget update prepared by Chief Administrative Officer Sharrie Hauge.

SB 59 and AB 56 introduced on February 28, 2019 and referred to the Joint Committee on Finance

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INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the March 11, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Interim Administrator

Prepared and Presented by:  
Michael Haas

**SUBJECT:** Commission Legislative Agenda

At the meeting of December 3, 2018, the Commission adopted a legislative agenda for the 2019 - 20 legislative session which included recommendations related to over 70 items. Commission staff has met with legislative staff and Legislative Reference Bureau drafting attorneys and expects a significant share of those items to be addressed in legislative proposals.

Commission staff is requesting feedback regarding the following three additional items for the legislative agenda.

1. Voter Name and Address Requirement: Wis. Stat. § 6.79(2) states that before receiving a ballot at the polling place, each voter must state their name and address. Periodically we have heard from voters with disabilities who are unable to verbally state their name and address. Given that the Americans with Disabilities Act requires governmental services to be provided to all qualified voters, Commission staff has advised that a voter who is unable to speak their name and address due to a disability should still receive a ballot. In practice, this means that the name and address are verified and stated in another way, such as the election inspector reading the information from a photo ID card, other document, or poll list, or another individual assisting the voter by stating the name and address. These alternatives accomplish the statutory goals of the voter confirming their name and address and permitting election observers to hear that information for each voter.

Several statutes specify that voters may obtain assistance during various stages of the voting process, including completing a registration application, requesting an absentee ballot, and marking a ballot. Also, Wis. Stat. § 5.36 states that an individual with a disability may notify their municipal clerk to request a specific type of accommodation at the polling place. The statutes do not specifically address assistance with the requirement to state a voter's name and address, especially without notifying the municipal clerk in advance.

The Commission discussed this issue with its Accessibility Advisory Committee at its meeting on February 27, 2019. The Advisory Committee consists of representatives of organizations which work with and advocate on behalf of persons with disabilities. Committee members expressed concerns with the potential that an election inspector may strictly apply the requirement for a voter to state their name and address and deny a ballot to a voter who is unable to verbalize that information, or at least to discourage individuals from voting in the first place. Some members of the Committee advocated for completely removing the requirement for all voters. After discussion regarding the right of election observers to hear the voter's name and address and transparency in the voting process, the Committee adopted a motion requesting that the Elections Commission request a change in the statutes to specifically address the requirement. The Committee passed the following motion:

The Accessibility Advisory Committee requests that the WEC support legislative changes to allow voters with disabilities to receive assistance from an election inspector or another individual to satisfy the statutory requirement to state the voter's name and address before receiving a ballot, and work with the Accessibility Advisory Committee and the Legislature to enact such legislation.

2. Ballot Harvesting Statutes: Media attention on absentee voting improprieties in a North Carolina Congressional election has generated discussion regarding whether Wisconsin Statutes adequately address potential issues with "ballot harvesting." The practice of ballot harvesting involves an individual collecting marked absentee ballots from voters and returning them to the local clerk. In North Carolina a political operative allegedly did not return some absentee ballots collected from voters and also altered votes on some collected ballots.

Wisconsin Statutes do not prohibit the return of absentee ballots by individuals other than the voter. Commission staff is not aware of efforts of any political campaign or other organization systematically contacting absentee voters to collect marked ballots and offering to return them to the clerk. However, given that the Statutes require the Commission to offer a subscription service providing continually updated information about the issuance and return of individual absentee ballots, a greater potential may exist for absentee voters to be contacted and asked if they need assistance in returning their ballot.

Wis. Stat. § 12.13(3)(m) prohibits fraudulently changing a ballot of an elector so the elector is prevented from voting for whom the elector intended, and violations are punishable as a Class I felony. This addresses one of the risks of ballot harvesting. Several provisions of Section 12.13 may be interpreted to prohibit failing to return a marked absentee ballot collected from another voter but contain general language which may not be clearly on point. The Commission could request that the Legislature insert language into Section 12.13(3)(m) to clearly prohibit failing or refusing to deliver a marked ballot collected from another voter to the municipal clerk or polling place, and to classify violations as a Class I felony.

3. Certification Deadline in Absence of a Potential Recount: Following the completion of the official canvass at the local, county, and state levels, the appropriate filing officer issues a

certificate of election to the winning candidates. Whether at the level of a municipality (Wis. Stat. § 7.53(4)), school district (Wis. Stat. § 7.53(3)(a)), county (Wis. Stat. § 7.60(6)) or state (Wis. Stat. 7.70(5)), the filing officer may not issue the certificate of election until the expiration of the time for filing a recount, which is three days after the official canvass is completed. When a recount petition is filed, the certificate of election is not issued until the completion of the recount or any court action resulting from the recount.

Legislation was enacted in 2017 to limit the right to request a recount to an “aggrieved party,” which is defined as a candidate who lost by no more than 40 votes when the total votes cast for the office was 4,000 or fewer, or a candidate who lost by no more than one percent of the total votes cast for the office when that total exceeds 4,000. That legislation did not amend the timeline for issuing a certificate of election when the initial canvass results indicate there is no aggrieved party that may request a recount. In some cases, clerks and even the Commission would benefit from being able to issue certificates of election sooner when there is no candidate qualified to request a recount. The Commission could request that the Legislature update the relevant statutes to permit certificates of election after completion of the official canvass when there is no aggrieved party.

**Recommended Motion:**

The Commission adopts the additional items outlined above to be included in its legislative agenda and directs staff to work with the Legislature to enact appropriate statutory changes.



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INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the March 11, 2019 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 (December 3, 2018), staff of the Commission focused on the following tasks:

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

#### 2019 Spring Primary and Election

At the Commission meeting on January 11, 2019, the Commission certified judicial candidates for the April 2, 2019 Spring Election and the February 19, 2019 primary in Ozaukee County Circuit Court Judge, Branch 2.

Since that time, county clerks have begun ballot preparation for the primary and election. Most of the counties have already transmitted April ballot proofs for review, correction and approval.

Staff offered extended hours in support of clerks completing their preparations for the Spring Primary beginning on Friday, February 15 and continuing through primary election day.

Friday, February 15, 2019	4:30 p.m. – 6:00 p.m.
Saturday, February 16, 2019	10:00 a.m. – 2:00 p.m. (on call)
Monday, February 18, 2019	4:30 a.m. – 6:00 p.m.
Tuesday, February 19, 2019	6:00 a.m. – 7:45 a.m. / 4:30 p.m.-10:00 p.m.

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

Special Election – Representative to the Assembly, District 64

On February 14, 2019, Governor Evers ordered a special election in Assembly District 64 to be held on April 30, 2019. The special election is due to the resignation of Representative Peter Barca who was appointed to Governor Evers’ cabinet. Circulation of nomination papers began on the date of the order and are due in the Elections Commission office at 5 p.m. on March 5, 2019. A primary, if required, will be conducted in conjunction with the Spring Election on April 2, 2019. At the time of this writing on the day after the order was issued, three candidates have registered for the election. Staff is coordinating with the Ethics Commission staff to ensure all special election candidates registered with the Ethics Commission are included in Elections Commission candidate lists.

**2. Badger Voters**

The Badger Voters program experiences a modest increase in requests immediately before and after the general and spring elections.

The following statistics summarize voter data requests as of February 25, 2019.

<b>Fiscal Year</b>	<b>Total Number of Requests</b>	<b>Requested Files Purchased</b>	<b>Percentage of Requests Purchased</b>	<b>Total Revenue</b>
<b>FY2019 to Date</b>	470	349	74.2%	\$193,660.00
<b>FY2018</b>	706	517	73.2%	\$182,341.00
<b>FY2017</b>	643	368	57%	\$234,537.35
<b>FY2016</b>	789	435	55%	\$235,820.00
<b>FY2015</b>	679	418	61.56%	\$242,801.25
<b>FY2014</b>	371	249	67.12%	\$125,921.25
<b>FY2013</b>	356	259	72.75%	\$254,840.00
<b>FY2012</b>	428	354	78.04%	\$127,835.00

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

Election Voting Statistics Report data for 2018 elections is nearly complete for all reporting units. Commission staff continue to work with municipal and county clerks to meet reporting requirements following the 2018 Spring Election, Senate District 1 Special Partisan Special Election, 2018 Partisan Primary, Trempealeau County District Attorney Recall Partisan Primary, 2018 General Election and the 2019 Spring Primary.

The new process of gathering information for these reports contains significantly more detail than previous processes. Managing and reconciling the additional data proved challenging for some municipalities and required more staff involvement. In cases where a jurisdiction could not reconcile voting statistics, Commission staff worked with individual clerks to ensure all reasonable efforts were applied to ensure the accuracy of their data.

There remain a handful of reporting units that have incomplete reports. As of February 21, 2019, there are seven reporting units outstanding for the 2018 Partisan Primary, four reporting units outstanding for the Trempealeau County District Attorney Recall Partisan Primary, and 16 reporting units outstanding for the 2018 General Election.

Election voting statistics data has not yet been posted to the Commission website for the 2018 Partisan Primary, Trempealeau County District Attorney Recall Primary, or the 2018 General Election. Commission staff anticipates the election statistics report will be completed during March 2019 and the associated data posted shortly thereafter.

The Election Day Registration (EDR) Postcard Statistics for all calendar year 2018 elections were due no later than February 4, 2019. By statute this report is to be updated monthly until there is a full accounting of all EDR postcards. As of February 21, 2019, there remain a handful of incomplete reports as follows: seven outstanding for the Spring Election; three outstanding for Special Election for Senate District 1; 33 outstanding for the Partisan Primary; and 74 for the General Election. None are outstanding for the 2018 Special Partisan Primary for Senate District 1 or the 2018 Trempealeau County DA Recall 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 February Primary and Spring Election, the training team and elections specialists continued to focus on providing information and guidance about basic election processes, such as voter registration, proof of residence and photo ID requirements. Commission staff also reviewed more complex election administration procedures, such as counting votes and remaking and overriding ballots on Election Day.

Staff provided continuing and specialized election training through its election administration and WisVote webinar training series, including a review of the MyVote Wisconsin site and Election Day Procedures.

#### **5. Badger Book**

Since the last Commission meeting, 20 new municipalities decided to purchase and use Badger Book e-poll books during the 2019 Spring Election. Another seven municipalities elected to borrow and test Badger Books during either the Spring Primary or the Spring Election.

The Badger Book Borrowing Program's first round included three polling places: one located in the City of Neenah and two polling places in the City of Milwaukee. Clerks, their staff, and chief election inspectors were invited to the WEC office to receive training and to accept custody of the machines. The City of Neenah and City of Milwaukee then provided Badger Book training for election inspectors in the two weeks ahead of Election Day. On Election Day, no problems were reported from any polling place. Election Inspectors were generally pleased with Badger Book performance and were

particularly pleased with the ease of end of night reconciliation. The second round of the Badger Book Borrowing program will include one polling place each from the City of Ashland, City of La Crosse, Village of Little Chute, City of River Falls, and City of West Bend. Clerks and their supporting staff received training and their machines on March 6.

The WEC staff is also in the process of preparing 20 new municipalities who purchased Badger Books for use in 2019. These municipalities will use Badger Books for the first time on April 2. To support their implementation, WEC staff offered clerks the opportunity to attend in-person training in Madison and/or to attend an online, five-part webinar series. The webinars began on February 28 and will conclude on March 14. In-person training occurred at the Pyle Center in Madison on March 5. Clerks are, in turn, expected to train their election inspectors ahead of Election Day and to escalate any concerns or issues to the WEC.

Additionally, WEC staff worked with Paragon Development Systems, the Badger Book hardware provider, to update the machines from the eight existing Badger Book municipalities to the latest version of the Badger Book software. New updates include the ability to scan a Wisconsin driver license or state identification card to populate a voter registration record on the Badger Book, larger font size, and better absentee ballot processing features and load time. Additionally, the new version provides a sustainable framework to deploy version updates in the future.

Following the Spring Election, WEC staff will deploy additional WisVote updates to allow clerks to easily upload post-election data to WisVote. WEC staff will also evaluate the onboarding process for possible improvements and schedule the next available purchasing window for Fall 2019.

## **6. Polling Place Accessibility Program**

On February 19, 2019, the WEC audited seven polling places in Rusk and Chippewa counties for their accessibility against the ADA standards. The number of audited polling places was smaller than most elections since the election was not state-wide. WEC staff is in the process of adding the data to the Access Elections database to then be reviewed and provided to the evaluated municipalities.

On February 27, 2019, the Accessibility Advisory Committee held its Spring meeting. Several topics were discussed, including; the Polling Place Accessibility Audit Program, past and future funding, and initiatives to accomplish prior to the 2020 election cycle.

During this meeting there was also a discussion on the requirement for voters to verbally state their name and address prior to receiving a ballot. The Accessibility Advisory Committee formally adopted a motion which is outlined in a separate memo regarding the Commission's Legislative Agenda.

On April 2, 2019, the WEC will continue the Polling Place Accessibility Audit Programs with 11 volunteers auditing polling places throughout the state for the Spring Election.

New volunteers will also complete in-person training the week before Election Day. Returning volunteers will receive refresher training via webinar. Training includes how to properly evaluate a

polling place, a tutorial on how to use our equipment, and a mock polling place audit exercise completed with the assistance of the City of Madison.

## **7. Voting Equipment**

The attention of the voting equipment team has been primarily focused on the 2018 Post-Election Voting Equipment Audit. All 186 audits, as well as the initial review, required several weeks of follow up and in-depth analysis to ensure that everything received from selected municipalities was properly documented by WEC. The voting equipment team also worked closely with the WEC financial team and management to review and process 151 municipal reimbursement requests. For more detailed information on the 2108 Post-Election Voting Equipment Audit, please refer to Item G on the March 11, 2019 meeting agenda.

Additionally, the voting equipment staff has begun the process of scheduling a certification test campaign for ES&S EVS 5.2.4.0 and EVS 5.3.4.0. After initial discussions with representatives from ES&S, the test campaign has been tentatively scheduled for the second week in April. In the weeks leading up to certification testing, staff time will be occupied with updating and finalizing the test deck matrix, marking roughly 1,500 ballots to be used in testing, and preparing office space with ancillary staff to assist with testing as necessary. Testing will take approximately two weeks. The first week will involve ballot marking and tabulation-equipment-specific testing in the WEC office. In the second week, staff will travel to a yet-to-be-determined county office and three municipalities to test the modeming functionality housed in the tabulation equipment. A final report on the test campaign for EVS 5.2.4.0 and EVS 5.3.4.0 will be presented at the June 11, 2019 meeting of the Commission.

## **8. WisVote**

WisVote staff worked with those county and municipal clerks who conducted a Primary election. This included checklist communications for both pre- and post-election tasks, monitoring data quality reports and reaching out to clerks if there were errors that needed to be corrected, providing guidance on combining polling locations, assisting in how to correctly set up the contest and candidates, checking checkpoints, assisting in absentee entry and tracking, entering Election Day Registrations and reconciling election statistics. Staff also posted the pre-election tasks checklist for the upcoming Spring Election and began supporting clerks with the tasks formerly identified, as well as performing more updates to office positions and contests due to seats running out of cycle or municipal changes to their elected seats.

WisVote staff migrated the online learning center website from a commercial web host to servers provided by the Department of Enterprise Technologies (DET). The site houses 85 instructional videos with more than 900 minutes of run time. They include 50 WisVote videos, the Security Awareness Series, Security TTX, Badger Book, the WisVote Webinar portal, Municipal Clerk CORE and Chief Inspector Baseline training.

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

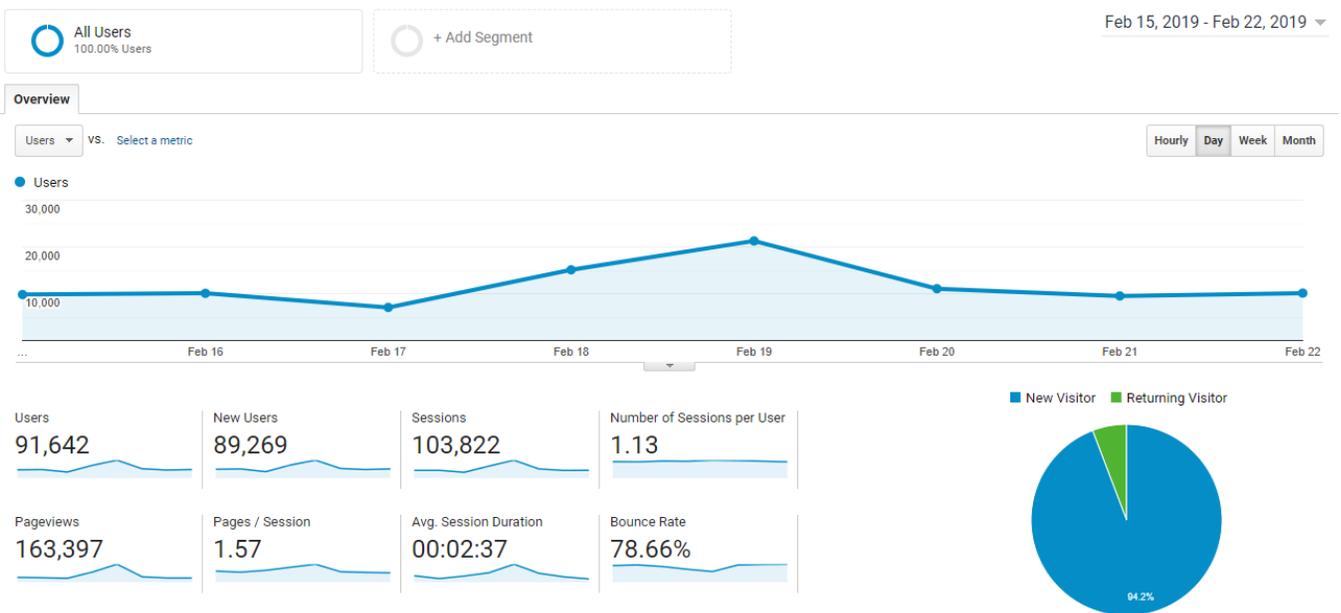
on January 29, 2019, to prepare the system to generate polling places and ballot styles based on the most recent boundary changes in anticipation of the February primary election.

## 9. MyVote

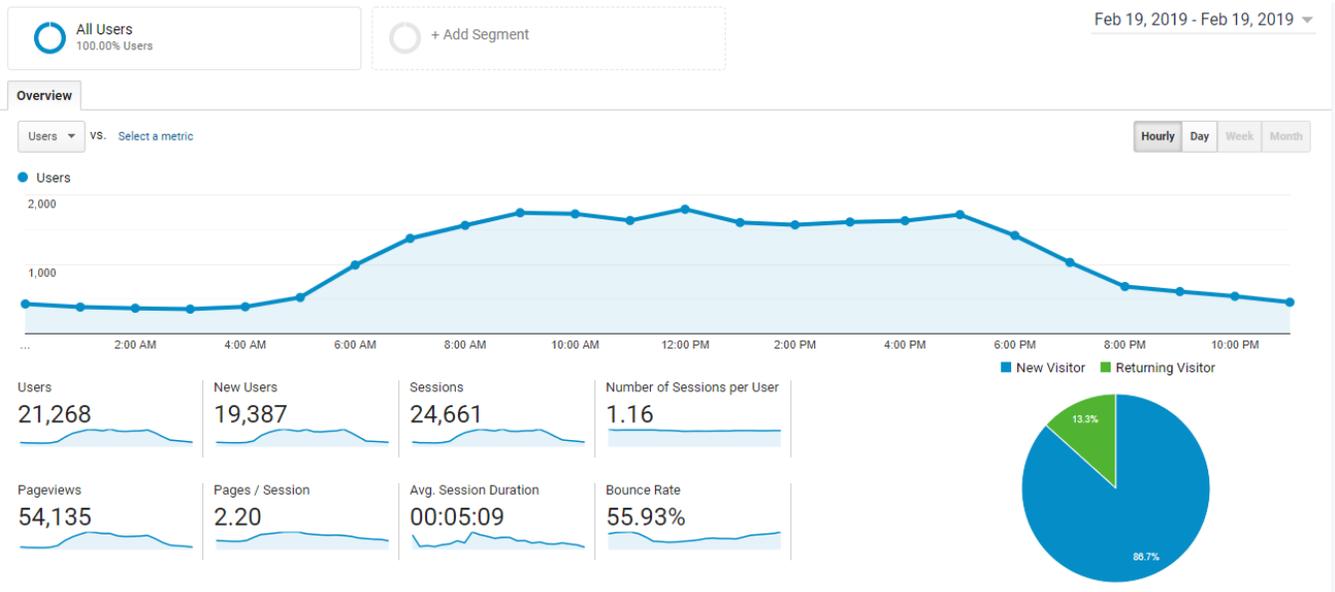
MyVote is the Wisconsin Elections Commission’s main voter information tool. The website allows voters to register online during open registration, start the registration process during closed registration, request an absentee ballot, find their polling places, view sample ballots, track their absentee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

MyVote usage reached new highs in the lead up to November and on Election Day itself. There was much lower usage for the February 2019 primary. The first graph shows a uptick in usage before and on Election Day, though only about double of what a normal non-Election Day would have. The second graph shows the usage on Election Day, with the high point at noon with 1,795 sessions and about 54,135 total pageviews for the day.

### MyVote Election Week Usage:



### MyVote Election Day Usage:



## 10. Canvass Reporting System

Ozaukee County Circuit Court Judge Branch 2 was the only state level contest on the ballot in the 2019 Spring Primary held February 19, 2019. Ozaukee County was the only county required to use the Canvass Reporting System to transmit results to the Commission for the 2019 Spring Primary. At least one county used the Canvass Reporting System to report unofficial election night results. Counties were not required to post unofficial election night results if there was not a contest on the ballot that the county was required to canvass. There were 294 primary elections in school districts, cities, villages and towns within in 41 of Wisconsin’s 72 counties.

Counties will use the Canvass Reporting System to transmit official results for the 2019 Spring Primary, and for the Special Election for Assembly District 64. WEC staff will resume development of the WisVote election results module and plan to retire the Canvass Reporting System in 2020. Commission staff will be working with county clerks on usability and functional testing during the remainder of 2019.

## 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 and 2019 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. The agency received a total of 120 informal complaints through the website in 2018, which compares

to 59 informal complaints and comments received through the agency website in 2017. This is not surprising given that there were only two regularly scheduled elections in 2017 and there were four in 2018. In January and February of this this year, a total of eight informal complaints were submitted through the website.

## **12. Communications Report**

Between November 22, 2018 and February 28, 2019, the Public Information Officer (PIO) engaged in the following communications and records management activities in furtherance of the Commission's mission:

Media: The PIO logged approximately 102 media and general public phone calls and 122 media email contacts during the period after the General Election. There was a great deal of media activity around the time of the extraordinary session due to the election-related legislation and resulting litigation; however, without a statewide Spring Primary in February, media interest in elections has fallen, but that will change as we move into the Spring Election. The PIO arranged several interviews for the Interim Administrator or gave interviews when she was not available. The PIO prepared two news releases about upcoming elections and the award WEC received from the U.S. Election Assistance Commission.

Public Outreach: The PIO gave a speech about the 2018 elections to the La Crosse Area League of Women Voters in January.

Online: Upgrading and migrating three WEC websites has been a major focus for the PIO during this period due to the retirement of the agency's longtime Wisconsin-based webhost, Cruiskeen Consulting, in early 2019. This retirement accelerated agency plans to move the main Commission website, the voter photo ID microsite, and the Learning Center training website to Linux servers hosted by the Division of Enterprise Technology. While the agency never experienced any security issues with commercial website hosting, having those websites hosted by DET will provide additional layers of security and control. For the migration and upgrades, the PIO coordinated closely with the Election Security Lead who manages the new servers, the Multimedia Trainer who manages the Election Training website, DET staff, and several IT contractors. The migration and upgrades were made in late January. In addition to moving the websites to new servers, the project involved upgrading the Commission and voter photo ID websites to the latest version of the Drupal content management system. The PIO has worked with Election Administration staff on reviewing website content and making changes to the site following the upgrade and migration. Staff is beginning the process for a more substantial redesign of the WEC website to make it easier for users to find what they are looking for. In addition, the PIO oversaw procurement of a new contract for consulting services to maintain and improve the Election Training website.

Public Records: The Commission received two formal public records requests during the period of this report.

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. The

PIO and Technology Director have been meeting with a representative of Naviant, a software vendor which has a contract with the state to provide electronic document management solutions. In the coming months, agency staff will be evaluating software for managing public records requests and Commission agendas, meeting materials and minutes.

### 13. Voter Felon Audit

The Voter Felon Audit is a required post-election comparison of voters who cast a ballot at an election with the list of persons who were under Department of Corrections (DOC) supervision for a felony conviction at the time the vote was cast. The Voter Felon Audit has a review process of several stages. To summarize the review process, the matches are first reviewed by the Department of Corrections, then by the municipal clerk and finally by Wisconsin Elections Commission staff before referring them to county district attorneys for their own investigation. The process provides the Commission the ability to identify any potential voter/felon matches and it also allows the Commission to identify any discrepancies with the matches. It is the final check in identifying potential felon participation in an election, should such activity not be caught through other statutory required processes, such as the felon list check by election officials at the polls.

Staff completed the following Voter Felon Audits since the last commission update:

- The Voter Felon Audit for the August 14, 2018 Partisan Primary election was completed on November 1, 2018. The comparison identified 15 potential matches. After the matches underwent review by DOC, six potential matches were closed because the individuals had already discharged prior to the date of the election or they were not convicted of a felony. Initial clerk contact for potential matches was made via email on December 27, 2019. The final paperwork for the clerk review was received by WEC staff on February 15, 2019. WEC staff completed its review, compiled notes, and the remaining matches were sent to the pertinent district attorney offices on February 18, 2019. One additional match was closed because the individual is now deceased. The total number of district attorney referrals made for this election was eight.
- The Voter Felon Audit for Trempealeau County District Attorney Primary election was completed on February 19, 2019 and no potential matches were identified.
- The Voter Felon Audit for the November 6, 2018 General Election has not been completed. Election Reconciliation work for all municipalities was not yet complete at the time of this report.
- The Voter Felon Audit for the 2019 Spring Primary election has not been run yet.

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

#### 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, and processing voter verification postcards. Help Desk staff has been serving on and assisting various project teams including ongoing WisVote & MyVote 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, installing and testing CRM 365 on prem for the next generation of WisVote, and various projects initiated by the Department of Administration (DOA) including the completed migration to Unified Communication (VoIP) 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.

	<u>Elections Help Desk Call Volume</u> (608-261-2028)	<u>Front Desk Call Volume</u> (608-266-8005)	<u>Total Incoming Call Volume</u>
November 2018	4,866	1,494	6,360
December 2018	1,487	443	1,930
January 2019	1,614	489	2,103
Up to February 20, 2019	754	325	1,077
<b>Total Calls for Reporting Period</b>	<b>8,721</b>	<b>2,751</b>	<b>11,470</b>

#### 15. Financial Services Activity

- Staff worked on the Schedule of Expenditures of Federal Awards (SEFA) report which lists the amounts expended by each state grantee agency for each Federal program in FY18. This report is consolidated into the statewide SEFA report. WEC has four federal programs to report. The report was submitted to the State Controller’s Office on December 21, 2018.
- Staff completed and submitted to the State Controller’s Office a 10 percent De Minimis report as a follow-up to the SEFA report, which was due February 8, 2019.
- Staff is working on the annual certification of our agency’s internal controls, which was approved by the Commission at its December 3, 2018 meeting. The certification of review is due to the State Controller’s Office by March 29, 2019.

- Staff is working on completing a security attestation of PeopleSoft roles in the financial/accounting/procurement module. Attestation is the formal process of agencies reviewing PeopleSoft/STAR security roles assigned to each person attesting the STAR financial and Procurement roles assigned to staff have been verified to be appropriate for their job duties as of the verification date. The Department of Administration, Division of Personnel Management is responsible for completing the Human Capital Management (HCM) security attestation roles. The due date to complete attestation is March 15, 2019.
- Staff submitted the Federal Financial Reports to the EAC for all federal grant funds. The reports were due December 30, 2018.
- Staff worked with the EAC and DOA in preparation for the close out of HAVA 101 and HAVA 251 within this SFY19.
- Staff revised WEC's Program Codes, Use Codes, and Task Profiles to streamline the tracking and reporting of Elections Security funds.
- Staff worked with WEC Management to clearly define reporting Program Categories for Elections Security expenditures.
- Staff reorganized the Badger Voters financial team and related ePay roles and permissions.
- Staff is working with the Department of Administration to correct and reverse allocation errors due to erroneous setup of Elections Security leave payroll and fringe benefits.
- Staff is coordinating with our WEC Audit Team, WEC Management, and the Elections Commission to process audit reimbursement requests from municipalities and creating best practices for future reimbursements. Processed 129 reimbursements out of 178 to date, totaling \$31,237.81.
- Staff established documented procedures for processing the pension obligation bond and the General Services bill.
- Staff worked with DOA to create a Change contingent account to run separately from our Petty Cash account.
- Staff completed and submitted to the State Controller's Office an annual Bank Certification Report, which was due February 8, 2019.
- Staff completed and submitted to the State Controller's Office our annual 1099 Report, which was due January 9, 2019.
- Staff met with representatives of the State Controller's Office to confirm the accuracy and completion of fund transfers into STAR and between GAB and WEC.

## 16. Procurements

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

- A \$5,200 Purchase Order was written for alarm systems.
- A \$1,831 Purchase Order was written for a new developer workstation.
- A \$9,792 Purchase Order was written for three new HP workstations for the IT contractors.
- A \$31,000 Purchase Order was written for IT Contractor services.
- A \$10,000 Purchase Order was written for Google Mapping Services.
- A \$45,000 Purchase Order was written for consulting services for general maintenance and enhancement of the agency's Moodle training website and services to transition to a new website environment.
- Two Purchase Orders were written totaling \$12,048 for temporary services staff to assist with general election readiness.
- All referenced purchases were made using mandatory state contracts.

## 17. Staffing

To assist with Elections preparedness and several other agency projects, we will be hiring four temporary services staff for approximately 4-6 weeks.

## 18. Meetings and Presentations

WEC staff attended the following events:

December 4 and 5: Assistant Administrator Richard Rydecki observed risk-limiting audit pilots in Lansing and Kalamazoo, Michigan.

December 7 and 8: Assistant Administrator Richard Rydecki attended the Election Audit Summit organized by the MIT/Caltech Voting Technology Project in Cambridge, Massachusetts.

December 12: WEC staff met with the WMCA to review their proposed Absentee Voting Efficiency Option (AVEO) legislation.

January 8: WEC Public Information Officer Reid Magney conducted a presentation to the League of Women Voters in La Crosse, Wis.

January 29 and February 1: WEC Staff conducted hands-on training for Badger Book borrowers at the WEC offices.

January 31: WEC Interim Administrator Meagan Wolfe and Assistant Administrator Richard Rydecki attended a Risk Limiting Audit Summit (RLA) hosted by the Brennan Center in conjunction with Microsoft in Washington D.C. The summit highlighted states including Michigan and New Jersey who have piloted the RLA process. Academic experts and experts from national organizations also presented on best practices for post-election audit. The summit included an interactive RLA demonstration and a robust discussion on how to discuss the statistical underpinnings of audits with the voting public in a way that is effective.

February 1: WEC Interim Administrator Meagan Wolfe attended the Department of Homeland Security Government Coordinating Council (GCC). The GCC was established when elections were designated as national Critical Infrastructure in 2017. Members of the GCC were selected among state and local election officials through the respective professional associations. While Wisconsin does not have a seat on the GCC, Ms. Wolfe has been appointed to the Training subcommittee to help develop a national cyber security training protocol modeled after the security training modules WEC created for Wisconsin's local election officials.

February 2-4: WEC Interim Administrator Meagan Wolfe and Assistant Administrator Richard Rydecki attended the annual winter meeting of the National Association of State Election Directors (NASSED). The three-day meeting was an excellent opportunity to hear from elections agencies around the country regarding best practices and to discuss projects and initiatives that are shaping the future of elections. Ms. Wolfe was also elected to serve on the NASSED Board Executive Committee as the Midwest Representative.

February 4: WEC Interim Administrator Meagan Wolfe attended a classified election security briefing with the Department of Homeland Security (DHS) along with other elections officials and secretaries of state from around the country. The briefing was an opportunity to learn more about the current election security landscape and to ask questions of federal partner agencies.

February 5: WEC Interim Administrator Meagan Wolfe attended the Electronic Registration Information Center (ERIC) Executive and Board Meetings. Most of the member states were in attendance to discuss the new ERIC bylaws, membership agreement, and to share information and best practices between the states. Ms. Wolfe was elected to serve on the ERIC Executive Committee as Secretary.

February 7: WEC Security and Training staff conducted an Election Security Table Top Exercise for the City of Milwaukee and other Milwaukee County municipalities.

February 21: WEC staff met with representatives from Microsoft on February 21 to explore agency needs and potential future initiatives. The WEC provided an overview and demonstration of agency IT applications, including the WisVote system which was built using a Microsoft platform, and the agency's e-poll book software application. The Microsoft

representatives reaffirmed their commitment to supporting secure and open elections and offered to provide elevated support to elections issues in accordance with Microsoft's Service Level Agreement with the State of Wisconsin. The Microsoft representatives and agency staff also discussed the possibility of collaboration on future initiatives of mutual interest. No specific proposals have yet been made and any proposals for partnerships with Microsoft will be brought to the full Commission for consideration at future meetings.

February 21-22: WEC Election Specialist Greg Grube attended the Wisconsin Land Information Association's Annual Conference. Topics discussed included street and address standardization in Wisconsin and preliminary planning for mapping legislative redistricting in 2020.

February 22. WEC staff hosted a meeting with the Wisconsin League of Women Voters to discuss the findings reported in their election observation report from the 2018 General Election.

February 25: WEC honored a request for a meeting with voting rights advocates to provide an overview of the statutory provisions that outline the framework for the online voter registration program in Wisconsin.

February 28: The WEC hosted a meeting for county, town and municipal clerks to explore ideas to create advisory committees that would help plan, prioritize and implement future election initiatives related to security, training or communication.

March 4-5: WEC IT Technical Services Specialist Sarah Whitt attended a Geo-Enabled Elections workshop in Louisville, KY. The workshop is part of a larger project sponsored by the National States Geographic Information Council (NSGIC) with funding from the Democracy Fund to help states use GIS technology to more accurately assign voters to districts and ensure they are receiving the ballot they are eligible. Wisconsin has used GIS to district voters since 2011 and was invited to the workshop to provide expertise and guidance to states who are new to this process.

## **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.

**ATTACHMENT #1**

Wisconsin Elections Commission’s Training Initiatives  
12/4/2018 – 3/11/2019

<b>Training Type</b>	<b>Description</b>	<b>Class Duration</b>	<b>Target Audience</b>	<b>Number of Classes</b>	<b>Number of Students</b>
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	25
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: 1  7-section presentation with self-evaluation	10  38
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.	2/27/2019: Election Day Procedures; 2/26/2019: MyVote and You; 1/23/2019: Election Night & Post-Election Procedures; 1/14/2019: ERIC: Movers and Shakers; 1/8/2019: A Recap of 2019 and a Look at the Year Ahead	50 – 250 per live webinar; posted to website for clerks to use on-demand.

**ATTACHMENT #1**

Wisconsin Elections Commission's Training Initiatives  
12/4/2018 – 3/11/2019

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
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ELECTION	Number of voters matched with felons per Election	Number of matches referred to district attorneys	Number of referrals closed by DA without charges	Number of referrals resulting in a conviction	Number of remaining referrals with current charges filed status	Number of matches or cases referred remaining open or under investigation	Number of matches closed	All matches have reached final disposition	Total number of voters	Referrals as a percentage of total number of voters
10/2/2018 Trempealeau County DA Recall	0	0	0	0	0	0	0		2,711	0%
8/14/2018 Partisan Primary	15	8	0	0	0	8	7		1,043,074	0.000767%
2/20/2018 Spring Primary	3	0	0	0	0	0	3	yes	541,627	0%
6/12/2018 Special Partisan Election Assembly District 42	0	0	0	0	0	0	0	yes	10,760	0%
6/12/2018 Special Partisan Election Senate District 1	0	0	0	0	0	0	0	yes	23,342	0%
5/15/2018 Special Partisan Primary Assembly District 42	0	0	0	0	0	0	0	yes	2,851	0%
5/15/2018 Special Partisan Primary Senate District 1	0	0	0	0	0	0	0	yes	10,149	0%
4/3/2018 2018 Spring Election	8	2	0	0	0	2	6		1,017,513	0.000197%
2/20/18 Spring Primary	3	0	0	0	0	0	3	yes	541,627	0%
4/4/2017 Spring Election	4	4	1	0	0	3	1		747,671	0.000535%
2/21/17 Spring Primary	0	0	0	0	0	0	0	yes	375,216	0%
11/8/2016 General Election	111	79	9	4	2	66	43		3,004,051	0.002630%
8/9/2016 Partisan Primary	4	2	1	0	0	1	3		645,619	0.000310%
4/5/2016 Spring Election and Presidential Pref.	33	24	4	3	1	14	19		2,130,221	0.001127%
2/16/2016 Spring Primary	7	3	2	0	0	1	6		578,083	0.000519%
9/29/15 Special Election Assembly 99	0	0	0	0	0	0	0	yes	1,591	0%
9/1/2015 Special Primary Assembly 99	0	0	0	0	0	0	0	yes	3,422	0%
7/21/15 Special Election State Senate 33	0	0	0	0	0	0	0	yes	10,012	0%
6/23/15 Special Primary State Senate 33	0	0	0	0	0	0	0	yes	11,449	0%
4/7/2015 Spring Election	9	6	1	0	0	5	4		858,683	0.000699%
2/17/15 Spring Primary Election	6	3	0	0	0	3	3		32,119	0.009340%
11/4/2014 General Election	229	43	15	11	0	20	209		2,420,811	0.001776%
8/12/2014 Partisan Primary	10	1	0	1	0	0	10	yes	638,677	0.000157%
4/1/2014 Spring Election	8	5	2	2	0	1	7		506,566	0.000987%
2/18/2014 Spring Primary	0	0	0	0	0	0	0	yes	4,310	0.000000%
4/2/2013 Spring Election	8	3	2	1	0	0	8	yes	889,008	0.000337%
2/19/2013 Spring Primary	1	0	0	0	0	0	1	yes	374,631	0.000000%
11/6/2012 Presidential and General Election	89	33	15	8	0	8	81		3,085,450	0.001070%
8/14/2012 Partisan Primary	3	2	1	0	0	1	2		851,572	0.000235%
6/5/2012 Recall Election	53	22	9	4	0	8	45		2,516,311	0.000874%

5/8/2012 Recall Primary Election	13	3	1	2	0	0	13	yes	1,360,750	0.000220%
4/3/2012 Presidential Pref. and Spring Election	13	7	5	1	0	1	12		1,144,351	0.000612%
2/21/2012 Spring Primary	3	2	1	0	0	0	3	yes	139,343	0.001435%
4/5/2011 Spring Election	16	7	4	1	0	2	14		1,524,528	0.000459%
2/15/2011 Spring Primary	5	2	2	0	0	0	5	yes	444,766	0.000450%
11/2/2010 General Election	60	21	11	5	0	5	55		2,185,017	0.000961%
9/14/2010 Partisan Primary	8	3	2	0	0	0	8		930,511	0.000322%
4/6/2010 Spring Election	6	2	1	1	0	0	6	yes	574,130	0.000348%
2/16/2010 Spring Primary	1	0	0	0	0	0	1	yes	152,532	0%
<b>Total for all 30 elections</b>	<b>700</b>	<b>277</b>	<b>89</b>	<b>44</b>	<b>3</b>	<b>139</b>	<b>559</b>	14		

## DA Tracker - 2010 GENERAL ELECTION

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

## DA Tracker - 2011 SPRING ELECTION

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

## DA Tracker - 2012 PRES. PREFERENCE & SPRING

County	Stage	Date Notice Sent	DA REPORT	Status
MILWAUKEE - 41	5 – Referred to DA	11/19/2014	8/25/2017	Under investigation.

## DA Tracker - 2012 JUNE 5 RECALL ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
DANE - 13	5 – Referred to DA	11/18/2014	2/13/2018	Under investigation.
DANE - 13	5 – Referred to DA	11/17/2014	2/13/2018	Under investigation
FOND DU LAC- 20	5 – Referred to DA	10/15/2014	8/8/2017	Under investigation.
LA CROSSE - 32	5 – Referred to DA	11/18/2014		
MILWAUKEE - 41	5 – Referred to DA	10/16/2014	8/16/2017	Charges filed.
MILWAUKEE - 41	5 – Referred to DA	10/16/2014	8/25/2017	Under investigation.
OUTAGAMIE - 45	5 – Referred to DA	10/16/2014		
RACINE - 52	5 – Referred to DA	11/18/2014		

## DA Tracker - 2012 PARTISAN PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
FOND DU LAC - 20	5 – Referred to DA	9/26/2014	8/8/2017	Under investigation.

## DA Tracker -2012 PRESIDENTIAL AND GENERAL

County	Stage	Date Notice Sent	DA REPORT	Status
DANE - 13	5 – Referred to DA	4/9/2014	2/13/2018	Under investigation.
LA CROSSE - 32	5 – Referred to DA	4/9/2014		
MILWAUKEE - 41	5 – Referred to DA	5/30/2014	8/25/2017	Under investigation.
OUTAGAMIE - 45	5 - Referred to DA	4/12/2014	4/12/2014	Under investigation.
RACINE - 52	5 – Referred to DA	4/9/2014		
RACINE - 52	5 – Referred to DA	4/9/2014		
RACINE - 52	5 – Referred to DA	4/9/2014		
RACINE - 52	5 – Referred to DA	4/9/2014		

## DA Tracker - 2014 SPRING ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
OUTAGAMIE COUNTY - 45	5 – Referred to DA	7/17/2014		

## DA Tracker - 2014 GENERAL ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
ASHLAND - 02	5 – Referred to DA	3/31/2015		
DANE - 13	5 – Referred to DA	3/31/2015	2/13/2018	Under Investigation.
MILWAUKEE - 41	5 – Referred to DA	4/2/2015	8/25/2017	Under Investigation.
MILWAUKEE - 41	5 – Referred to DA	3/31/2015	8/25/2017	Under Investigation.
ONEIDA - 44	5 - Referred to DA	4/1/2015		
OUTAGAMIE - 45	5 – Referred to DA	3/31/2015		
OUTAGAMIE - 45	5 – Referred to DA	3/31/2015		
OZAUKEE - 46	5 – Referred to DA	4/2/2015		
RACINE - 52	5 – Referred to DA	4/3/2015		
RACINE - 52	5 – Referred to DA	4/2/2015		
RACINE - 52	5 – Referred to DA	4/3/2015		
RACINE - 52	5 – Referred to DA	3/31/2015		
RACINE - 52	5 – Referred to DA	4/2/2015		
RACINE - 52	5 – Referred to DA	4/3/2015		
RACINE - 52	5 – Referred to DA	3/26/2015		
RACINE - 52	5 – Referred to DA	4/3/2015		
RICHLAND - 53	5 – Referred to DA	3/31/2015		
SHEBOYGAN - 60	5 – Referred to DA	3/31/2015	8/8/2017	Under Investigation.
WAUKESHA - 68	5 – Referred to DA	3/31/2015		
WINNEBAGO - 71	5 – Referred to DA	3/31/2015	7/26/2018	Under Investigation.

## DA Tracker - 2015 SPRING PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
DANE - 13	5 – Referred to DA	4/3/2015	2/13/2018	Under Investigation.
DOUGLAS- 16	5 – Referred to DA	4/3/2015	8/19/2017	Under Investigation.
VILAS - 64	5 – Referred to DA	4/3/2015		

## DA Tracker - 2015 SPRING ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
ASHLAND - 02	5 - Referred to DA	7/3/2015		
ASHLAND - 02	5 - Referred to DA	7/3/2015		
JACKSON - 27	5 - Referred to DA	7/3/2015		
LANGLADE - 34	5 - Referred to DA	7/3/2015	8/17/2017	Under Investigation.
MARATHON - 37	5 - Referred to DA	7/3/2015		

## DA Tracker - 2016 SPRING PRIMARY

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

## DA Tracker - 2016 SPRING ELECTION & PRES.

County	Stage	Date Notice Sent	DA REPORT	Status
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## DA Tracker - 2018 PARTISAN PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
ASHLAND - 02	5 - Referred to DA	2/15/2019		
BROWN - 05	5 - Referred to DA	2/18/2019		
CRAWFORD - 12	5 - Referred to DA	2/18/2019		
DANE - 13	5 - Referred to DA	2/15/2019		
DUNN - 17	5 - Referred to DA	2/15/2019		
MENOMINEE - 40	5 - Referred to DA	2/18/2019		
MILWAUKEE - 41	5 - Referred to DA	2/15/2019		
MILWAUKEE - 41	5 - Referred to DA	2/15/2019		



# WISCONSIN ELECTIONS COMMISSION

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## MEMORANDUM

**DATE:** For the March 11, 2019 Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared and Presented by:  
Sharrie Hauge  
Chief Administrative Officer

**SUBJECT:** 2019-21 Governor's Biennial Budget Recommendations

Below is a summary of the Governor's 2019-21 Biennial Budget Recommendations for the Wisconsin Elections Commission (WEC).

1. The Governor added implementation of an automatic voter registration process to the WEC biennial budget. The Governor's budget proposal directs the Commission to work with the Department of Transportation to facilitate automatic voter registration and to implement the initial registration of all eligible voters as soon as practical. The Governor recommends adding \$24,800 GPR in FY20 and \$12,600 GPR in FY21 to the WEC budget based on a fiscal estimate related to a similar bill introduced in 2017.
2. The Governor added some small statutory changes to the WEC budget regarding voting regulations enacted in previous legislation, including 2017 Wisconsin Act 369 which passed during the extraordinary session in December 2018. Modifications include provisions related to student identification cards used for voting, identification card receipts and in-person absentee voting. The statutory changes include:
  - a. A student Photo ID card could be valid for up to 5 years after issuance and does not need to include the student's signature, and students would not need to show additional proof of enrollment with their ID.
  - b. Technical colleges and UW System schools would be required to issue ID cards that comply with the new standards by August 1, 2019.
  - c. Temporary receipts issued for driver licenses or State ID cards would be valid for 180 days.

- d. The start of in-person absentee voting would be consistent with the court ruling in the *One Wisconsin Institute* decision and could begin when ballots are available. In-person absentee voting would be required to end by 7 p.m. on the Friday preceding the election, whereas under the *One Wisconsin Institute* decision, the only prohibition on in-person absentee voting days was the Monday preceding the election.
3. Funding for requirements related to the Electronic Registration Information Center (ERIC) – (DIN 4001) - The Governor recommended increasing funding for annual list maintenance as requested for ERIC membership dues and voter registration system modifications associated with ERIC; however, the recommendation is to only partially fund these initiatives with GPR funds. Of the \$278,200 requested for FY20, \$81,300 would come from GPR funds for the eligible but unregistered mailing, and \$196,900 would come from the HAVA Election Security funds for the ERIC membership dues, the Movers mailing and importing duplicate and deceased voter data. In FY21 the entire \$174,400 for ERIC-related expenditures would be funded with HAVA Elections Security funds.
4. Funding for Four-Year Voter List Maintenance Mailing (DIN 4002) – The Governor recommended increasing expenditure authority for the four-year voter maintenance mailing as requested which will occur in FY21, but to fund the \$45,000 estimated cost with HAVA Elections Security funds instead of GPR.
5. Materials and Services Re-estimate – The Governor recommends decreasing expenditure authority in this appropriation by \$700 in FY20 and \$700 in FY21 per the WEC's request due to a decline in agency revenues.
6. The WEC's requests for Standard Budget Adjustments were approved, which include full funding of continuing position salaries and fringe benefits, reclassifications and semiautomatic pay progressions and full funding of lease costs.

While not affecting the WEC's budget, the Governor also proposed creation of a redistricting commission which would develop proposals for the Legislature's consideration regarding the decennial redistricting of congressional and legislative district boundaries. Apart from implementing boundary lines that are ultimately enacted, the only WEC involvement in the redistricting commission proposal is that names of commission appointees would be certified to the WEC Administrator by legislative leaders and the redistricting commission. The WEC would have no statutory role in the work of the redistricting commission to determine boundary lines.

Overall, the Governor has approved increases in expenditure authority for program related activities, as requested, but has recommended that some of the initiatives be funded using federal funds. This creates a potential issue because the intent of Congress was that the new HAVA funds are to be used for elections security measures. WEC staff intends to consult with the Governor's office, the Legislature, and the U.S. Elections Assistance Commission regarding the appropriate and allowable uses of the Election Security funds. While the total proposed budget funds the agency's requests, staff would prefer to remove requirements to use the Election Security funds for the specific initiatives cited in items 3 and 4 above, in order to reduce the potential for a conflict with the required uses of the federal funds.

**Recommended Motion:**

The Commission directs staff to explore the funding of 4-year maintenance, ERIC mailings, and ERIC membership dues by requesting a technical change to the budget to eliminate specific references to using HAVA security funds and to allow the agency to use existing and appropriate funding sources to absorb list maintenance costs.