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Wisconsin Elections Commission

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Meeting of the Commission  
Tuesday, September 24, 2019  
10:00 A.M.

Agenda  
Open Session

Wisconsin Elections Commission  
212 East Washington Ave., Third Floor  
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>1. June 11, 2019</b>	1
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**K. Approval of Ballot Templates for Spring 2020 Elections** 139

**L. Commission Staff Update** 157

**M. Closed Session**

**1. Minutes of Previous Meetings**

**2. Wis. Stat. § 5.05 Complaints**

**3. Litigation Update**

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

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

**N. Adjourn**

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



# Wisconsin Elections Commission

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## Wisconsin Elections Commission

212 East Washington Avenue  
Madison, Wisconsin  
10:00 a.m. June 11, 2019

### Open Session Minutes

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

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

#### 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

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

#### C. Personal Appearances

**Eileen Newcomer** of Janesville appeared on behalf of the League of Women Voters of Wisconsin to comment on issues related to the Electronic Registration Information Center (ERIC) and other items on the Commission agenda.

**Karen McKim** of Waunakee appeared on behalf of Wisconsin Election Integrity to comment against the use of barcodes by ballot marking devices.

#### D. Minutes of Previous Meeting

##### March 11, 2019

**MOTION:** Approve open session minutes of Wisconsin Elections Commission meeting of March 11, 2019. Moved by Commissioner Thomsen, seconded by Commissioner Jensen. Motion carried unanimously.

Chair Knudson took the following agenda item out of order.

*Wisconsin Elections Commissioners*

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

## **G. Voting Equipment Approval**

Administrator Wolfe introduced Elections Specialists Robert Williams and Cody Davies of the Voting Equipment Team, who gave a presentation based on a memorandum starting on page 25 of the June 11 Commission meeting materials regarding an application from Election Systems and Software (ES&S) requesting the WEC approve the EVS 5.2.4.0 and EVS 5.3.4.0 voting systems for sale and use in the State of Wisconsin.

Mr. Williams and Mr. Davies described the EVS 5.2.4.0 and EVS 5.3.4.0 voting systems, how they differ from previously approved versions of ES&S systems, and the testing procedures used by WEC staff during the approval process. The biggest change is that modems used for transmission of unofficial results have been upgraded from 3G to 4G wireless technology. WEC staff recommends approval of both the EVS 5.2.4.0 and EVS 5.3.4.0 for sale and use in Wisconsin.

Commissioners and staff discussed the use of analog versus wireless modems, problems with wireless service availability in some rural areas, and the use of barcodes in the ExpressVote ballot marking device.

ES&S representatives Steve Pearson, Mark Manganaro and Kyle Weber appeared before the Commission. They discussed how the ExpressVote ballot marking device and barcodes work, and they answered questions about their security. They also answered questions from Commissioners regarding auditing.

Chair Knudson called a recess at 11:24 a.m. The Commission reconvened at 11:40 a.m.

During the recess, representatives of ES&S provided the Commission and members of the public with a demonstration of the voting equipment up for certification.

**MOTION:** Adopt the staff's recommendations for approval of the ES&S voting system's Application for Approval of EVS 5.2.4.0 in compliance with US EAC certificate ESSEVS5240 including the conditions described in the staff memorandum and the ES&S voting system's Application for Approval of EVS 5.3.4.0 including the conditions described in the memorandum, to also include ExpressLink approval. Moved by Commissioner Thomsen, seconded by Commissioner Glancey.

Discussion.

Chair Knudson asked whether the motion should include language making the approval contingent on requiring ExpressVote ballots to be included in the pre-election logic and accuracy testing. Staff Counsel Michael Haas said the Commission can attach a condition that testing should include ExpressVote ballots.

Commissioner Jacobs suggested amending the motion to say that any municipality using a ballot marking device must include ballots marked by that device as part of the pre-election logic and accuracy testing. Commissioner Thomsen accepted Commissioner Jacobs' friendly amendment. Commissioners unanimously approved amending the motion.

Discussion.

Commissioners unanimously approved the amended motion.

**E. ERIC List Maintenance**

Administrator Wolfe gave a presentation based on a memorandum starting on page 10 of the June 11 Commission meeting materials regarding additional analysis staff has conducted on data from the 2017 ERIC Movers List Maintenance and recommendations for improving future ERIC Movers List mailings.

Commissioners and staff discussed the findings and recommendations, including using the MyVote website to allow voters to respond to future mailings.

**MOTION:** Authorize staff to flag files of voters rather than deactivating voters who do not respond to a Movers mailing after 30 days; go forward with WisVote, poll book and MyVote updates; assess new data before initiating future mailings; incorporate the substance of recommendations in the staff memorandum; and authorize staff to proceed with the next Movers letter in August 2019. Moved by Commissioner Thomsen, seconded by Commissioner Glancey. Motion carried unanimously.

Chair Knudson suggested breaking for lunch and using that time for the closed session.

**K. Closed Session**

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

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

Motion carried unanimously. The Commission convened in closed session at 12:43 p.m.

The Commission reconvened in open session at 1:40 p.m.

**E. Election Security Update**

Administrator Wolfe introduced Election Security Team members Tony Bridges, Michelle Hawley and Riley Willman, who made a presentation based on a memorandum starting on page 17 of the June 11 Commission meeting materials regarding election security planning.

Mr. Bridges discussed staff's proposal to address the issue of local election officials using computer hardware and software that may not be secure. Staff proposes conducting a formal needs assessment, providing low-cost managed devices to users with demonstrated needs and working with some jurisdictions on alternate security solutions. Staff also recommends finding ways to provide small municipalities with IT support to ensure their computers remain secure.

Commissioners and staff discussed details of the hardware and IT support proposals, including potential costs, how much HAVA security funds remain, issues of fairness in distributing computers to some municipalities but not others and how those computers could be used.

Commissioners asked staff to study alternatives such as a rental program and offering grants that municipalities could use to purchase compliant computers. The Commission took no action on staff's recommended Motion 1.

Commissioners and staff discussed the recommendations regarding a public information campaign.

**MOTION 2:** Direct staff to seek proposals and award a contract for research and development of a public information campaign to educate the public about Wisconsin election security at a total cost not to exceed \$260,000, which will be paid for out of the 2018 HAVA grant for election security. Following research and development of a campaign, staff will seek Commission approval by August 15 or as soon as reasonably practical before the September Commission meeting for additional expenditures to implement the campaign. Moved by Commissioner Jacobs, seconded by Commissioner Jensen. Motion carried unanimously.

Commissioners and staff continued discussing additional information Commissioners would like to review the next time they consider a managed hardware and IT support proposal from staff.

Commissioner Jensen was excused from the meeting at 3:05 p.m.

#### **H. Badger Book Electronic Pollbook Update**

Mr. Bridges, Ms. Hawley and Elections Security Trainer Michael Sabaka made a presentation based on a memorandum starting on page 84 of the June 11 Commission meeting materials, providing an update on the Badger Book electronic poll books. Staff recommends the Commission approve using WisVote as a secure platform to deliver software updates for the system and studying ways to provide IT support to Badger Book users.

**MOTION:** Authorize the WEC staff recommendation in Section IV (a) of the memorandum to move forward with design and development of necessary processes to use WisVote as the host for future Badger Book software updates. Moved by Commissioner Jacobs, seconded by Commissioner Knudson. Motion carried unanimously.

Chair Knudson said a separate motion by the Commission was not necessary for staff to research a sustainable software and hardware support model for existing and prospective Badger Book users, so the Commission took no formal action

#### **I. Legislative Update and Agenda**

Elections Specialist Robert Williams and Mr. Haas made presentations based on a memorandum starting on page 91 of the June 11 Commission meeting materials regarding the legislative activity and the Commission's legislative agenda. The presentations were for information only, and the Commission took no action.

**J. Commission Staff Update**

Ms. Wolfe directed Commissioners to the Commission Staff Update memorandum starting on page 96 of the June 11 Commission meeting materials. She discussed the Spring Election on April 2, staff's efforts to conduct usability studies to redesign the voter registration form, EL-131, updates to the WisVote system, and a proposal to work with Microsoft on its ElectionGuard voting system pilot in Wisconsin.

**MOTION:** Authorize staff to continue to research the pilot project with Microsoft and provide an updated status report on this potential project at the September 24, 2019 Commission meeting. Moved by Glancey, seconded by Thomsen. Motion carried 4-0.

**K. Adjourn**

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

The Commission adjourned at 3:51 p.m.

####

The next meeting of the Wisconsin Elections Commission is scheduled for Tuesday, September 24, 2019, at the Wisconsin Elections Commission office in Madison, Wisconsin beginning at 10:00 a.m.

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

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Reid Magney, Public Information Officer

September 9, 2019

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

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Julie Glancey, Commission Secretary

September 24, 2019





# Wisconsin Elections Commission

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## Wisconsin Elections Commission

Special Teleconference Meeting

Board Room

Madison, Wisconsin

9:00 a.m. August 13, 2019

### Open Session Minutes

Present: Commissioner Dean Knudson, Commissioner Marge Bostelmann, 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, and Tony Bridges

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

Commission Chair Dean Knudson called the meeting to order at 9:00 a.m. and called the roll. All Commissioners were present. He welcomed new Commissioner Marge Bostelmann.

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

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

#### **C. Election Security Update**

Administrator Wolfe said the staff would be presenting two items that are part of Commission's comprehensive election security plan, and that more information about the plan would be coming at the September 24, 2019 meeting.

##### **I. Managed Hardware Proposal**

Security Lead Tony Bridges gave a presentation based on a memorandum starting on page 2 of the August 13 Commission meeting materials regarding an updated proposal for a managed hardware program. At its June 2019 meeting, commissioners asked staff for more information about the original proposal to purchase inexpensive notebook computers that could be provided to municipal clerks who have difficulty obtaining current, secure equipment.

Mr. Bridges discussed staff's efforts to determine what computer operating systems clerks are using to access the WisVote system. Five users out of approximately 2,000 tested have out-of-date operating systems, while just under 600 use Windows 7, which will reach the end of its free

*Wisconsin Elections Commissioners*

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

support from Microsoft in January 2020. He discussed staff's request for authorization to purchase endpoint testing software that will give the Commission more detailed information about the security status of computers that local election officials use to access the system.

Commissioners and staff discussed the endpoint testing program and the numbers of users with different operating systems. They also discussed efforts to help local clerks obtain updated systems. Mr. Bridges discussed plans to assist users identified by endpoint testing come into compliance with security requirements.

Mr. Bridges discussed the staff's recommendation for a program to lend managed hardware devices to clerks who are unable to come into compliance. Commissioners expressed concerns about the proposed scope of the proposal, what devices are available from vendors, the cost of supporting loaner devices, whether the Commission could charge a rental fee for the device and whether a program would adequately address the needs of clerks.

Ms. Wolfe discussed whether staff can implement endpoint testing fully before the September 24 WEC meeting and provide the Commission with more information about the potential need for a managed hardware loaner program.

Mr. Bridges discussed staff's proposal to add a new staff position to manage the loaner device program.

Chair Knudson suggested scaling back the loaner program to a pilot program with fewer devices initially.

**MOTION:** Direct staff to procure software, at a cost not to exceed \$69,000, capable of monitoring end-user devices for security posture, to work with localities to achieve compliance with minimum security standards, and to conditionally prevent access to WisVote for noncompliance. Further direct staff to complete as much of all the items as possible by September 24 and report on the compliance and data. Moved by Commissioner Thomsen, seconded by Commissioner Jacobs. Motion carried unanimously.

**MOTION:** To table the managed hardware loan program. Moved by Commissioner Jacobs, seconded by Commissioner Thomsen.

The Chair called for a roll-call vote:

Bostelman, no; Glancey, yes; Jacobs, yes; Jensen, no; Thomsen, yes; Knudson, no.

Motion fails 3-3.

Commissioners discussed the reasons for their votes, including whether they should wait to receive more information at the September 24 meeting or move forward with a more limited proposal. Chair Knudson said there is consensus that staff needs to keep working on the proposal for the next meeting, with more information about who needs the program and what the costs will be.

Ms. Wolfe suggested the Commission consider approving a scaled-back proposal that would provide staff with a smaller pool of computers that could be loaned to clerks in emergencies while staff explores rental options and additional research requested by Commissioners.

Discussion.

**MOTION:** Direct staff to develop a managed hardware loan or rental program for users who are unable to achieve compliance or have an emergency need. Authorize staff to request bids for 25 devices capable of meeting election official business needs that can be centrally managed by agency staff for security posture and application installation, including the administration of delivery, onboarding, offboarding, device technical support and training services. Total procurement and support costs combined shall not exceed \$30,000. Moved by Commissioner Knudson, seconded by Commissioner Jensen.

Discussion.

The Chair called for a roll-call vote.

Bostelman, yes; Glancey, yes; Jacobs, no; Jensen, yes; Thomsen, no; Knudson, yes.

Motion carried 4-2.

Commissioners Thomsen and Jacobs discussed concerns about the staff's proposal and information they want for the September 24 meeting. These include the cost of proposed hardware managed support by a vendor, options for a rental program, more information about forecasted need for devices, and opportunities for lower cost purchases that municipalities could make on their own.

**MOTION:** Direct staff to develop a comprehensive proposal answering all the concerns voiced by Commissioners Jacobs and Thomsen for the next Commission meeting. Moved by Knudson, seconded by Bostelmann.

Motion carried unanimously.

**MOTION:** To table the proposal regarding a new federally-funded staff position. Moved by Commissioner Jacobs.

Hearing no second, the Chair called for another motion.

**MOTION:** Direct staff to submit one additional \$16.54 request to create a federally funded position and create a position description and determine the appropriate classification based on immediate security needs as well as future needs as identified through feedback collected from elections security partners, the cost of which is not to exceed \$100,000 annually for the duration of the grant. Direct staff to take preliminary steps but return to the Commission for approval on September 24 before posting the position. Moved by Commissioner Jensen, seconded by Commissioner Knudson.

Commissioners and staff discussed the process for hiring a new federal position. Ms. Wolfe said staff needs to consult with the Department of Administration about the hiring process, including

whether to submit a formal §16.54 request to create a federally funded position before we know whether the position is going to be filled. However, staff would not take any steps that would commit WEC to hiring the position.

Motion carried unanimously.

The Chair called a 10-minute recess. The Commission resumed at 11:25 a.m.

## **II. Public Outreach Initiative**

Administrator Wolfe and Public Information Officer Reid Magney gave a presentation based on a memorandum starting on page 8 of the August 13 Commission meeting materials regarding plans for a public outreach initiative. After soliciting information from and conducting interviews with several vendors, staff recommended hiring KW2 of Madison to conduct market research and assist the WEC and local election officials in communicating with the public about election security.

Jennifer Savino, co-owner of KW2, described the broad outline of the market research, as well as communications training for election officials and crisis communications services that KW2 would provide.

Administrator Wolfe said the goal of the initiative is to understand what is important to Wisconsin voters, where they get their information, who they trust, and how the WEC and local election officials can get them correct information about elections and election security.

Commissioners and staff discussed monitoring of traditional and social media. Chair Knudson expressed concerns about the amount of money being spent on the research prior to a campaign. Commissioner Jacobs said she supports a data-driven approach.

**MOTION:** Direct staff to engage the KW2 agency, using the existing state contract with UW-Madison, to conduct market research regarding election security and to develop training and communications tools to support state and local election officials as they communicate with voters and media about election security. Also based on the research, KW2 will develop proposals for a public information campaign to educate the public about Wisconsin election security, which will be subject to further approval by the Commission. The cost of the initial research, election official communication training, and campaign proposal development will not exceed \$341,400, and will be paid for from the 2018 HAVA grant for election security. Moved by Commissioner Jacobs, seconded by Commissioner Jensen.

Commissioners and staff discussed the timing of the research, including having the statewide quantitative research done by November. Data should be available at the Commission's December meeting. They also discussed the dynamic nature of the training campaign.

Chair Knudson discussed his intention to vote no on the motion because he felt the money could be better spent elsewhere. He called the question.

Motion carried 5-1.

Commissioner Thomsen said the Chair's point is well-taken that any campaign must enhance security.

**H. Adjourn**

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

The Commission adjourned at 12:00 p.m.

####

The next meeting of the Wisconsin Elections Commission is scheduled for Tuesday, September 24, 2019, at the Wisconsin Elections Commission office in Madison, Wisconsin beginning at 10:00 a.m.

August 13, 2019 Wisconsin Elections Commission meeting minutes prepared by:

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Reid Magney, Public Information Officer

September 5, 2019

August 13, 2019 Wisconsin Elections Commission meeting minutes certified by:

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Julie Glancey, Commission Secretary

September 24, 2019





# Wisconsin Elections Commission

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**DATE:** For the September 24, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared and Presented by:  
WEC Election Security and IT Staff

**SUBJECT:** Election Security- Managed Hardware Proposal

## **I. Background**

The centerpiece of staff recommendations remains a managed device for clerks. Regardless of who provides the device, or how it is paid for, WEC staff believes this must be an agency priority. As noted at the June 11, 2019 Commission meeting:

The single most significant improvement that could be made to the security of Wisconsin elections systems is to ensure that user systems always remain up to date with the latest security hardware and software. In the lifecycle of a security vulnerability, the most dangerous period is the time between when the vulnerability becomes publicly known, and when the fix is applied by the end user. Despite media reports focusing on hacker groups and intelligence agencies hoarding secret vulnerabilities called “0-days,” the overwhelming majority of successful cyber-attacks use well-known vulnerabilities for which security patches have been available for months or even years.

Election officials use their workstations to access vital elections records in WisVote, to maintain their own records of voter data, print reports containing voter data, generate letters, print labels, send absentee ballots by email, and perform many other tasks that are critical to running elections. Because each of these workstations access WisVote, the strength or weakness of any one workstation could affect the security of the entire state’s elections infrastructure and the public’s confidence in the integrity of the Wisconsin elections.

Local election officials who do not use WisVote must contract with a county or neighboring municipality to complete their statutory duties in the WisVote system, such as entering voter registration records, issuing absentee ballots, or printing poll books. For those clerks, their

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Administrator  
Meagan Wolfe

election business and transactions are conducted through email and locally stored spreadsheets. An up-to-date, managed device is the only way to ensure those jurisdictions are able to transmit voter information securely. Apart from potential impacts from working in WisVote, the use of secure devices not only protects individual local work stations, but also elevates the state's overall security posture and has a multiplying effect due to the frequency of electronic communications which pass among local election officials and between those offices and the WEC.

In this report, the WEC staff will update the managed device options previously considered and discuss an entirely new proposal to address this issue.

## **II. Pilot Program Update**

At the direction of the Commission, WEC staff submitted a request for bids to supply 25 managed hardware devices. The agency is currently evaluating those bids to determine the product that best fits the needs described in the rest of this section at the lowest price. These devices will form a pool of available ready-for-use computers that can be quickly provided to local clerks in urgent need of a secure device. Situations where a loaner device may be distributed include, but are not limited to, these scenarios:

- A clerk's existing computer fails to meet minimum security requirements and cannot be immediately replaced. For example, if a Wisconsin town clerk currently using Windows 7 had budgeted for a new Windows 10 computer but the money would not be available until February, the clerk would experience a gap of approximately one month where the Windows 7 computer was no longer supported.
- A clerk's existing computer is compromised by malware and becomes unavailable during repairs and/or forensic investigation. For example, a Wisconsin municipality may lose access to all its computers for nearly two weeks due to a computer virus. Forensic investigators remove the devices from the premises during their investigation.
- A clerk's existing computer suffers a catastrophic hardware failure and cannot be immediately replaced, particularly in the weeks leading up to an election.

WEC staff evaluated managed support options for these devices but elected to self-support with in-house technical staff. Few vendors were willing to provide managed support services for only 25 units. Most bids omitted the support provision entirely, while one provider commented that it could only provide managed support for a purchase of 200 or more units. The WEC possesses sufficient technical expertise to self-support 25 devices. Instead, staff applied the results of our support evaluation to new proposals outlined below.

## **III. Commission Requests for Information**

**What are options for a rental program?** At the direction of the Commission, staff explored the option of creating and administering a managed device rental program available to local election officials. A rental program consists of procurement steps, legal drafting of program

agreement, device and agreement tracking, and invoicing and collections. After analyzing rental program options WEC staff concludes that a rental program is not the most effective and efficient option available to assist local jurisdictions.

A combined team of WEC legal counsel, financial staff, and WEC management would have to draft a rental program agreement. Considerations for this agreement would include a timeline for use, possible security deposit, regularity of invoicing, payment terms, and return of the device, if not a rent-to-own program. On initial staff review, the rental program would most effectively work as a rent-to-own program, with a payoff timeline of four years. With no security deposit and with quarterly payments of \$62.50, a four-year managed device would recover \$1000. The end of this four-year term would leave these municipalities with a device that was paid for but nearing end-of-life.

WEC financial staff would be required to invoice, process payments, and manage collections. One weakness of a rental program is uncertainty about the number of managed devices needed; this uncertainty makes procurement of managed services difficult and inherently leads to device shortage or over-stocking waste. Secondly, WEC staff expects relatively few local election officials would finance managed devices through the agency and would rather procure themselves and finance through other parties; therefore, a rental program may not significantly improve election security. Communities operating on annual budgets would have little to gain from a monthly or quarterly payment program. Finally, WEC staff can foresee the most financially constrained local governments not being able to finance a managed device through the agency if they cannot finance on their own.

In short, computer hardware and software is typically not equipment that is rented by government agencies and constructing such a program is likely to encounter administrative hurdles and disincentives at both the local and state levels. WEC staff concluded that the challenges and uncertainties associated with a rental program suggest it is not an efficient solution to improve election security.

**What is the cost of a managed service program?** Effective managed service options exist for as little as \$160 per year, per device. Managed service models provide proactive support to prevent problems. They are an alternative to the traditional, reactive model of calling IT support after something breaks. Managed service providers considered by the WEC will ensure that computer hardware and software remains up-to-date and configured according to cyber security best-practices. There are no current state contracts for managed services. Often the pricing structure is based on the volume of devices. More information about managed service options is available in Appendix C.

**What is the forecasted need?** It is difficult to accurately estimate need without input from all clerks. WEC staff will continue monitoring and individual outreach to evaluate the evolving compliant hardware landscape. With nearly 25% of Wisconsin's municipal clerks turning over annually, and with many small jurisdictions using personal computers, new devices are being used to access the system daily. The turnover rate for clerks means that every year there are about 463 new municipal clerks which averages out to 39 a month, 10 a week, or 1.5 a day. The

turnover rate for devices is likely comparable, meaning the need is changing daily and the numbers offered to forecast are merely a snapshot of a given day.

On August 28, WEC staff sent a communication to all local election officials informing them about the end of support for Windows 7 and provided options for upgrading to Windows 10 or seeking extended support. Since then, WEC staff has also been conducting individual outreach to jurisdictions who have been identified as using Windows 7 to learn about their plans to upgrade. Many jurisdictions are in the process of upgrading or budgeting for an upgrade.

To date, WEC staff has electronically evaluated over 2,000 clerk computers in roughly half of Wisconsin counties, cities, villages and towns. The data collected indicated that only a small number of respondents were using unsupported devices, but approximately 600 respondents possessed operating systems nearing end of life. The data also showed that jurisdictions are proactively updating their devices. For example, WEC scans indicate that nearly 400 jurisdictions who originally logged in with Windows 7 now have access to Windows 10. It is not uncommon for clerks to have multiple computers with different operating systems.

Of the devices analyzed, the total number of jurisdictions using only Windows 7 devices is now 215. Windows 7 devices are currently compliant and are not considered out of date until support ends in January of 2020. Additional outreach to these jurisdictions by WEC staff revealed that 70% are aware of the end of life date and have firm plans to upgrade before support ends. The remaining 30% do not yet have firm plans to upgrade their devices. Most cited financial barriers and inadequate IT support available to help make a transition.

**What is the WEC doing about non-compliant devices?** WEC staff contacts jurisdictions with non-compliant devices directly to ensure they have a corrective action plan. If necessary, staff will provide assistance to clerks. Follow-up monitoring allows the WEC to verify that corrective action is completed. For example, all five jurisdictions referenced during the August 11 meeting have either obtained compliant devices or have firm plans to upgrade in the immediate future. In the future, WEC staff proposes additional steps to identify and address non-compliant devices. See comments regarding the Endpoint Testing Program contained in Section VII below, and the staff recommended motion number two, which addresses this issue.

**Can municipalities choose their own devices?** Under the latest proposal from WEC staff, municipalities can choose their own devices. Both the Wisconsin Towns Association and the WEC clerk advisory committees recommended that the WEC provide this option. Further information is available in section VI. Election Security Grant Proposal, below.

#### **IV. Position Authority Analysis**

At the direction of the Commission, staff explored the 16.54 submittal process for a full-time employee (FTE) to manage the loaner program and assist with Elections Security preparedness. After consulting with the State Budget Office (SBO), it was determined the best course of action was to wait to submit the request until the Commission approves hiring the position. If approved, the agency would submit the request to the SBO for review and analysis where the

assigned budget analyst provides a recommendation to the State Budget Director. This process typically takes two to three weeks or longer depending upon the complexity.

After exploring several options for use of the Elections Security funds, staff recommends not hiring a full-time employee and instead using the Elections Security funds for a grant program which may include hiring a limited term employee to assist with administering the grant program described below.

## **V. Managed Hardware Plan Update**

At the August 13, 2019 Commission meeting, WEC staff proposed a hardware loaner program to provide municipalities in need with a secure managed hardware device. The program focused on hardware and software since these are the areas of greatest need as identified by both WisVote operating system checks and clerk feedback. The original staff concept envisioned that the WEC would purchase devices and provide those devices to jurisdictions when necessary.

Staff now recommends that jurisdictions be permitted to choose their own compliant devices with financial support through the WEC. In addition, staff believes that jurisdictions which already possess compliant devices should also have the opportunity to request similar assistance in order to make other election security related improvements. This revised proposal is detailed in section VII below.

The hardware solution is the simplest component of the loaner program. Clerks inform us that their business processes can generally be broken into three subcategories: (1) browser-based applications such as WisVote; (2) office productivity applications such as Word; and (3) peripheral-device interface such as scanning barcodes or printing reports. Virtually any desktop or laptop currently available for purchase can handle these tasks. Procurement for these devices should therefore focus on ease of use and low cost.

The program originally envisioned the use of netbooks such as a Chromebook because these devices are exceptionally inexpensive and offer rigorous user controls. Since August 13, staff has explored this option in depth with clerks through the Wisconsin Towns Association (WTA), Wisconsin Municipal Clerk's Association (WMCA), Wisconsin County Clerk's Association (WCCA), and WEC Clerk Advisory Committees. Almost unanimously, clerks felt that the challenges of learning a new operating system and new software significantly outweighed the benefits of a web-based network device. Staff therefore turned to more common Windows 10 devices running Microsoft Office. These devices cost approximately \$400 each with Microsoft Office installed.

The other essential part of the loaner program is the management process. Managed service models provide proactive support to prevent problems. They are an alternative to the traditional, reactive model of calling IT support after something breaks. Managed service providers considered by the WEC will ensure computer hardware and software remains up-to-date and configured according to cyber security best-practices. There are several systems available today that allow for centralized management of devices, from updates and virus definitions to installed

applications and backup schedules. Effective managed service options exist for as little as \$200 per year, per device.

Although the original proposal remains an option, WEC staff now believes that a grant-based program will be accessible to more jurisdictions, offer local governments more options, offer opportunities to obtain other desired security improvements, and involve fewer administrative complications at the state level. Jurisdictions which need compliant devices can acquire hardware, software, and four years of managed services for under \$1,500. Jurisdictions which already have compliant hardware will be able to pursue other improvements. Finally, a grant-based program will allow the WEC to establish grant requirements that advance other election security objectives, thus adding value to the limited funds available.

## **VI. Elections Security Grant Proposal**

**A. Overview.** In lieu of a managed hardware rental program or large-scale hardware loaner program, as outlined above, WEC staff recommends the alternative of a HAVA security fund sub grant program that would be available to all Wisconsin municipalities and counties. The sub grant concept, which is outlined below, presents an opportunity to meet the election security needs identified in small communities with limited resources, while also providing opportunities for larger jurisdictions to benefit from the federal funds. As indicated in the attachments, the concept has been endorsed by the professional organizations that represent local election officials including the WTA, the WMCA, and the WCCA.

The State of Wisconsin is the most decentralized election administration system in the country. With 1,850 municipal election officials and 72 county election officials, Wisconsin is home to 1,922 local election officials, totaling almost a quarter of all local election officials across the country. The size of the election jurisdiction and the resources available to them varies greatly across the state – especially as it pertains to cyber security and IT resources. Towns comprise 1,300 of Wisconsin's local election jurisdictions where the clerk may be the municipality's sole employee. Resources to upgrade technology or access to professional IT support is often very limited. IT networks in these small communities consist of a single computer, which in many cases is the clerk's own personal device. In other larger jurisdictions, such as many of Wisconsin's 190 cities, the municipality consists of a network of employees, departments, and a complex IT infrastructure. These larger jurisdictions may have IT departments, but finances and resources to make upgrades and improvements are often very limited. The technical needs of these jurisdictions vary widely as does the technical expertise of the local election officials.

Regardless of the size of the jurisdiction or the resources that have been allocated to the municipality's IT infrastructure, each of Wisconsin's 1,922 local election officials have the same fundamental responsibility: to administer and secure elections in their community. Local election officials must register voters, manage and issue absentee ballots, train poll workers, secure voting equipment and record election-related information into the Statewide Voter Registration Database (SVRD). These tasks are mandated by statute and require the local election officials to be custodians of their voter's personally identifiable information and facilitators of their voter's fundamental right to cast a ballot. In addition, simply using email and the internet pose cyber security risks which can affect election administration and public

confidence. Cyber security in elections has been a rapidly developing and evolving facet of clerk's core duties. Some communities do not have the funds to keep pace with the changing demands of election security or to make the upgrades needed to secure a complex IT infrastructure.

The State of Wisconsin Elections Commission is the state agency that oversees the administration of elections for the State of Wisconsin. The WEC provides training, resources, and oversight to Wisconsin's 1,922 local election officials. The WEC also develops, maintains, and secures technological applications used by local election officials to administer elections, the most notable of which is the SVRD. The WEC also sets the policy and requirements for access to the SVRD. In 2018, the WEC received \$6.9 million dollars from the federal government (HAVA Security Grant) to be used to secure elections at the state and local level. At the time the grant was received, the WEC adopted a two-stage approach to spending the funds. The first phase was designed to secure the elections IT infrastructure at the state level- including implementation of multifactor authentication, creation of security training, and creation of staff positions to support security efforts at both the state and local level. The second phase involved collecting feedback from local election officials to find out what was needed to secure elections at the town, village, city, and county level.

This proposal is a result of the WEC research efforts to learn more about the security needs at the local elections level. The research identified that election jurisdictions have access to varying levels of resources and also have different needs. In some communities, the governing body either does not have the resources or has decided not to provide their clerk with a computer. Therefore, the clerk must use a home computer or a public computer, such as at a library, to conduct municipal business including election administration. In other communities, the clerk has a municipal-issued device, but does not have access to IT support to keep the device updated with regular security patches. In larger communities, secure computers and IT support are available to elections staff, but they lack funding to implement additional security measures, such as intrusion detection devices.

Election cyber security efforts have dramatically increased in the last three years and have developed into one of the core responsibilities of election officials. It has been a learning process at every step and one that relies on partnership, support, and communication between the state and local communities. Every community in Wisconsin plays a vital role in securing elections. Each of Wisconsin's 1,922 local election officials has the opportunity to be a point of weakness or strength in the state's overall election security posture. A breach of Wisconsin's smallest election jurisdiction could have the same impact on statewide systems and voter confidence as a breach in a larger community or at the state level. Therefore, the WEC must do all it can to assist each jurisdiction to ensure it has the resources needed to secure elections, understanding that providing meaningful assistance will require a flexible approach that accounts for the unique needs of each community.

Based on the feedback of federal, state, and local election security partners, this proposal attempts to extend financial support options to secure elections in each of Wisconsin's 1,922 jurisdictions. Due to the number and variety of local jurisdictions in Wisconsin, it is challenging to design an approach and funding formula that ensures significant financial support to each

municipality and county in an equitable manner. The program seeks to transfer a sizeable portion of the federal grant funds directly to local jurisdictions and to elevate the baseline of election security statewide. The program also recognizes that jurisdictions are at varying stages in their election security preparations and have access to varying financial resources, often for reasons that are beyond the control of local election officials or the WEC.

The proposal outlines an Election Security Subgrant (ES Grant) program using the federal HAVA security funds in a way that allows each community to obtain the security upgrades it needs. The subgrant program would be administered by WEC staff using the timeline provided below. Each recipient of subgrant funds would be required to meet baseline standards regarding compliant hardware/software, access to IT support or a managed device, and attend security training. If a participating local election jurisdiction is not in compliance with these minimum standards, then it must use the funds to achieve compliance (i.e. purchase a managed computer). If the participating jurisdiction is already in compliance with the baseline requirements, then it may use the funds for a list of approved security upgrades.

**B. Program Elements and Timeline.** To be effective for the 2020 election cycle, the ES Grant program will need to be administered on an expedited timeline. Should the Commission choose to adopt the proposal, an initial Memorandum of Understanding (MOU) will be provided to all municipalities and counties in the week after the plan is approved. Each individual MOU will be between the WEC and the local election jurisdiction and will outline the terms of the grant—including the baseline requirements and the available security upgrades. If the jurisdiction wishes to receive ES Grant funds, it would need to agree to the terms of the grant and return the signed MOU to the WEC. The completed MOU would certify whether the jurisdiction has already achieved the baseline requirements and the security upgrades the jurisdiction intends to implement with the grant funds. Upon receipt of the signed MOU, the WEC would issue a check to the local election jurisdiction. A sample MOU is attached as Appendix A.

Local election jurisdictions may then use the ES Grant funds to purchase the hardware, software or services necessary to either meet the baseline standards or supplement their existing security efforts. All jurisdictions must report their compliance with the baseline standards using the Grant Compliance Form by January 28, 2020. If a jurisdiction has achieved the baseline and uses ES Grant funds for approved security upgrades, then it must also report these expenditures on the Grant Compliance Form by January 28, 2020.

There may be some items in the security upgrade menu that require more time to implement, such as an intrusion detection device. If a recipient of ES Grant funds needs additional time to implement measures, it may apply for an extension, using the Grant Compliance Request Form. No extensions will be granted beyond September 30, 2020. Money that has not been spent by that time must be returned to the WEC.

<b>Task</b>	<b>Description</b>	<b>Proposed Deadline</b>
Commission Meeting	Commission meeting to discuss local security grant proposal. All tasks to follow pending Commission approval.	September 24, 2019
Grant Announcement Issued	Distribute grant announcement to each municipality and county.	September 27, 2019
Executed MOUs Due	Municipalities return executed MOUs to the WEC agreeing to the terms of the grant.	On or before November 15, 2019
Checks Issued	WEC Issues grant checks to each local election jurisdiction that has returned its MOU.	November 29, 2019
Commission Meeting	Grant status report provided to the Elections Commission.	December 2, 2019
Deadline for Compliance	Grant recipients must be in compliance with the terms of the grant by this date. Jurisdictions must submit Grant Compliance Form to the WEC, no later than this date.	January 28, 2020
Compliance Check	WEC reviews Grant Compliance Forms and follow up. Extensions granted at the discretion of the WEC.	January 31, 2020
Program End	Final completion deadline if an extension was granted. Jurisdictions granted an extension must submit a final Grant Compliance Form. All unspent grant funds must be returned to the WEC.	September 30, 2020

**C. Authorized Use of Funds.** Jurisdictions may use their grant funds for any of the following needs, but must meet Baseline Compliance Standards outlined in Section D below before using funds to purchase additional upgrades outlined in Section F below.

- 1) Compliant hardware and software (includes software subscriptions).
- 2) Professional IT support.
- 3) Security training (cyber or physical).
- 4) Security assessments (cyber or physical).
- 5) Physical security improvements for election equipment.
- 6) Travel costs associated with Election Security TTXs.

**D. Baseline Grant Compliance Standards.** Jurisdictions accepting ES Grant funds must agree to meet four baseline compliance standards before spending money on any other election security needs. The four baseline compliance standards are:

- 1) Possess compliant (up-to-date) computer hardware and software
- 2) Possess either in-house or contracted IT support
- 3) Complete WEC Election Security Training Requirements
- 4) Complete an Elections Security Contingency Plan.

Participating jurisdictions must submit a WEC Security Grant Compliance Form (Appendix B) certifying which of these four standards have been met. See Appendix C for detailed explanation of each standard.

**E. Funding.** ES Grant funds will be provided to municipalities and counties in equal amounts up to a maximum of \$1,200, based on the total number of requests received. The anticipated total amount available is \$1.1 million. Jurisdictions applying for grant funds will indicate what baseline or advances security items they need. A set amount will then be awarded for each baseline need as follows:

- 1) Jurisdictions indicating the need for a compliant device will be awarded \$600
- 2) Jurisdictions indicating the need to upgrade to Windows 10 will be awarded \$200
- 3) Jurisdiction indicating the need for IT support of managed support will be awarded \$400
- 4) Jurisdictions indicating the need to attend WEC security training will be awarded \$100
- 5) Jurisdictions indicating the need for other security upgrades will be awarded a set amount determined based on allocation of remaining funds after baseline needs have been met.

Funds will be allocated in accordance with the needs of each jurisdiction and requesting jurisdictions will be organized into two tiers based on need. Jurisdictions in the first tier will have demonstrated the greatest need and will be served first. All remaining funds will be allocated to the second tier based on availability. See Appendix D for a flow chart depicting how funds will be allocated and a table of grant allocation amounts.

**Tier 1 (Baseline Need):** Jurisdictions are considered Tier 1 if they do not meet the baseline grant compliance standards listed in section VII.D above. Tier 1 jurisdictions must obtain compliant hardware, software, and IT support before using the funds for any other needs.

**Tier 2 (Post-Baseline Need):** These jurisdictions meet baseline requirements. Tier 2 jurisdictions may use grant funds for any of the purposes listed in section VII.F below.

**F. Upgrades for Elections Jurisdictions Who Have Achieved Baseline Compliance.**

If an election jurisdiction has already met the Baseline Election Security Grant Compliance Standards, then the jurisdiction may use its grant funds to contribute to the following advanced security improvements and best practices:

- 1) Implement Multi-Factor Authentication (MFA) on email accounts. Adding MFA to an email account is one of the most important security steps. Ensuring that someone cannot gain access to email is critical because other accounts can be reset from email. If an account has been compromised, any downstream user accounts elsewhere can be compromised.
- 2) Sign up for DHS cyber assessment services including Remote Vulnerability Assessments (RVA), Phishing Campaign Assessments, Cyber Hygiene Scans, or Regional Resiliency Assessment Program (RRAP).
- 3) Make e-mail security improvements such as enabling TLS encryption, implementing SPF, DKIM, or DMARC to quarantine messages, disabling links in e-mail (a/k/a “URL defanging”) or acquiring endpoint protection with e-mail client integration.

- 4) Acquire an Albert Sensor or other intrusion monitoring device. Appropriate for counties, these sensors detect unauthorized access to a county's network.
- 5) Firewall upgrades. Improve the strength of a jurisdiction's network perimeter.
- 6) Renew endpoint protection. Renew anti-malware/virus software subscription.
- 7) Acquire free anti-DDOS services such as Cloudflare Athenian or Google Shield Services. These systems protect a network from a distributed denial-of-service attack.
- 8) Other election security improvements, including physical security improvements proposed by the jurisdiction and approved by the WEC Administrator.

**G. Program Instructions.** The grant program will provide clerks with detailed step-by-step guides to each of the requirements and recommendations listed above. Specifically, clerks will receive instructions explaining:

- how to purchase a managed hardware device (multiple options)
- how to obtain various free DHS cybersecurity services
- how to sign up for free anti-DDOS services
- how to update an operating system
- how to complete baseline security training
- how to prepare a contingency plan (samples provided)
- how to implement multi-factor authentication for e-mail
- how to obtain a .gov email address.

State procurement laws allow state agencies to recommend services providers only if the program is permitted a Grant Waiver under the §16.71(1) process. WEC staff believes that the ability to provide specific, step-by-step instruction on how to obtain a compliant device and IT managed services is crucial to the success of this program. Without specific instruction and recommendations, small jurisdictions may be hesitant to apply for grant funds because they do not know how to obtain compliant hardware and services. Therefore, to ensure the framework to support the grant program, WEC staff has proactively applied for a §16.71(1) grant waiver with the Wisconsin Department of Administration. If the waiver is granted, and if the Commission approves the sub grant proposal, WEC staff will be able to provide clerks with information on trusted and recommended managed service providers with the grant announcement and MOU.

#### **H. List of Appendices to Section VI Election Security Grant Proposal.**

- Appendix A Sample Memorandum of Understanding
- Appendix B WEC Security Grant Compliance Form and Instructions
- Appendix C Baseline Compliance Standards
- Appendix D Grant Allocation Process Flowchart

#### **VII. Endpoint Testing Update**

The Commission directed staff to acquire endpoint testing capabilities at the August 13, 2019 meeting. Endpoint testing software allows WEC staff to remotely assess the state of a user's hardware and software over time. This software also permits the enforcement of security baselines based on industry best practices.

After the meeting, WEC staff submitted a request for bids from a wide variety of state contracted software providers. Responses were returned to the WEC between August 16 and 23. Staff then selected OPSWAT Meta-Access endpoint testing software for use. The software was provided to the WEC on September 9, 2019. As of September 12, staff is conducting testing and developing training and communication materials in preparation for deployment to WisVote users. It is anticipated that a pilot group of users will be enrolled in the program by September 24.

Future plans for the Endpoint Testing Program are discussed in a separate memorandum under agenda item E.3. Elections Security Update. This program also ties in directly to staff's recommended managed hardware grant program outlined below. Endpoint software will serve as the gatekeeper for the WisVote system. If a device does not meet the standards set in the endpoint, the WEC will have the ability to deny that device access to the system. It will also allow WEC staff to follow up with clerks who do not have compliant devices to learn more about their situation. If the grant program is approved, WEC staff will also be able to inform clerks with non-compliant devices about the opportunity to apply for funding to achieve compliance.

Recommended Motion 2 below requests Commission authority to deny non-compliant devices access to the WisVote system in accordance with the compliance timeline presented in the grant. Initiating the endpoint gatekeeping functionality by January 28, 2020 would allow jurisdictions time to plan for, budget, or apply for grant funds to achieve compliance. Prior to the January 28 compliance deadline, the endpoint monitoring would still be initiated and utilized to educate users about the status of their device and of the timeline to achieve compliance.

### **VIII. Proposed Motions**

WEC staff recommends the Commission approve the following actions:

#### Recommended Motion #1:

The Commission directs staff to announce and initiate the HAVA security subgrant program to local election officials as described in the recommendations contained in the staff memorandum. The Commission authorizes WEC staff to announce the grant, accept applications, and issue subgrant funds to municipal and county election officials by November 29, 2020. The total amount of subgrant funds distributed is not to exceed \$1.1 million. WEC staff will report to the Commission on the status of the grant and plans for any remaining funds or overages at the December 2, 2019 meeting of the Commission.

#### Recommended Motion #2:

The Commission authorizes WEC staff to implement endpoint testing software into the WisVote system and to utilize the gatekeeping features of the system to deny system access to non-compliant devices by January 28, 2020.



# Wisconsin Elections Commission

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## LOCAL ELECTION SECURITY GRANT PROGRAM

### MEMORANDUM OF UNDERSTANDING BETWEEN

### THE WISCONSIN ELECTIONS COMMISSION

AND

\_\_\_\_\_  
(NAME OF JURISDICTION)

#### I. PARTIES

The parties to this Memorandum of Understanding (hereinafter referred to as “MOU” or “agreement”) are the Wisconsin Elections Commission (hereinafter referred to as the “WEC” or the “Commission”) and the (County) of \_\_\_\_\_ / (City) (Village) (Town) of \_\_\_\_\_ in \_\_\_\_\_ County, Wisconsin. The Commission is the state agency providing a local election security grant to the county, city, village or township. The County, City, Village or Town identified above is the entity receiving a local election security grant from the Commission and is referred to herein as the “receiving jurisdiction.” By signing and dating this agreement, the participating County, City, Village or Town agrees to the terms of this agreement with the Commission.

#### II. PURPOSE

The purpose of this MOU is to set forth the requirements that counties, cities, villages and towns must meet in order to be eligible to receive a local election security grant from the Commission and the requirements for the use of the grant funds.

The purpose of the local election security grant, is to:

- A. Help improve overall election security statewide by providing counties, cities, villages and towns across the State of Wisconsin with federal election security funds to implement baseline security measures based on specific needs of the jurisdiction.
- B. Help improve overall election security by providing receiving jurisdictions which have implemented baseline security measures with federal election security funds to further upgrade the jurisdiction’s election security infrastructure.

*Wisconsin Elections Commissioners*

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

\_\_\_\_\_  
Administrator  
Meagan Wolfe

### III. GRANT PROGRAM REQUIREMENTS

#### A. Introduction

The Commission’s Election Security Grant Program (“ES Grant”) is intended to fund jurisdictions first with the greatest election security needs, meaning jurisdictions that need funds to meet certain baseline security measures as defined below and in the relevant Appendices. If a receiving jurisdiction has met the baseline security measures outlined below (Section III., B.), it may use grant funds to implement other advanced security improvements or best practices in the jurisdiction (Section III., C.) subject to the availability of remaining funds after baseline security needs are funded.

#### B. Establish and Maintain Baseline Security Requirements

No grant funds shall be provided to the receiving jurisdiction unless it certifies that it currently meets all baseline security measures described below OR it certifies that the grant funds received will be used so that all baseline security measures described below will be met by the grant program deadline. A description of each of the requirements, and options for how to comply with each of the requirements is listed below, and in some instances in an attached Appendix.

The Baseline Security Requirements are as follows:

1) Possess Computer Hardware and Software That Meets or Exceeds Baseline Security Standards

The computer hardware and software used by the receiving jurisdiction for election business shall comply with the baseline security policy set by the Commission. (See Appendix \_\_\_\_). If a receiving jurisdiction does not have compliant computer hardware or software, grant funds shall be used first to achieve compliance with this requirement.

The receiving jurisdiction has three options to achieve compliance with this baseline requirement:

**Option 1:** Purchase a Compliant Hardware Device. If a jurisdiction does not have compliant hardware or software/operating system it must use the ES Grant funds to achieve compliance. Local Election Jurisdictions must use their funds to purchase a managed hardware device from authorized providers on the state contract. Jurisdictions may also locate and purchase their own compliant hardware and software if they choose not to use state contract providers. (See Appendix \_\_\_\_ for details on purchasing a “managed hardware device.”).

**Option 2:** Update Operating System to Windows 10. If the jurisdiction is currently using the Windows 7 operating system on a computer used to access WisVote, and the computer and software are otherwise compliant, \$200 of grant funds may be requested to upgrade the operating system. Note that this option requires ongoing IT support to ensure systems stay current. (See Appendix \_\_\_\_ for information about operating system updates).

2) Possess Information Technology (IT) Support Capable of Maintaining Minimum Security Standards

The receiving jurisdiction shall certify that it is able to maintain the computer hardware and software in accordance with the security policy set by the Commission, which means it must have competent in-house or contracted IT support.

A jurisdiction has two options to achieve compliance with this baseline requirement:

**Option 1:** Obtain a Managed Service Provider. A jurisdiction may use its ES Grant funds to contract with a managed IT support provider to maintain minimum standards. The local election jurisdiction will then need to certify that it has compliant IT support and provide the documentation detailing its support with on its Election Security Grant Compliance Form. (See Appendix I on choosing an IT support provider).

**Option 2:** Possess in-house, shared, or contracted IT staff that provide all the services listed in Appendix \_\_\_\_\_. The local election jurisdiction will then need to certify that it has compliant IT support and provide the documentation detailing its support on its Election Security Grant Compliance Form.

3) Complete WEC Election Security Training Requirements (In-Person and On-Demand)

**In-Person.** The receiving jurisdiction shall certify that an individual from the jurisdiction (usually the clerk) has previously attended an Election Security Tabletop Exercise (TTX), Roundtable Exercise, other in-person WEC-sponsored security training OR shall certify that an individual from the jurisdiction will attend one of those events prior to the applicable deadline. A set grant amount will be offered to offset costs of attending one of these in-person training events.

**On-Demand.** The receiving jurisdiction shall also certify that each employee of the jurisdiction that performs elections work has either completed or will complete six online-based cyber security training modules developed by the Commission. The online cyber security training modules are currently accessed through the Commission's Learning Center (online) and are free to attend.

4) Draft and Submit an Elections Security Contingency Plan

The receiving jurisdiction shall certify that it has a contingency plan currently in place OR it will create a contingency plan to address election security emergencies in the jurisdiction. The jurisdiction shall submit a copy of the contingency plan to the Commission by the grant program deadline. Sample contingency plans for large, medium and small jurisdictions can be obtained from the Commission to assist in complying with this baseline security requirement.

**C. Implement Advanced Security Improvements and Best Practices (APPLIES ONLY if Baseline Security Requirements have been met)**

If the receiving jurisdiction certifies that it has met the baseline security measures contained in Section III., B, it may use grant funds to offset costs associated with the following advanced security improvements and best practices:

- 1) Implement Multi-Factor Authentication (MFA) For Email Account. Adding MFA to an email account is one of the most important security steps that can be implemented. Compromised email is a common path for cyber attacks. Ensuring that unauthorized parties cannot gain access to email is critical because other passwords and accounts can be reset from an email account. If an email account is compromised, any downstream user accounts elsewhere can be compromised as well.
- 2) Sign up for DHS Cyber Assessment Services. These services included Remote Vulnerability Assessments (RVA), Phishing Campaign Assessments, Cyber Hygiene Scans, or Regional Resiliency Assessment Program (RRAP).
- 3) Make Email security improvements. Email security enhancements may include enabling TLS encryption, implementing SPF, DKIM, or DMARC to quarantine messages, disabling links in e-mail (a/k/a “URL defanging”) or acquiring endpoint protection with e-mail client integration.
- 4) Acquire an Albert Sensor or Other Intrusion Monitoring Device. This sensor detects unauthorized access to a computer network and is a more appropriate tool for county jurisdictions than for most municipalities.
- 5) Firewall upgrades. Firewall upgrades improve the strength of a computer network perimeter.
- 6) Renew Endpoint Protection. Renew anti-malware/virus software subscription to keep the system up to date (keep definitions up to date, automatic updates, alert and block suspicious activity).
- 7) Utilize Free Anti-DDOS Services Such as Cloudflare Athenian or Google Shield Services. These systems protect against attempts to disable a network with a denial-of-service attack.
- 8) Miscellaneous. Other election security improvements, including physical security improvements proposed by the jurisdiction and approved by the WEC Administrator.

#### **IV. SECURITY NEEDS SELF-ASSESSMENT AND CERTIFICATION**

This section of the agreement will be used to assess the election security needs of the receiving jurisdiction and will allow the jurisdiction to certify that it has met or will meet the baseline security requirements outlined in Section III., B. of the agreement. For jurisdictions that certify

that all baseline security requirements have been met, the information provided in this section provides the Commission with the jurisdiction's plan to spend grant funds (if available) on advanced security improvements and best practices outlined in Section III., C. of the agreement.

**A. Baseline Security Requirements (Maximum of \$1,200 Available)**

**Instructions: The receiving jurisdiction shall complete the information requested below.**

1. The computer used in the receiving jurisdiction for election-related business meets or exceeds the Baseline Hardware and Software Standards for Election Officials as described in Appendix \_\_.

Yes \_\_\_\_\_

No \_\_\_\_\_ (If No, please check one option below to request grant funds.)

\_\_\_\_\_ I need a new computer: \$600 available

\_\_\_\_\_ I need to upgrade my operating system: \$200 available

2. The receiving jurisdiction has competent in-house or contracted Information Technology (IT) support capable of maintaining minimum security standards as described in Appendix \_\_.

Yes \_\_\_\_\_

No \_\_\_\_\_ (If No, please check below to request grant funds.)

\_\_\_\_\_ I need IT support: \$500 available

3. **A. WEC Election Security Training (In-Person).** An individual in the receiving jurisdiction has participated in an election security tabletop exercise, roundtable exercise, or other WEC sponsored election security training event.

Yes \_\_\_\_\_

No \_\_\_\_\_ (If No, please check below to request grant funds.)

\_\_\_\_\_ I need to attend training: \$100 available

**B. WEC Election Security Training (On-Demand).** All individuals in the receiving jurisdiction that perform election-related work have completed the Commission's WisVote

Cyber Security Training modules on the WEC Learning Center website (regardless of whether the jurisdiction accesses WisVote).

Yes \_\_\_\_\_

No \_\_\_\_\_ (If No, please report to the Commission when complete.) **(Grant Amount Available: None)**

4. The receiving jurisdiction has a contingency plan related to election security emergencies.

Yes \_\_\_\_\_ (Please provide the Commission with a copy of the plan)

No \_\_\_\_\_ (If No, please provide to the Commission when complete.) **(Grant Amount Available: None)**

**CERTIFICATION OF BASELINE SECURITY REQUIREMENTS**

I certify, under penalty of law, that the statements and information contained in this section of the MOU are true, accurate, and complete. I further certify, that for any statement above for which a “No” response was provided, the receiving jurisdiction will implement the compliance plan described in the corresponding response to the best of its ability.

Signature of Jurisdiction Official:

Date:

\_\_\_\_\_

\_\_\_\_\_

**B. Advanced Security Improvements and Best Practices. (Subject to Availability of Funds, Up to \$1,200)**

**Instructions: Only complete this section if you answered “Yes” to all statements contained in Subsection A (Baseline Security Requirements)**

**The receiving jurisdiction shall place an (X) next to applicable Advanced Security Improvement or Best Practice it intends to implement or acquire if grants funds are available and distributed by the Commission.**

- 1) \_\_\_\_\_ Implement Multi-Factor Authentication (MFA) on Your E-mail Account.
- 2) \_\_\_\_\_ Sign up for DHS Cyber Assessment Services.

- 3) \_\_\_\_\_ Make E-mail security improvements such as enabling TLS encryption, implementing SPF, DKIM, or DMARC to quarantine messages, disabling links in e-mail (a/k/a “URL defanging”) or acquiring endpoint protection with e-mail client integration.
- 4) \_\_\_\_\_ Acquire an Albert Sensor or other intrusion monitoring device.
- 5) \_\_\_\_\_ Firewall upgrades.
- 6) \_\_\_\_\_ Renew endpoint protection.
- 7) \_\_\_\_\_ Utilize Free Anti-DDOS Services Such as Cloudflare Athenian or Google Shield Services.
- 8) \_\_\_\_\_ Other election security improvements, including physical security improvements proposed by the jurisdiction and approved by the WEC Administrator. Please describe proposed improvement:

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**CERTIFICATION**

I certify, under penalty of law, that the statements and information contained in this section of the MOU are true, accurate, and complete. I further certify, that for any statement above in which an “X” has been placed, the receiving jurisdiction will use the grant funds provided to purchase or offset the costs of the item indicated.

Signature of Jurisdiction Official:

Date:

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**V. FUNDING**

- A. Commission staff will award grants based on the receiving jurisdiction’s self-assessment of needs. Jurisdictions assessed to be most in need of funds to satisfy baseline security standards shall be funded first up to \$1,200. Remaining funds, if any, shall be distributed to jurisdictions that have met baseline security standards and are seeking funds for advanced security needs.
- B. The minimum grant amount awarded to receiving jurisdictions seeking funds for advanced security needs will be based on the amount of funds remaining after jurisdictions needing to comply with baseline security standards are funded. The maximum grant amount awarded to receiving jurisdictions seeking funds for advanced security needs is \$1,200.
- C. Grant funding decisions based on a jurisdiction’s need, including the amount allocated, is within the sole discretion of the Commission staff administering the grant program, but shall be made according to the factors outlined above.
- D. Check processing. To assist the Commission staff with the processing and distribution of grant fund checks, please complete the information below:

**County/Municipal Clerk Name:** \_\_\_\_\_

**Jurisdiction Name on Check:** \_\_\_\_\_

**Jurisdiction Mailing Address:** \_\_\_\_\_  
\_\_\_\_\_

**Jurisdiction Contact Phone Number:** \_\_\_\_\_

**Jurisdiction Contact E-mail Address:** \_\_\_\_\_

Funds may be received through electronic transfer to a jurisdiction’s shared revenues account (if available) or a physical check may be sent to a jurisdiction’s shared revenues location. For questions related to the processing of grant fund checks, please contact the Commission’s financial team.

**VI. GRANT PROGRAM DEADLINES**

To help increase overall election security across the State, the election grant program has established the following deadlines that must be adhered to by a receiving jurisdiction:

**September 27, 2019:** Grant program announced and MOU available for review by county and municipal governing bodies.

**November 15, 2019:** Deadline for jurisdictions to return the executed MOU to the WEC which includes the self-assessment of security needs and certification to comply with the terms of the grant program.

**November 29, 2019:** WEC begins issuing grant checks to receiving jurisdictions.

**January 28, 2020:** Deadline for receiving jurisdictions to be in compliance with the terms of the grant and submit a completed “Grant Compliance Form” to the WEC. Deadline to request extension of time to comply with terms of grant.

**January 31, 2020:** WEC Reviews Grant Compliance Forms and conducts necessary follow-up if needed.

**September 30, 2020:** Deadline to submit a final “Grant Compliance Form” to the WEC if an extension of time was granted. All unexpended grant funds as of September 30, 2020 must be returned to the WEC.

## **VII. COMPLIANCE MONITORING, CERTIFICATION, DOCUMENTATION AND AUDIT**

### **A. Grant Compliance Form.**

The receiving jurisdiction shall report its efforts to comply with the terms of the grant by completing a “Grant Compliance Form” provided by the Commission. See Appendix \_\_\_\_\_. The jurisdiction is required to sign and complete the form and submit it to the Commission by January 31, 2020. If an extension of time has been granted by the Commission staff, the jurisdiction shall submit the form as soon as compliance with all the terms of the grant have been met, but in no case later than September 30, 2020.

### **B. Certification.**

The receiving jurisdiction shall certify (by completing a “Grant Compliance Form”) that information provided is true and correct; it has complied with all terms of the grant; the election security grant funds were used to meet baseline security requirements or were used to improve security by implementing advance security measures or best practices and any falsification of information related to the grant could subject the jurisdiction official to civil or criminal penalties.

### **C. Documentation.**

The receiving jurisdiction shall maintain all documentation of purchases made using grant funds provided by the Commission for a minimum of (3) three years from the date of the expenditure. A standard inventory list of all items purchased using grant funds must be created and maintained by the jurisdiction for purposes of any state or federal audit. Such

purchasing documentation and inventory lists shall be retained by the receiving jurisdiction until the WEC authorizes destruction of said records.

**D. Audit.**

All local election grant funds received by a receiving jurisdiction are subject to audit by the Commission and/or the federal government to ensure funds have been spent appropriately and in accordance with all applicable state and federal laws. Pursuant to Wis. Stat. § 5.05(11), if the federal government objects to the use of any funds provided to a county or municipality under the grant, the county or municipality shall repay the amount of the grant to the Commission.

**VIII. SIGNATURES**

By signing and dating this agreement the receiving jurisdiction and the Commission agree to the terms of this MOU and certify that the information provided in this MOU are true and correct.

**Receiving Jurisdiction**

Signature \_\_\_\_\_  
(Authorized Representative of Jurisdiction)

Date: \_\_\_\_\_

Printed Name \_\_\_\_\_  
(Authorized Representative of Jurisdiction)

**Wisconsin Elections Commission**

Signature \_\_\_\_\_  
(Authorized Representative of WEC)

Date: \_\_\_\_\_

Printed Name \_\_\_\_\_  
(Authorized Representative of WEC)



# Wisconsin Elections Commission

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## Grant Compliance Form (Election Security Grant)

### Appendix B

Jurisdiction: \_\_\_\_\_

Official Representative: \_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

The jurisdiction listed above certifies that as of \_\_\_\_\_ it meets the criteria indicated below. (date)

#### BASELINE REQUIREMENTS. Please initial next to all applicable lines.

- \_\_\_\_\_ 1. We perform all election related activities on a computer that meets the Baseline Hardware and Software Standards for Election Officials (Grant Appendix C). If WEC Election Security Grant Funds were used to purchase a compliant device the purchase order is attached as part of this submission. If WEC Election Security Grant Funds were used to contribute towards upgrading a device to attain compliance, a brief description is attached as part of this submission.
- \_\_\_\_\_ 2. We possess either a professional information technology staff member, have access to an IT contractor, or have access to a managed service provider that ensures we receive timely security updates and patches to our operating system and software (Grant Appendix C). If WEC Election Security Grant Funds were used to contribute towards or procure IT support or managed IT services, a brief description of the services utilized is attached as part of this submission.
- \_\_\_\_\_ 3. We have completed WEC election security training requirements including participation in an election security tabletop exercise, roundtable, or other in-person election security training and all staff performing elections work has completed the WEC Learning Center cybersecurity awareness training modules. (Grant Appendix C). The in-person security training was completed on \_\_\_\_\_ at \_\_\_\_\_.  
(date) (location)

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Administrator  
Meagan Wolfe

\_\_\_\_\_ 4. We possess a contingency plan for election security. A copy of the contingency plan has been previously provided to the Commission or is included with this form as part of this submission.

\_\_\_\_\_ 5. We have utilized our WEC Election Security Grant funds on allowable security upgrades identified in the terms of the MOU. A brief description of the services contributed towards or procured with the grant funds is attached as part of this submission.

---

CURRENT STATUS. Please choose ONE of the following statements that describes the status of the jurisdiction's compliance with the terms of the election security grant provided by the Commission:

\_\_\_\_\_ We have not completed all requirements listed above but will request an extension to complete all tasks on or before September 30, 2020.

OR

\_\_\_\_\_ We intend to return remaining election security funds to the WEC. Remaining funds total:

\_\_\_\_\_

OR

\_\_\_\_\_ We have completed all requirements listed above and have applied all election security grant funds towards meeting those requirements or other authorized election security needs.

---

CERTIFICATION.

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729–3730 and 3801–3812).

Signature of Authorized Official

Date:

\_\_\_\_\_

\_\_\_\_\_



# Wisconsin Elections Commission

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## **Election Security Grant Proposal Appendix C Baseline Hardware and Software Standards for Election Officials**

### I. Background

- A. Securing state information systems is critical. Wisconsin residents rely on the state, counties, and municipalities to deliver services reliably and safely. Cyber-attacks are a continuous threat to the delivery of those services. The state needs your help to protect state systems and residents' information.
- B. Cyber threats commonly focus on the weakest link within systems, primarily the people using those systems. This document provides basic guidelines to reduce risks and ensure fundamental cybersecurity standards.
- C. Terms Defined.

Compliant Device: a device that meets minimum security standards outlined in II.A. below.

Managed Device: a device that is receiving managed service.

Managed Service: ongoing IT support meeting the requirements outlined in section B. below.

Managed Service Provider: a company offering managed service to customers; usually for a monthly fee.

### II. Basic Guidelines for Appropriate Access to and Use of State Systems

#### A. Compliant Computer Hardware and Software that Meets the WisVote Policy Requirements.

Jurisdictions must use grant funds to meet this requirement before spending funds on any other need. The ES grant will allocate \$600 for the purchase of one device. Compliant hardware and software must meet the following standards:

- i) Computers using a currently supported operating system (OS).
  - a. Any Windows operating system other than Windows 10 is, or may soon be, unsupported.
  - b. Any MacOS system other than 10.14 Mojave is unsupported.
  - c. Consult with an IT professional or call the Elections Help Desk if you run another operating system (Linux, Chrome OS, etc.)
  - d. See Appendix \_\_ for information on how to check your Operating System

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- ii) Computers with current:
  - a. Patches / Firmware (no later than 30 days of release by vendor). Ensuring your operating system is up-to-date will generally take care of this requirement. For smaller jurisdictions automatic updates will fulfill this requirement so long as they are not delayed or disabled.
  - b. Antivirus software.
  - c. Anti-spam and anti-spyware software.
  - d. Web filtering software to protect against malicious websites
  - e. Popular versions of the software above are available from companies such as Microsoft, McAfee, Symantec Norton, Bitdefender, Trend Micro, and many others.
  - f. Merely possessing anti-malware software is not enough. You must download updates regularly to ensure your system is protected from the latest threats.
- iii) Retention of backups offsite, and regular restore tests, are strongly recommended.
- iv) Retention of login records is strongly recommended.

The WEC will install endpoint verification testing in WisVote to verify compliance upon login. Devices not in compliance by January 28, 2020 will be denied access.

*How to Achieve Compliance:*

- i) Purchase a Compliant Hardware Device. If a jurisdiction does not have compliant hardware or software/operating system it must use the ES Grant funds to achieve compliance. Local Election Jurisdictions must use their funds to purchase an inexpensive managed hardware device from authorized providers on the state contract. Jurisdictions may also locate and purchase their own compliant hardware and software if they choose not to use state contract providers. More information regarding the purchase of compliant devices is included in Appendix \_\_.
- ii) Update Your Operating System to Windows 10. One option is to update the operating system on the computer currently used to access WisVote. For example, if the jurisdiction is currently using the Windows 7 operating system, and the computer and software are otherwise compliant, \$200 of grant funds may be requested to upgrade the operating system. More information regarding updates to operating systems is included in Appendix \_\_. Note that this option requires ongoing IT support to ensure systems stay current.

**B. IT Support Capable of Maintaining Minimum Standards**

Jurisdictions must certify that they are able to maintain their hardware and software in accordance with the policies above through 2022. This means that each jurisdiction must either possess professional, full-time IT staff, or obtain managed support through a managed support provider. The IT support must agree to maintain current patches, firmware, anti-virus software, and web filtering software. IT support must also notify of the WEC of any cybersecurity incidents and agree to receive Cyber Alerts from the Information

Sharing and Analysis Center. More information on these requirements is provided in Appendix \_\_\_. The ES grant will allocate \$500 towards managed support costs that meet baseline standards. Jurisdictions must certify compliance by completing the WEC Security Grant Compliance Form, however the WEC will monitor the patch level of devices used to access WisVote. If a device is not in compliance with patching requirements, the WEC will follow up with the municipality to help achieve compliance. While the jurisdiction is awaiting a patch, the user may be denied access to WisVote until the patch is complete.

*How to Achieve Compliance:*

- i) Obtain a Managed Service Provider. A jurisdiction may also use their ES grant funds to contract with a managed IT support provider to maintain minimum standards. The local election jurisdiction will then need to certify that it has compliant IT support and provide the documentation detailing their support with their Election Security Grant Compliance Form. More information about choosing a support provider is included in Appendix \_\_\_.
- ii) Possess in-house, shared, or contracted IT staff that provide all the services listed in Appendix \_\_\_. The local election jurisdiction will then need to certify that it has compliant IT support and provide the documentation detailing their support with their Election Security Grant Compliance Form.

C. Complete WEC Election Security Training Requirements

(1) Participate in an Election Security Exercise

To comply with the terms of the ES Grant program, a representative from each local election jurisdiction must participate in an Elections Security TTX, Elections Administration TTX, Cyber Security Workshop, or Elections Security Roundtable before August 1, 2020. Jurisdictions may apply up to \$100 of ES Grant funds to cover travel expenses associated with this requirement. The jurisdiction must certify their attendance at an event on the WEC Security Grant Compliance Form. Grant funds may be used for travel expenses associated with election security training.

(2) Completion of WisVote Cyber Security Training

Upon acceptance of the ES Grant, the local election jurisdiction agrees to abide by the WisVote access policy. Regardless of whether the jurisdiction is a WisVote user or not, each full-time employee performing elections work must complete six free on-line training modules. If the jurisdiction is not currently using WisVote, it can request access to the WEC learning center and complete the required training by following the instructions in Appendix \_\_\_. Completion of the training requires approximately 1.5 hours.

D. Completion of a Contingency Plan

The WEC recommends every municipality maintain a contingency plan in the event of an election security crisis, and the completion of a plan is a requirement for the grant program. To assist with this process, sample contingency plans for small, medium, and large jurisdictions are found in Appendix \_\_\_.





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## **MEMORANDUM**

**DATE:** For the September 24, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

Meagan Wolfe, Administrator  
Wisconsin Elections Commission

**SUBJECT:** Election Security- Public Information Program

At its August 13, 2019 meeting, the Commission directed staff to engage the KW2 agency to conduct market research regarding election security and to develop training and communications tools to support state and local election officials as they communicate with voters and media about election security.

In the weeks since then, staff has met several times with KW2 to get the project rolling. Currently, there are two separate tracks to the project.

### **1. Research**

WEC staff provided KW2 with the names of approximately two dozen county and municipal clerks for key informant interviews. Clerks were chosen to reflect counties and municipalities with different sizes and locations across Wisconsin. Approximately 15 of those clerks were interviewed by KW2 staff over the phone the week of August 26. The interviews were designed to gather information from clerks about the kinds of questions and concerns that voters are voicing about election security, as well as the challenges clerks face in communicating with the public and the media about the issue. KW2 presented the results of those interviews to WEC staff on September 11, and staff provided feedback on the interviews on September 13.

KW2 is using results of the key informant interviews to help develop the statewide quantitative survey, which will be in the field from September 23 through October 18. KW2 will begin analyzing the findings immediately thereafter. In early November, KW2 will begin conducting focus groups around the state to discuss election security and to test messages they will develop based on the quantitative survey results. The focus groups will help determine what messages are most relevant to various audiences, whether they find them credible, and what type of action they would take after hearing the messages.

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Administrator  
Meagan Wolfe

KW2 will present its quantitative and qualitative research results to WEC staff in mid-November, and to the Commission at its meeting December 2. At that meeting, staff will have recommendations for what kind of public information campaign would be appropriate, based on the research. Options could range from a low-cost “earned media” campaign, based on staff outreach to the media, to a campaign that includes some level of paid advertising or public service announcements.

## **2. Strategic Communications**

The second track of the project involves developing plans and training materials to assist WEC staff and local election officials in communicating with the media and voters about election security, especially in reaction to questions or an actual event.

KW2 has begun developing an earned media toolkit for local election officials. This will include sample news releases clerks can submit to local news organizations in advance of elections, as well as news release templates clerks can have ready in the event a problem occurs. The toolkit will also include social media messages and graphics which clerks can use on their websites and social media accounts. KW2 met with WEC staff about this task on September 13.

Clerks have consistently told staff that they want training on how to handle news media interviews, especially about election security. KW2 will be developing online training webinars for clerks in late September and early October and is planning to conduct in-person training events starting later in October.

Part of the strategic communications plan involves monitoring traditional and social media sources for stories and posts about election security. This helps WEC staff know what the public is hearing and thinking about the issue and can also identify misinformation and disinformation online that may need correcting. WEC staff is meeting with KW2 to discuss monitoring tools on September 13, which is after the drafting of this memo.

## **Conclusion**

WEC staff and KW2 are moving quickly to develop the communications plans and materials that state and local election officials will need to be ready for 2020. Staff and KW2 are focusing on cost-effective ways to collect the data needed to communicate meaningfully with Wisconsin voters about election security and to be prepared to respond with accurate, credible information in the event that developments warrant it. No Commission action is requested at this time.



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## MEMORANDUM

**DATE:** For the September 24, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared by Election Security Team 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**

Wisconsin remains a leader in election security. Approaching the fourth quarter of calendar year 2019, the list of WEC security projects continues to evolve. Since the June 11, 2019 Commission meeting, staff has participated in eight major election security exercises or presentations with local clerks, county clerks, county IT professionals, state agency partners, and cyber security experts from federal law enforcement, intelligence, and military communities. We are one of a handful of states to have hosted multiple election security training events in partnership with the federal Cybersecurity and Infrastructure Security Agency. Perhaps most importantly, WEC security initiatives have reached a significant cross-section of the state. Nearly 3,000 election professionals have completed WisVote cybersecurity training and more than 1,500 local officials have attended one or more elections security training exercises.

Looking ahead, WEC staff is currently focused on improving the security of local endpoint devices used to access the statewide voter registration database and conduct other election business. While we are confident in the security of WisVote now, improving the posture of local officials effectively pushes the “perimeter” further away and ensures personally identifiable information (PII) is protected. Some other initiatives underway include expanding statewide communication tools, adding redundant capabilities to communications systems, expanding the TTX program, and making internal improvements to staff security.

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*Administrator*  
Meagan Wolfe

## **II. Clerk Advisory Committee Update**

The Clerk Advisory Committee for Election Security has convened six public meetings in the last six months. Meetings generally last between 90 and 120 minutes. Most recently, the committee met on September 5, 2019, to obtain clerk input on the election security proposals to be presented to the Commission. Clerks participating in these meetings have directly contributed to the managed hardware concepts now before the Commission. WEC staff believes that the clerk input provided by the three Clerk Advisory Committees is invaluable to the creation of effective and efficient programs.

## **III. Security Program Updates**

### **A. Endpoint Testing & Security**

The Commission directed staff to acquire endpoint testing capabilities at the August 13, 2019 meeting. Endpoint testing software allows WEC staff to remotely assess the state of a user's hardware and software over time. This software also permits the enforcement of security baselines based on industry best practices.

WisVote is the IT application that serves as the backbone of many of the election administration tasks performed by state and local election officials. WisVote has many functions, including housing the statewide voter registration list, absentee ballot management, poll book generation, list maintenance matching interfaces, report generation and election setup which drives the data displayed on the MyVoteWI website. "The commission shall make all reasonable efforts to ensure that the list is maintained in a manner that precludes unauthorized persons from making alterations to the list." Wis. Stat. § 6.36(1)(f). Ensuring that WisVote is accessed by users with hardware and software that is up to date and compliant with the Commission's WisVote user agreement is a top priority.

WEC staff envision Endpoint Testing will be implemented in four phases:

**Phase I (Deployment).** We are in this phase now. Initial priorities are to deploy the required software package and educate clerks about the program. We will also begin collecting user data and developing an operating picture of the user environment. This phase will end when 90% of all jurisdictions possess the required software.

**Phase II (Monitoring).** A short period to evaluate information about user devices and assess the impact of the next two phases. Outreach to remaining municipalities will occur during this time. This phase will end after two weeks or at the direction of the Administrator.

**Phase III (Screening).** Upon the start of this phase the WEC will block WisVote access for any device that does not possess the endpoint testing software. WEC staff will also contact jurisdictions with non-compliant devices to help them develop a corrective action plan. This phase ends at a date to be determined by the Commission.

**Phase IV (Enforcement).** Upon the start of Phase IV, the WEC will block WisVote access for any device that is not compliant with WisVote hardware and software standards.

Note that throughout this document the term "WisVote" is also applicable to other elections systems such as Canvass.

Although an immediate leap to Phase IV is possible, WEC staff propose a more gradual progression in order to ensure clerks can correct deficiencies while still meeting their statutory obligations. For example, Wis. Stat. § 6.33(5)(a)1. requires municipal clerks to “promptly enter electronically on the list maintained by the commission” the information submitted on voter registration forms. Wis. Stat. § 6.33(5)(a)2. requires municipal clerks “enter electronically on the list maintained by the commission” absentee ballot applications received, and absentee ballots issued within 48 hours of receipt or mailing. Wis. Stat. § 6.33(5)(a)3. requires municipal clerks to record voter participation within 30 days or 45 days of the election, which is accomplished by entering information into WisVote. If staff abruptly terminate access for some clerks, the Commission may have assurances that an unsecure device is not accessing WisVote but will not be assured statutorily required tasks are being completed. Staff believes that a phased progression to full enforcement will strike the appropriate balance between securing WisVote and ensuring clerks can adapt to a rapidly changing environment.

## **B. TTX 2.0**

Since its inception in May 2018, more than 1,500 election officials have attended one or more Election Security Tabletop Training Exercises (TTX). To help create and maintain positive relationships in support of our election security efforts, election officials have also been encouraged to extend invitations to their local IT staff and emergency management professionals. In the last year, WEC staff also received numerous inquiries from election officials from other states looking to implement a similar training model, and from our state and federal partners wishing to observe the training. As a result, in June 2019, WEC conducted a TTX for local election officials which included observers/participants from the Wisconsin Legislature, Department of Homeland Security, Wisconsin Emergency Management, Wisconsin National Guard, Wisconsin Department of Enterprise Technology, Wisconsin Department of Justice, and State Election Officials from four other states.

Based on the overwhelmingly positive feedback received in the first year of training, on August 16, 2019, WEC staff launched TTX 2.0, which builds on the successes of the first version to prepare local election officials for 2020 and beyond. WEC staff is currently preparing for another “Show & Tell” event which is scheduled for October 10, 2019. As the TTX program focuses on a train-the-trainer model, WEC staff will continue to work to train local election officials on how to conduct a TTX and provide them with support and materials to maximize the reach of this training opportunity.

## **C. WEC Security Plan Updates**

The Wisconsin Elections Commission has worked to examine all aspects of security in relation to Wisconsin’s election administration technology and laws and drafted a comprehensive plan to document the coordination between the WEC and other election security partners. Wisconsin’s election systems are secure thanks to the Wisconsin Elections Commission’s strong partnerships with federal and state agencies, as well as with local election officials and the voters of Wisconsin. The plan exists to detail the WEC’s election security preparation and progress over the past two years, and steps WEC staff will pursue in the future to continue to keep Wisconsin’s elections secure. The plan is broken into two separate sections.

The first section of the plan concerns election security preparation and incident prevention. This section describes the roles that federal, state, and local election partners play in Wisconsin’s election system. The various levels of government are further broken down into their various organizations and agencies that exist at that level, and details some of the potential resources that originate from the respective agencies. Local elections officials can use this section of the plan to determine what resources they can

use to secure devices used in their offices, trainings available to increase election security knowledge, and resources from higher levels of government that could be used in an election security event.

The second section of the plan contains election security incident response guidelines and a communications guide. The section is divided among the different levels of government and includes short descriptions of the role that level of government plays in Wisconsin's elections. This section includes mock election security incident situations and suggested responses and communication efforts. Local elections officials can use this section to create or update their existing election security contingency plans, and to see the importance of communicating any incidents to the proper authority.

Due to the changing security landscape, WEC staff updates the Election Security Plan regularly to ensure it contains the most up-to-date information. The WEC will continue these updates ahead of 2020.

#### **D. Rave Notification System**

The WEC is adopting the Rave Alert Notification system ("the system") to provide another means to communicate urgent, time-sensitive information to election officials across the state, whether they are full time clerks or election inspectors who only work a few days each calendar year. Rave Alert, a powerful, proven emergency notification system, combines high performance alerting with comprehensive data management. Used by thousands of educational institutions, state and local municipalities, medical centers and enterprises, it instantly sends multi-modal (including text, voice telephone, and email) emergency notifications to students, citizens and employees. RAVE will never be used to collect, store, or use personally identifiable information such as dates of birth, Social Security numbers or driver's license numbers.

The Rave Alert Notification system is currently undergoing training and testing with a small group of volunteer users. Rave staff are providing instruction to WEC staff in conjunction with the DOA's Continuity of Government office. WEC staff are also experimenting with different user groups, notification methods, and opt-in/out options. Full deployment is planned for January 15, 2020.

#### **E. Secure Communications Program**

Currently, the WEC staff's main method of communication with clerks is through emails or posts on the WEC agency website. With phishing attempts and spoofing emails targeting clerks and government offices on the rise, the WEC must revise the methods used to communicate with clerks so that they can trust the source and accuracy of the elections information they receive. To do this, the WEC will bring the communication channels inside one of our protected platforms before the 2020 elections.

WisVote has increasingly evolved from a voter registration database to an elections management system where clerks access and manage all elections related business. Most clerks have WisVote credentials and a FIDO key they use to access this sensitive data. Because clerks are regularly accessing WisVote, it is a logical location to place secure communications from the WEC. In Microsoft Dynamics 365, the platform WisVote is built on, communications can be posted so that the WEC can send a push notification via email directing clerks to login to WisVote to view the new communication. Clerks would be able to access and export non-sensitive communications so that they can be downloaded and forwarded to clerks without WisVote access when it is appropriate. The WEC would be able to monitor who had accessed the communication and respond to comments from clerks. WEC staff is working with

the Clerk Communications Committee to review the guidelines of what information is posted, the content of the push notification, and how this process will affect clerks who do not have WisVote credentials.

## **F. Internal Security Improvements**

WEC staff is in the process of implementing new internal security controls to prevent an intruder's lateral movement within the state IT network. In the unlikely event that an attacker was able to compromise a computer within the state network, these controls will make it harder for that attacker to move through the network from their initial foothold to more sensitive systems. Procurements are underway for these improvements that include several special-purpose laptops and an agency-wide password management system.

## **G. Security Toolkits for Local Candidates**

Due to the unique security needs of political candidates and campaigns, WEC staff is in the process of developing security toolkits that will outline not only best practices for developing and maintaining sound security practices but also outline existing tool options that can be used by candidates to supplement those practices. Campaigns are relatively short-lived with a specific end date, which often makes it difficult for candidates to successfully implement robust security measures. WEC staff is of the opinion that, given a concise, user-friendly toolkit that outlines available options and best practices for improving security, candidates will be more likely to follow these practices throughout the lifespan of their campaigns. In addition to helping to generally promote security throughout all facets of the election process, this effort can specifically help to reduce risks and vulnerabilities that arise when campaigns and political organizations communicate electronically with the WEC and local election officials.

As candidates and their campaigns vary in size, sophistication, experience, and access to resources, the toolkits will be developed in such a way as to maximize scalability across all sizes of campaigns. Additionally, the third-party options that will be highlighted, including campaign-specific security and communication tools, password management services, and applications that both assess current security and suggest ways to improve, will primarily consist of either free or low-cost options that are available to all candidates or campaigns regardless of size or access to funding.

The basic structure of the toolkit will borrow heavily from similar initiatives, specially outreach tools developed by the Harvard Kennedy School's Belfer Center. The toolkits will focus on implementing and maintaining secure practices in several key areas, including device and network security, the human element, internal and external communications, account management, and incident response planning. Staff will have further updates on these toolkits as they are more fully developed.





# Wisconsin Elections Commission

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## MEMORANDUM

**DATE:** For the September 24, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared by:  
Jodi Kitts, WisVote Specialist  
Connie Shehan, WisVote Specialist

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

This memo provides updates on the 2019 Movers List maintenance, Voter Participation data analysis, upcoming mailing processes and other initiatives. At the June 2019 Commission meeting, staff presented an overview and assessment of the outcomes of the 2017 Movers List, recommendations for a refined approach to data analysis, and proposed using MyVote to allow voters to certify the address on their voter record online. This report contains specific process implementations for the 2019 Movers List and a brief update on the 2018 General Election Voter Participation data analysis.

### 2018 General Election Voter Participation Data Analysis

The research for our state records and across other participating ERIC member states is still ongoing. WEC staff have met to discuss an internal process for reviewing and referring credible cross-state matches. The legal team has been involved in drafting a standard cover letter that would accompany any referrals of credible cross-state matches to the appropriate District Attorney. More specifics on this ongoing effort will be provided before the end of 2019.

### 2019 Movers Mailing Data Analysis

The Movers data identifies records based on transaction activity dates from sources like Wisconsin Department of Motor Vehicles (DMV), the United States Postal Service, out of state DMVs, and out of state voter registrations that have an activity date which is more current than the last election participation date on the voter record. WEC staff performed data analysis on the data file for the upcoming mailing. Based on previous experiences, we performed address validation such as: examining records with streets listed as 1<sup>st</sup> vs First; 1-7-character matching; and PO Boxes as the main residential address. The Wisconsin DMV runs National Change of Address maintenance

*Wisconsin Elections Commissioners*

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

Administrator  
Meagan Wolfe

quarterly and records with those dates were removed from the file because these transactions are not voter-initiated. Voter records identified as having been sent a 2019 Four-Year Maintenance mailing, military records, and those with participation after the July cut-off date associated with our dataset have been excluded from the mailing. Voters who initiated a voter registration in another state will have their records deactivated in Wisconsin.

<b>Description</b>	<b>Count</b>
Total records received in the 2019 ERIC file	437,396
Voters who registered in another state	36,602
Movers mailings being sent by WEC	# will be available by 9/24

### **2019 Movers Usability Testing**

Usability testing was performed in several venues with clerks and voters from multiple counties. Based on usability testing, it was decided that a letter with a perforated tear away postcard would be the format used, as it would have greatest chance of response and comprehension by the recipient. Testers overwhelmingly commented that a letter with the State of Wisconsin seal and their Clerk's name would be most likely opened and read versus the folded postcard. The mailing will be processed through the Wisconsin Department of Administration (DOA) print center. Template and the data files were delivered to the DOA the second week of September and the mailing will be initiated the second week of October.

The poll book watermark in the signature box and poll worker facing "Have You Moved?" notation did not test well in usability sessions with voters or election officials. Most participants found the watermark confusing and did not like their portion of the poll book being different from others. WEC staff took into consideration that these voters already state their address to poll workers which is then verified. Based on that feedback, the process has been streamlined, without the use of the proposed watermark. Instead, the reactivation process will occur in WisVote; when a voter participates in an election the Movers flag will be cleared from their voter record.

The current and proposed process for Movers, utilizing the new mailing and the use of the MyVote to continue a current registration was a success with nearly all participants commenting that is quick and easy to use. The proposed "mailing code" has been removed from the process due to the commissions concerns about the possibility of voters accessing MyVote who have no knowledge of the mailing. The current process allows voters to click to certify if they have not moved from the address listed on their current voter registration and provides instruction on how to reregister, if they have moved.

### **WisVote Process for Voters Identified as Potential Movers**

The Movers records identified will have a separate designation in WisVote. They will remain active and be identified with a status reason of "Movers List." Their status reason will update from "Movers List" to "Registered" if they vote, reregister, or certify their address on MyVote. Deactivation would take place between 12 months and 24 months, giving the Movers a chance to vote in both the General and following Spring Election. To reiterate the process provided in the June ERIC memo, this means voters who receive the Movers mailing in October of 2019 have until the summer of 2021, giving them an extended deadline of six elections, to take action (February, April, August and November of 2020 and February and April of 2021).

### **Clerk Training and Outreach**

Staff has scheduled a webinar for clerks on September 17, 2019, to introduce and discuss the Movers mailing. The presentation video will also be available for reference on the WEC website. Additional clerk communications, such as overall documentation of the process, step-by-step instructions and FAQs will be posted to the website prior to the letter hitting the mail stream the week of October 7-11, 2019.

### **Final Summary**

The 2017 Movers mailing process came with a learning curve that has benefitted WEC staff's approach to our second mailing of this type. Usability outreach with voters and clerks was a valuable tool in developing these improved processes. The improvements have resulted in streamlined data analysis, a user-friendly mailing, and a self-serve option for voters to certify or update their address in advance of Election Day. WisVote processes are in place to efficiently manage mailing related activities and to identify the data for future research.

Memorandum Attachments:

- A. Movers Letter (double-sided)
- B. Example of MyVote Process





Leann Schroeder  
 City of Milton  
 710 S JANESVILLE ST  
 MILTON, WI 53563

August 1, 2019

Tester Smith  
 1018 Sue Ln  
 Milton, WI 53563-1792

Dear Tester,

A transaction with a government agency or a voter registration in another state indicates your address may be different than the address on your current Wisconsin voter registration.

**If you have moved**, you can register at your new address in one of these three ways:

- Online at [myvote.wi.gov](http://myvote.wi.gov); **or**
- On Election Day at your polling place. This option requires you to provide proof of residence. Check if your polling place has changed at [myvote.wi.gov](http://myvote.wi.gov) or contact your municipal clerk; **or**
- Submit a registration form to your clerk’s office, in-person or by mail. A voter registration form, clerk information and proof of residence information can be found here: <https://elections.wi.gov/voters/>.

**If you still reside at this address**, please use one of the following three options below to confirm:

- Click the gray **My Voter Info** button at [myvote.wi.gov](http://myvote.wi.gov) and enter your first name, last name, and date of birth then click search button. Click the green **Confirm Your Address** button; **or**
- Vote at the next election; **or**
- Sign and return the postcard at the bottom of this letter, by mail, or in person to your clerk.

If you have questions, call the Wisconsin Elections Commission toll free at (866) 868-3947 or email [elections@wi.gov](mailto:elections@wi.gov).  
**¿Necesitas ayuda en Español?** Llama a su secretario municipal o visita [myvote.wi.gov/es-es/](http://myvote.wi.gov/es-es/).



**Wisconsin Elections Commission**

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



5000167546  
 City of Milton – Rock County

I, Tester Smith, certify I still live at 1005 Sue Ln, Milton WI 53563-1792 and want to keep my voter registration active in Wisconsin.

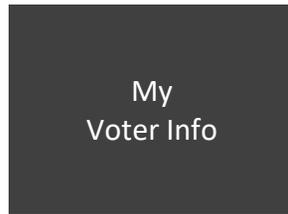
Voter signature: \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

*Postcard may be returned by mail or in person to your municipal clerk (address on other side).*

**STEP 1: VISIT**



**STEP 2: CLICK**



Verify and confirm your address

---

Tester Smith  
1018 Sue Ln  
Milton, WI 53563-1792

Return  
Postage  
Required

LEANNE SCHROEDER – City of Milton  
Municipal Clerk  
710 S JANESVILLE ST  
MILTON, WI 53188-3646

## Movers – MyVote Response Option

Voter information screen for voters marked Active: Movers

# MY VOTER INFORMATION

 Johnson, John

**Status:** You are Registered to Vote! **Current Address:** 212 E Washington Ave , Madison, WI 53703-2855

[Update Name](#) [Click here to confirm your address](#)

[Update Address](#)

Response pop-up w/ certification text and redirect to OVR option

You are registered to vote at: ×

212 E Washington Ave , Madison, WI 53703-2855

[I certify that I still reside at the above address and want to remain registered at this address.](#)

OR

[I have moved and want to update my registration.](#)

Confirmation pop-up after choosing certification option

Your address has been confirmed at: ×

212 E Washington Ave , Madison, WI 53703-2855

Thank you!

You do not need to take any further action

[OK](#)



**MEMORANDUM**

**DATE:** For the September 24, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Administrator

Prepared and Presented by:

Robert Williams                      Cody Davies  
Elections Specialist                      Elections Specialist

**SUBJECT:** Election Systems and Software (ES&S)  
Petition for Approval of Electronic Voting Systems  
EVS 6.0.4.0 and EVS 6.0.5.0

**I. Introduction**

Election Systems and Software (ES&S) is requesting the Wisconsin Elections Commission (“WEC” or “Commission”) approve the EVS 6.0.4.0 and EVS 6.0.5.0 voting systems for sale and use in the State of Wisconsin. The Government Accountability Board originally approved the EVS system, with EVS 5.2.0.0 and EVS 5.3.0.0, on September 4, 2014. No electronic voting equipment may be offered for sale or utilized in Wisconsin unless first approved by the WEC based upon the requirements of Wis. Stat. § 5.91 (Appendix A). The WEC has also adopted administrative rules detailing the approval process in Wis. Admin. Code Ch. EL 7 (Appendix B).

A. EVS 6.0.4.0

EVS 6.0.4.0 is a federally tested and certified paper based, digital scan voting system powered by the ElectionWare software platform. It consists of eight major components: an election management system (EMS) server; an EMS client (desktop and/or laptop computer); the ExpressVote, an Americans with Disabilities Act (“ADA”) compliant vote capture device for a polling place; the ExpressVote Tabulator, which combines the vote capture component of the base ExpressVote with an incorporated tabulator; ExpressLink, a ballot activation code application and barcode printer combination for ExpressVote ballots; the DS200, a polling place scanner and tabulator; the DS450, a mid-range scanner

and tabulator for a central count location; and the DS850, a high-speed scanner and tabulator for a central count location.

Updates introduced in this system include:

- Multiple DS200 components were updated to address end-of-life issues. These components include the motherboard, the display, and the touch screen controller and drivers.
- Support for the Windows 7 Enterprise operating system (OS) to be used for the EMS. This support also allows the option to employ dual-factor authentication and supports the use of BitLocker, which is Microsoft's proprietary hard drive encryption utility.
- Support for multi-language audio playback of the write-in keyboards featured on the ExpressVote.
- Modifications to the DS450 and DS850 firmware to support an alternative uninterruptible power supply (UPS) and report printer.
- Slight revisions were made to the collapsible ballot box for the DS200.

A full list of the updates to the system can be found in the U.S. Election Assistance Commission's Scope of Certification document found in Appendix C.

#### B. EVS 6.0.5.0

EVS 6.0.5.0 is a federally tested modification to the EVS 6.0.4.0 voting system. The modification provides support for modeming of unofficial election results from a DS200 to a Secure File Transfer Protocol (SFTP) server through wireless telecommunications networks after the polls close on Election Day. The modeming components of EVS 6.0.5.0 cannot meet federal certification standards, but the underlying voting system (EVS 6.0.4.0) is federally certified.

At its May 21, 2013, meeting, pursuant to authority granted in Wis. Stat. § 5.91 and Wis. Admin. Code EL 7, the Government Accountability Board adopted testing procedures and standards pertaining to the modeming and communication functionality of voting systems that have not received EAC certification. The standards were based upon the analysis and findings outlined in a staff memorandum and detailed in the *Voting Systems Standards, Testing Protocols and Procedures Pertaining to the Use of Communication Devices in Wisconsin*, which are attached as Appendix D. These rules apply to non-EAC certified voting systems, where the underlying voting system received EAC certification to either the 2002 Voting System Standards (VSS) or 2005 VVSG, but any additional modeming component does not meet the 2005 VVSG.

Updates introduced in this system include:

- Upgrade to modems with 4G capabilities
- Support for write-in review to be sorted by precinct or to not display contests in which no write-in votes were recorded.

- Ancillary antenna added to 4G configuration.
- The ability to automatically modem DS200 results into Electionware at the close of polls and user interface (UI) changes to support this process.

### **C. Recommendation**

WEC staff is recommending approval of both the EVS 6.0.4.0 and EVS 6.0.5.0 for sale and use in Wisconsin. Staff is not recommending the approval of one of the two versions of the ExpressVote ballot marking device, ExpressVote HW 2.1, included in each system. This component is a hybrid ballot marking device and tabulator that does not meet Wisconsin law that requires the voting machine to generate a complete, permanent paper record showing all votes cast by the elector, that is verifiable by the elector before the elector leaves the voting area. Detailed recommendations are listed on pages 25 and 26 following the analysis of functional testing performed by WEC staff.

### **D. Ongoing Windows 7 Support**

EVS 6.0.4.0 and 6.0.5.0 include two different versions of the Windows 7 operating system for purchasing entities to choose. On August 16, 2019 WEC Staff forwarded a communication to Steve Pearson, Senior Vice President of Certification at ES&S, requesting clarification regarding the vendor's plans for supporting their clients who will potentially be purchasing this system and for those using previously certified systems which include Windows 7 during 2020 and beyond. The goal of this communication was to obtain information on which ES&S systems will still operate on Windows 7, how many jurisdictions currently operate those systems, and how the vendor will both communicate with these jurisdictions and ensure that the pertinent systems are kept secure and up to date. On August 30, 2019, a response was received that addressed all questions posed in the original communication. While a brief summary of information provided appears below, the detailed responses provided by the vendor can be found in Appendix H.

ES&S confirmed that only the client workstation laptop that houses the Election Management System utilizes the Windows 7 operating system and that none of the optical scan tabulators or accessible voting devices included in this system run on Windows 7.

At this time, 30 counties in Wisconsin operate system versions from ES&S that run on the Windows 7 platform. ES&S has reached out to each of these counties to provide additional information on Windows 7 support and how that support will continue to be provided when the platform reaches its projected end-of-life date on January 14, 2020. Microsoft will be offering Extended Security Updates (ESUs) to Windows 7 customers throughout 2023, which will address any critical vulnerabilities and provide security updates accordingly. Any critical security updates would be applied after undergoing further testing and submission to a federal test lab and Commission approval through the ECO process.

ES&S stated each county operating a system version that uses Windows 7 will be required to enter into a support contract with Microsoft and will be responsible for any fees associated with the ESU contract. Pricing details for these support contracts have not yet been publicly shared by Microsoft, but the vendor's current understanding is that 12-month contracts will be offered incrementally from 2020 through 2023 with price increases upon each annual renewal. ES&S has also stated that it will make every effort to migrate all users to systems that run on Windows 10 prior to the final discontinuation of

support for Windows 7 in January of 2023. ES&S has also indicated there will be costs associated with these upgrades, but those costs are unknown at this time.

**E. Application Background**

On July 17, 2019, WEC staff received an Application for Approval of EVS 6.0.4.0. ES&S submitted complete specifications for hardware, firmware, and software related to the voting system. In addition, ES&S submitted technical manuals, documentation, and instruction materials necessary for the operation of EVS 6.0.4.0. At the same time, ES&S requested WEC staff approve the EVS 6.0.5.0 voting system. ES&S submitted technical manuals, documentation, and instruction materials necessary for the operation of EVS 6.0.5.0.

A. EVS 6.0.4.0 (base voting system)

The Voting System Test Laboratory (VSTL) responsible for testing EVS 6.0.4.0, SLI Compliance, recommended on April 26, 2019 that the U.S. Election Assistance Commission (EAC) certify ES&S EVS 6.0.4.0. ES&S provided the SLI Compliance report to WEC staff along with the Application for Approval of EVS 6.0.4.0. Voting systems submitted to the EAC for testing after December 13, 2007, are tested using the 2005 Voluntary Voting System Guidelines (2005 VVSG). The EAC certified ES&S EVS 6.0.4.0 on May 3, 2019 and issued certification number **ESSEVS6040**.

WEC staff conducted the voting system testing campaign for EVS 6.0.4.0 on August 26-30, 2019 in the WEC office. The campaign consisted of functional testing using three different mock election configurations, a meeting of the Wisconsin Voting Equipment Review Panel (a body that consists of local election officials and voting and disability advocates), and a public demonstration of the system.

i. Hardware Components

ES&S submitted the following equipment for testing as part of EVS 6.0.4.0:

<i>Equipment</i>	<i>Hardware Version(s)</i>	<i>Firmware Version</i>	<i>Type</i>
DS200	1.2.1 1.2.3 1.3, 1.3.11	2.17 4.0	Polling Place Digital Scanner and Tabulator
DS450	1.0	3.1.1.0	Mid-range Digital Scanner and Tabulator
DS850	1.0	3.1.1.0	High-speed Digital Scanner and Tabulator
ExpressVote HW 1.0	1.0	1.5.2.0	Universal Voting System
ExpressVote HW 2.1	2.1.0.0 2.1.2.0	2.4.5.0	Hybrid Universal Voting System and precinct count tabulator

The following paragraphs describe the design of the EVS 6.0.4.0 hardware taken in part from ES&S technical documentation.

### 1. DS200

The DS200 is a digital scan paper ballot tabulator designed for use at the polling place. After the voter marks a paper ballot, their ballot is inserted into the unit for processing. The tabulator uses a high-resolution image-scanning device to simultaneously image the front and back of the ballot. The resulting ballot images are then processed by proprietary mark recognition software, which identifies and evaluates marks made by the voter. The system then tabulates any votes cast on each ballot before depositing the ballot into an integrated secured storage bin. The ballot images and election results are stored on a removable USB flash drive. This USB flash drive may be taken to the municipal clerk’s office or county clerk’s office where the ballot images and election results may be uploaded into an election results management program or transferred to another memory device or machine to facilitate storage. The DS200 does not store any images or data in its internal memory.



**Voter Information Screens:** The DS200 features a 12-inch touchscreen display to provide feedback to the voter regarding the disposition of any ballot inserted into the machine. The screens are designed to alert voters to errors on their ballot. The DS200 will, depending on the situation, provide details about the error, identify the specific contests where the errors occurred, allow the ballot to be returned to the voter, and provide the option for the voter to cast the ballot with errors on it. In two scenarios, the machine will not let the voter cast a ballot and will only return the ballot to the voter. A ballot that has unreadable marks on it will not be accepted by the machine and the DS200 will automatically return ballots if a voter attempts to insert multiple ballots into the machine at the same time.

- **Ballot Counted:** If the ballot is scanned and accepted by the machine, a message appears that states the ballot has been counted.

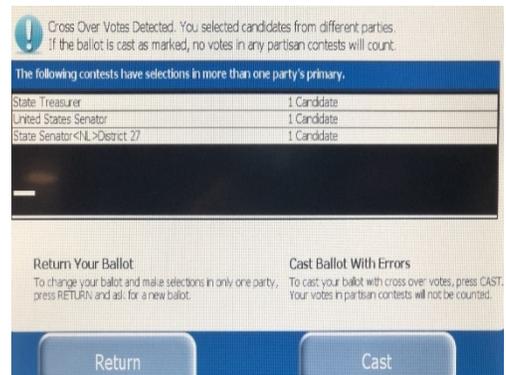


- Overvote Notification:** If the ballot contains an overvote, a message appears that identifies the contest or contests with overvotes. The message also tells the voter that these votes will not count. The language displayed in this notification reflects the requirements as approved by the Commission.



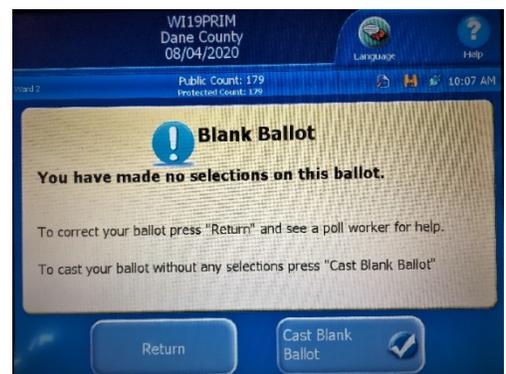
The voter has the option to return the ballot for review or cast the ballot. If there are multiple errors the voter is given an option to review the next error. Instructions above the “Return” button direct the voter to press “Return” if they wish to correct their ballot. The voter is also instructed to ask for a new ballot. Instructions above the “Cast” button direct the voter to press “Cast” if they wish to submit their ballot with votes that will not count. Instructions above the “Next” button direct the voter to press “Next” if they wish to review additional errors on their ballot. Once all the errors have been reviewed, the voter will have the option to cast the ballot.

- Crossover Vote Notification:** If a ballot is inserted with votes in more than one party’s primary, a message appears that identifies the contests with crossover votes. As in the notification for an overvote, the language displayed in this notification reflects the requirements as approved by the Commission.

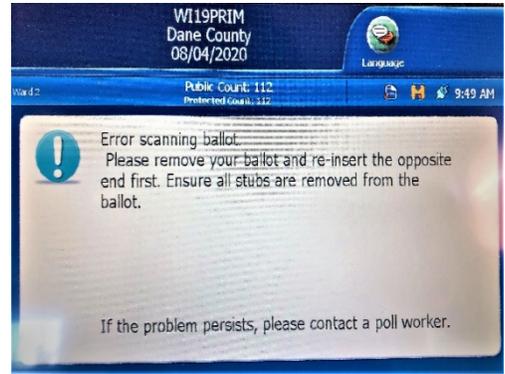


The voter has the ability to return the ballot for review or cast the ballot. If there are multiple errors the voter is given an option to review the next error. Instructions above the “Return” button direct the voter to press “Return” if they wish to correct their ballot to reflect their party preference. The voter is instructed to ask for a new ballot. Instructions above the “Next” button direct the voter to press the “Next” button if they wish to review additional errors on their ballot. Once all errors have been reviewed, the voter will have the option to cast the crossover-voted ballot.

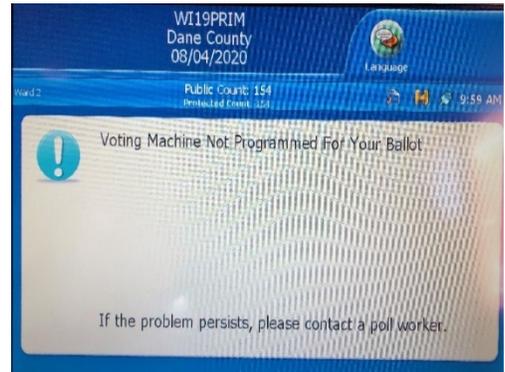
- Blank Ballot Notification:** If the ballot contains no votes, a message appears that states the ballot is blank. The voter is instructed to press “Return” to correct their ballot and see a poll worker for help. The voter is instructed to press “Cast Blank Ballot” to submit their ballot without any selections.



- **Error Scanning Ballot:** If a ballot is inserted incorrectly, the DS200 will return the ballot to the voter and advise that the voter reinsert the ballot into the tabulator. The DS200 does not allow the voter to cast the ballot without resolving the issue and, if the issue persists, the voter is instructed to contact a poll worker for assistance.

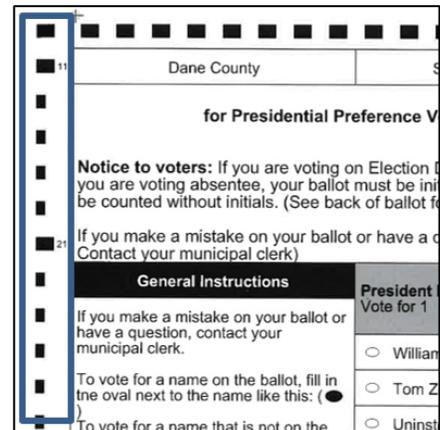


- **Voting Machine Not Programmed For Your Ballot:** This error will be displayed if a voter attempts to insert a ballot that is for a separate reporting unit or ward other than those programmed on the tabulator. This error message is especially useful in instances of polling places that have multiple or several different reporting units voting in the same location.



The screen shots above illustrate the manufacturer’s default configuration. This system may also be programmed, at the request of the municipality, to automatically reject all ballots with overvotes or crossover votes without the option for override, which requires the voter to correct the error by remaking his or her ballot. This ensures that voters do not mistakenly process a ballot on which a vote for one candidate or all candidates will not count. The automatic rejection configuration of the DS200, however, creates issues for processing absentee ballots because no voter is present to correct the error. These ballots would have to be remade without the improperly voted contests before they could be processed by the DS200.

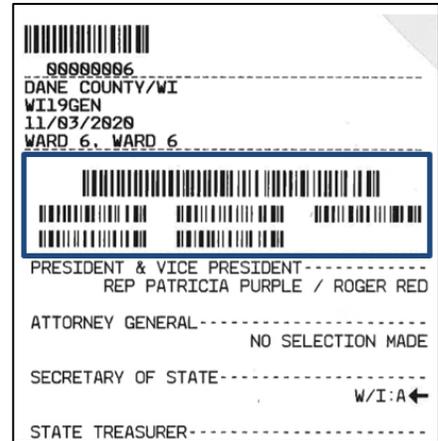
**Reading Ballots:** The DS200 uses proprietary software called Intelligent Mark Recognition to identify properly marked votes on a hand-marked ballot. Ballots used in conjunction with this system are designed with an oval next to the candidate name or ballot choice that a voter would fill in to indicate their choice. The machine uses coordinates determined by the timing marks laid out and printed on the border of the optical scan ballot to determine which contest and candidate each filled-in oval corresponds with. It does not read the actual candidate name printed next to the oval to determine voter intent as the voting equipment programming is responsible for determining the correlation between the filled-in oval and the candidate name.



A digital image of both sides of the ballot is captured by the machine when the ballot is inserted and the DS200 scans the ballot images to determine and record the voter’s choices. ES&S recommends

that voters use a specific marking device (BIC Grip Roller Ball pen) to mark ballots processed on the DS200. Per the supporting documentation provided by ES&S as part of its application, an improper mark is defined as being “smaller than .005 square inches as a marked response on a pixel count basis.” Marks that do not have a greater pixel count than this standard will be read by the equipment as an unmarked oval.

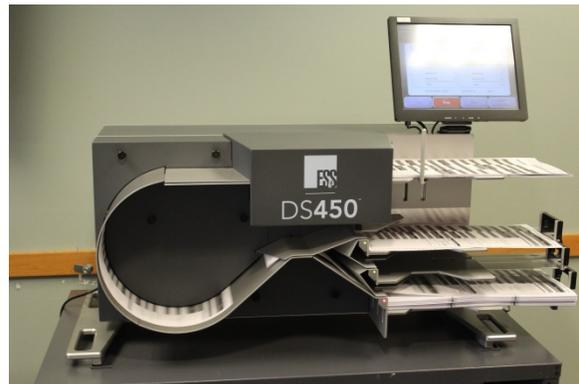
Ballots marked using the ExpressVote are tabulated by the DS200 based on the barcodes that print on the top sections of the ballot card after the voter has made their selections. The barcode at the top of the ballot represents the ballot style for that ballot and indicates to the tabulator which contests and candidates are contained on that style. Each barcode listed in the highlighted section in the image provided to the right represents the same coordinates used by the DS200 to identify contest and candidate information found on the hand-marked optical scan ballot. The DS200 reads those barcodes and uses that information to determine voter intent.



**Printing Reports:** The DS200 includes an internal thermal printer for the printing of the zero reports, log reports, and polling place totals upon the official closing of the polls. An additional update in this system version provides the ability to choose between two font sizes on the report tape, depending on preference. The default font size is still available, but the DS200 may also be configured to print in a much larger font that is clearer and easier to read.

## 2. DS450

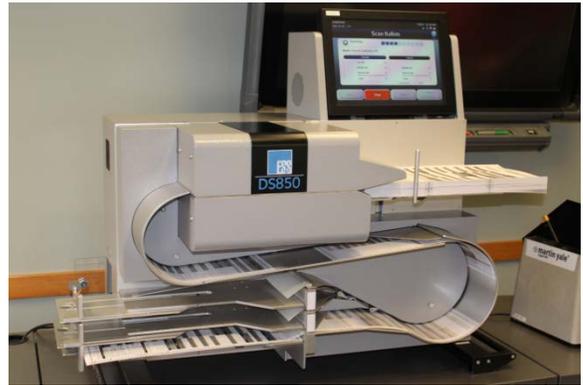
The DS450 is a mid-range digital scan ballot tabulator designed for use by election officials at a central count facility. This machine can accommodate a variety of different length ballots and can process between 60 and 90 ballots per minute, depending on the size of the ballot. The DS450 uses technology similar to the DS200 to image both sides of the ballot and identify properly marked votes. Three sorting trays are available that can be configured to set apart specific types of ballots for further review.



For example, an election official can use the touchscreen interface to program the machine to sort all ballots containing write-in votes or all overvoted ballots into separate trays for hand tabulation or review. While processing ballots, the DS450 prints a continuous audit log to a dedicated audit log printer. Reports are printed from a second printer. The DS450 saves voter selections and ballot images to an internal hard disk and exports results to a USB flash drive for processing with the Election Management System.

### 3. DS850

The DS850 is a high-speed, digital scan ballot tabulator designed for use by election officials at a central count facility. The DS850 can scan and count up to 300 ballots per minute. It uses digital cameras and imaging systems to read the front and back of each ballot, evaluate the result, and sort each ballot into trays based on the result to maintain continuous scanning and tabulating. Multiple criteria can be used to segregate ballots for review, including overvotes, crossover votes and blank ballots. Depending on the situation, ballots segregated in this fashion may not be counted and may need to be remade by the election inspectors. Election officials use a 14-inch touchscreen display to program these features of the DS850. While processing ballots, the DS850 prints a continuous audit log to a dedicated audit log printer. Reports are printed from a second connected printer. The DS850 saves voter selections and ballot images to an internal hard disk and exports results to a USB flash drive for processing with the Election Management System.



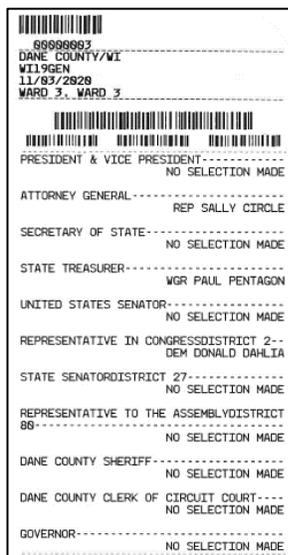
### 4. ExpressVote

The ExpressVote is an electronic vote capture device designed for use by all voters. It features a touchscreen display and integrated thermal printer.

Voters insert a blank ballot card in the machine to begin the voting process. Ballot instructions, contests and candidates are displayed on the screen and they have the option to use the touchscreen or the keypad to navigate the ballot and make selections.



The voter may adjust the text contrast and size of the display, if needed. Each button on the tactile keypad has both Braille and printed text labels designed to indicate function and use to the voter. In addition, voters may also use headphones to access the audio ballot function that provides a recording of the ballot instructions and lists candidates and options for each contest. The volume and tempo of the audio can be adjusted by the voter and they can use the touchscreen, tactile keypad, or other assistive technology to make their selections.

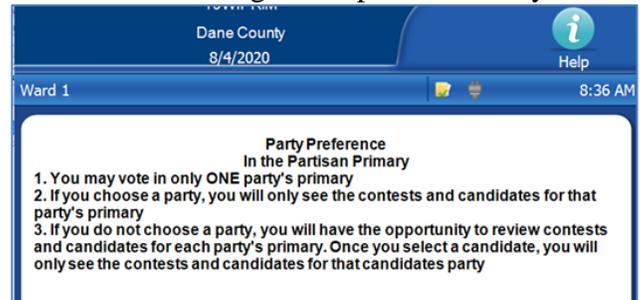


The ExpressVote provides a ballot summary screen for the voter to review their selections before the ballot is marked by the built-in printer. Overvotes and crossover votes cannot occur on this equipment and a voter is warned about undervotes on the ballot summary screen. Once the voter confirms their selections, those selections are printed on ballot and the machine returns the ballot to the voter. The ExpressVote ballot cards do not employ the oval format but utilize an unambiguous ballot format where the names of candidates and referendum choices are printed directly on the

ballot card along with the names of the contest. The phrase “No Selection” appears under any contest in which the elector did not vote.

After the voter completes the process, the ExpressVote clears its internal memory and the paper ballot is the only record of the voting selections made. Ballot cards marked using the ExpressVote can be processed by the DS200 or deposited into a secured ballot box to be hand tabulated by election inspectors after the polls have closed. Ballot cards marked using the ExpressVote may also be tabulated using the DS450 and DS850.

For Partisan Primary elections, the ExpressVote displays language similar to the verbiage on the DS200. This language further clarifies the unique instructions for voting in such an election and reflects previous Commission recommendations.



#### 5. ExpressVote Tabulator (EVT)

In addition to the base functions of the ExpressVote, this system version also introduces a variant of the ExpressVote which incorporates the printing of the voter’s ballot selections as a cast vote record and tabulation into the same unit. The process for marking a ballot is largely the same as it would be on the base ExpressVote system, but at the end of the process a voter would have the option to cast their voted ballot card without confirming how the machine interpreted their selections. The voter begins by inserting a blank voting card, making their selections using the touchscreen, and then reviews their selections on a ballot summary screen at which point they may make any requisite changes.

After the voter has confirmed their selections, they will be given the option to either have the ballot card returned to them to physically review their selections again or to automatically cast their ballot, at which point the ballot card will be deposited into the affixed ballot bin and tabulated accordingly. The ExpressVote tabulator can operate in the same polling place as a separate tabulator, e.g., a DS200, but it is not able to transmit results when polls close.

While an ExpressVote equipped with a tabulator does allow the voter the option of physically reviewing the ballot prior to reinserting and casting it, this function is not automatic. The voter must either choose between having the ballot returned or having it cast and tabulated without further review. If the voter has chosen to review their ballot, the ballot card will be marked and returned to them. Following the review and confirmation of the voter’s choices, the voter will then reinsert the ballot card and confirm that they wish to cast the ballot, at which time it will be tabulated and deposited into the ballot bin.

#### 6. ExpressLink

ExpressLink is an application software used to pre-print ballot cards for the ExpressVote so that ballot style information is automatically loaded when the ballot card is put into the ExpressVote. Ballot style information, in the form of a barcode for Ward 1 ballots and a different code for Ward 2 ballots, are printed at the top of the blank ExpressVote ballot card using an ExpressLink associated printer. If blank ballot cards are used in these situations, a poll worker or voter will be prompted to

select the correct ballot style upon inserting the activation card. WEC staff pre-printed activation cards for this test campaign using this application and the ExpressLink printer. WEC staff incorporated these preprinted activation cards into the in-office equipment testing by including 100 ballot cards in 10 reporting units as part of the ExpressVote ballot test deck. A more detailed explanation of the ExpressLink testing on page 16 of this report.

As in previous testing campaigns, this feature worked as designed. However, neither the ExpressLink application nor ExpressLink printer are federally certified by the EAC. SLI, a Voting System Test Laboratory, determined it to be outside of the scope of certification but SLI did review the source code for 2005 VVSG compliance. SLI tested the equipment and found that it functions as stated in the technical data package for this voting system. No other federal testing was performed on this equipment. ES&S states that these products do not require federal certification. These products are described as ancillary products available to a jurisdiction who may purchase the system. These products are not required for the ExpressVote to function and, in their absence, election inspectors will need to activate each ballot on the ExpressVote if more than one ballot style is available on the machine.

i. Software

EVS 6.0.4.0 offers an update to the ElectionWare software suite previously approved for use in Wisconsin under EVS 5.2.0.0. ElectionWare integrates election administration functions into a unified application and is used to create the programming definitions for an election and to create the files used by the DS200, DS450, DS850, ExpressVote, and EMS.

The software components used during this test campaign were as follows:

<i>Software</i>	<i>Version</i>
ElectionWare	5.0.4.0
ES&S Event Logging Service (ELS)	1.6.0.0
ExpressVote Previewer (HW 1.0)	1.5.2.0
ExpressVote Previewer (HW 2.1)	2.4.5.0
ExpressLink*	1.5.0.0
Removable Media Service (RMS)	1.5.1.0

WEC staff visually verified the software version numbers for each component of the EVS 6.0.4.0 by checking the component’s configuration display.

In addition to the verification of software version numbers, WEC staff also had the opportunity to interact with several functionalities of the software components of EVS 6.0.4.0. The functionality of the three tabulators that capture digital ballot images increases the ability of groups requesting to conduct post-election audits of the vote. The images could be provided or made publicly available via a county or municipal website, in lieu of copies of paper ballots.

These ballot images can be exported to the Election Management System and a report listing the disposition of each vote on a ballot can be viewed. This feature can be used to verify how a tabulator treated a vote or ballot if questions arise as to how the machine counted votes for a contest or on a specific ballot, or ballots. The ballot image files serve as a reliable backup in the event that original ballot images are lost or damaged.

A. EVS 6.0.5.0 (base voting system with modeming functionality)

EVS 6.0.5.0 is a modification to EVS 6.0.4.0 that provides support for modeming of unofficial election results from a DS200 to a Secure File Transfer Protocol (SFTP) server through public wireless telecommunications networks. All modifications of the system were tested to the 2005 VVSG by SLI Compliance.

At its May 21, 2013, meeting, pursuant to authority granted in Wis. Stat. § 5.91 and Wis. Admin. Code EL 7, the Government Accountability Board adopted testing procedures and standards pertaining to the modeming and communication functionality of voting systems that have not received EAC certification. The standards were based upon the analysis and findings outlined in a staff memorandum and detailed in the *Voting Systems Standards, Testing Protocols and Procedures Pertaining to the Use of Communication Devices in Wisconsin*, which are attached as Appendix D. These rules apply to non-EAC certified voting systems, where the underlying voting system received EAC certification to either the 2002 Voting System Standards (VSS) or 2005 VVSG, but any additional modeming component does not meet the 2005 VVSG.

WEC staff conducted testing of EVS 6.0.5.0 in three counties: Waukesha, St. Croix, and Outagamie, between September 3 and 5, 2019. In consultation with each county clerk, WEC staff selected three municipalities in each county to serve as locations for testing.<sup>1</sup> The municipalities were selected in part because of the strength of the wireless networks in the community, or lack thereof, and the municipal clerk's willingness to host the test team.

The modem in the DS200 communicates with the jurisdiction's wireless carrier or to transmit unofficial election night results to a secure server at a central office location, such as the county clerk's office. Wireless transmissions rely on networks maintained by Verizon Wireless. The server hosts a secure file transfer commercial off the shelf software package. A firewall provides a buffer between the network segment, where the server is located, and other internal virtual networks. The data that is transmitted is encrypted and it is digitally signed. The modem function may only be used after an election inspector has closed the polls and entered a password to access the control panel. The network is configured to only allow valid connections with the correct encryption key to connect to the SFTP server. The firewall further restricts the flow and connectivity of traffic.

The EMS is required to be deployed on a "hardened system," meaning that all software that is not essential to the proper functioning of the EMS is removed from the computer where the EMS is installed. This procedure is designed to increase the security of the system through the elimination of applications that may provide "back door" access to the system. Access to the internet is also restricted and the EMS provides an audit log of all system actions and connection attempts that can be used to

<sup>1</sup> Waukesha County: Village of Oconomowoc Lake, City of Pewaukee, Town of Brookfield  
St. Croix County: City of New Richmond, Village of Roberts, Town of Star Prairie  
Outagamie County: City of Seymour, Village of Black Creek, Town of Freedom

verify unauthorized access to the system while unofficial election results are being transmitted after the close of polls.

While previous versions of the EMS supported modeming through a number of service providers, e.g., Sprint, AT&T, and Verizon, this version of the EMS only supports the transmission of results via Verizon modems. During this test campaign, WEC staff successfully transmitted results in each county using Verizon modems in each municipality. During this test campaign, the strength of service ranged from two bars (lowest indicator level is zero) to five bars (highest indicator level). Election results packets were sent successfully at all service levels.

EVS 6.0.5.0 also features a Regional Results program. This stand-alone application allows for the transmission of unofficial election results from a regional location to a central office utilizing a wireless network provided Verizon. The Regional Results application allows election media containing results from different polling places to be read and then securely transferred to a server at a central office location such as the county clerk’s office.

Neither the modem function of the DS200 nor the Regional Results program impacts the tabulation of official election results.

i. Hardware

ES&S submitted the following equipment for testing as part of EVS 6.0.5.0:

<i>Equipment</i>	<i>Hardware Version(s)</i>	<i>Firmware Version</i>	<i>Type</i>
DS200	1.2.0.0 1.3.0.0 1.3.1.1	2.17.5.0	Polling Place Digital Scanner and Tabulator
DS450	1.0	3.1.1.0	Mid-range Central Count Digital Scanner and Tabulator
DS850	1.0	3.1.1.0	Central Count Digital Scanner and Tabulator
ExpressVote HW 1.0	1.0	1.5.3.0	Universal Voting System
ExpressVote HW 2.1	2.1.0.0 2.1.2.0	2.4.6.0	Hybrid Universal Voting System and precinct count tabulator

ii. Software

The software components used during this test campaign were as follows:

<i>Software</i>	<i>Version</i>
ElectionWare	5.0.5.0
ES&S Event Logging Service (ELS)	1.6.0.0

ExpressVote Previewer (HW 1.0)	1.5.3.0
ExpressVote Previewer (HW 2.1)	2.4.6.0
ExpressLink	1.5.0.0
Removable Media Service (RMS)	1.5.1.0
Regional Results	1.3.0.0

**A. Functional Testing**

A. EVS 6.0.4.0 (base voting system)

As required by Wis. Admin. Code EL § 7.02(1), WEC staff conducted three mock elections with each component of EVS 6.0.4.0 to ensure the voting system conforms to all Wisconsin requirements. These mock elections included: A partisan primary with a special nonpartisan school board election, a general election with both a presidential and special gubernatorial contest, and a presidential preference vote combined with a partisan Assembly Representative special election.

WEC staff designed a test deck of nearly 1,500 ballots using various configurations of votes over the three mock elections to verify the accuracy and functional capabilities of EVS 6.0.4.0. Using blank test ballots supplied by ES&S, WEC staff appropriately marked votes for contests and candidates as designated on a test deck spreadsheet. For each mock election, 300 paper ballots were marked to be fed through the DS200, DS450 and DS850. An additional 80 paper ballots were marked to test the write-in report function of the DS200. The functionality of the ExpressVote was tested by marking 550 ballots with the equipment across the three mock elections. This total includes 100 ballots for each mock election, plus 100 ExpressVote ballots that were marked as part of ExpressLink testing. Staff also marked a further 150 ballots on the ExpressVote to test the ExpressVote tabulation unit as it would be used on Election Day.

The paper ballots marked, as well as the votes captured by the ExpressVote, were verified by WEC staff before being scanned and counted by the DS200, DS450, and DS850 and ExpressVote tabulator. WEC staff ensured that the results produced by the three pieces of equipment were accurate and reconciled with the test deck script prior to transitioning to test the next mock election type. A small number of results anomalies, explained below, were investigated and resolved in real time.

Votes were recorded on test ballots in a variety of configurations in all contests to ensure that the programming of the tabulation equipment was compatible with Wisconsin election law, and that the equipment processed ballot markings in accordance with statutory requirements. Ballots were purposefully marked with overvoted contests and the equipment was able to consistently identify those scenarios and inform the voter about the specific contest, or contests, that were problematic. Ballots for both the Partisan Primary and Presidential Preference mock elections were also marked with votes that crossed party lines and, in each instance, the machines were able to identify those crossover votes and display the warning screen to the voter. Two different ballot styles were used for each mock election and one ballot style in each election had a special election contest included on the ballot. This inclusion was used to determine if the equipment could be programmed to accommodate multiple election definitions on the same ballot style and produce accurate results. In all instances, the equipment was

found to have accurately tabulated votes and correctly reflected Wisconsin election law in the programming.

The test decks used for this campaign were also designed to determine what constitutes a readable mark by each piece of tabulation equipment included in this system. A subset of ballots in the test deck were marked using “special marks.” The ballots with special marks were processed by the tabulation equipment. WEC staff reviewed the results to determine which of the special marks were read by the tabulation machines. The chart below illustrates actual marks from test deck ballots that were successfully read and counted as “good marks” by the DS200, DS450 and DS850.

Examples of Marks Read by the EVS 6.0.4.0 Components during Testing			
<input checked="" type="radio"/> Turanga Leela	<input checked="" type="radio"/> William Adama	<input type="radio"/> James T. Kirk	<input type="radio"/> Roger Waters
<input type="radio"/> Philip J. Fry	<input type="radio"/> Tom Zerek	<input checked="" type="radio"/> Harry Mudd	<input checked="" type="radio"/> David Gilmour
<input type="radio"/> Uninstructed	<input type="radio"/> Uninstructed	<input type="radio"/> Uninstructed	<input type="radio"/>

All three pieces of equipment were able to correctly read marks in pencil, black pen, blue pen, red pen, and green pen as well as using ballot markers provided by ES&S. The test decks also included ballots folded to simulate absentee ballots and ballots with slight tears in them. Folded ballots were able to be processed on the DS200, DS450 and DS850. It is possible, however, for ballots with folds directly through the oval to create what is best described as a false positive. While all three pieces of equipment processed slightly torn ballots without incident, anything other than a slight tear was only able to be processed by the DS200. Ballots with large tears resulted in jams in both the DS450 and the DS850.

Blank ballots were also included to determine how each of the three different tabulators would treat these ballots. The DS200 was able to identify blank ballots and provide a warning message to the voter that indicated the ballot was blank and provide options to return the ballot or cast it as is. This functionality was also tested on the DS450 or DS850, with the blank ballots diverted to a separate tray for election inspector review.

Ballots with write-in votes tabulated by the DS200 are marked by the tabulator with a small pink circle on one end of the ballot. Depending on the ballot box used, these ballots may or may not be diverted into a separate write-in bin. This voting system can also be configured to capture ballot images of ballots with write-ins and store them on the external USB flash drive, which would permit write-in votes to be easily verified within the ElectionWare EMS. For a more detailed review of the testing staff conducted to review the DS200’s write-in report functionality, please see Appendix F.

Staff also conducted testing on the ExpressLink application and ballot style printer. The ExpressLink printer places a barcode on an ExpressVote ballot that, when inserted, automatically loads a voter’s correct ballot style. To ensure that the ExpressLink printer functions appropriately, staff placed ballot style activation codes on 100 ExpressVote ballot cards, representing 10 ballot styles. These 100 ballot cards were then placed in the ExpressVote and marked according to a pre-set test script. Each of the 100 ExpressVote ballot cards that had been pre-printed with the ExpressLink ballot style activation codes loaded the corresponding ballot style correctly. Further detail on the testing protocol employed to test the ExpressLink functionality can be found in Appendix E.

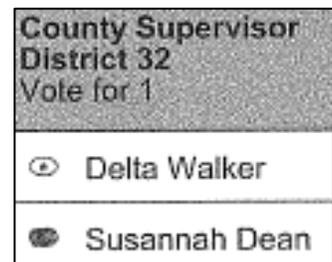
The final piece of equipment tested as part of EVS 6.0.4.0 was the ExpressVote tabulator (EVT). As discussed above, the EVT functions quite similarly to the standard ExpressVote ballot marking device. Voters insert a blank ballot card and make their selections on a touch screen display. Following their selections, and an on-screen ballot review section, voters are given the opportunity to review their physical ballot or to directly cast the ballot, through the tabulation unit into the attached ballot bin.

The addition of the tabulation component required separate testing to be conducted on the EVT. During initial rounds of testing, staff subjected the EVT to the same test requirements as the three other tabulation devices released as part of EVS 6.0.4.0. For each mock election 100 ExpressVote ballot cards were cast on the EVT. All ballot cards used as part of the ExpressLink test were also cast on the EVT, a further 100. To replicate an Election Day scenario, staff marked an additional 150 ballots directly on the EVT, with the ballot cards cast directly into the attached ballot bin. The results were then reconciled against the pre-set test matrix for each election type. In each mock election, the EVT accurately tabulated all votes cast.

Despite the EVT's accurate tabulation, staff considers the direct cast option problematic and in conflict with Wis. Stat. § 5.91(15) and (18). There is no way to set the EVT to automatically return a voter's ballot card for physical review. A voter has to choose that their card be returned for review. Staff does not believe that this meets Wisconsin statutory requirements regarding voters having the opportunity to physically verify their choices before leaving the voting area.

The majority of ballots in the test deck were processed without incident during the test campaign, but there were minimal anomalies identified. There was a single instance in which a ballot with an erasure mark that was not captured by the DS850 or DS200 triggered an overvote on the DS450. An investigation of the cast vote record showed that the oval containing the erasure appeared much darker when scanned by the DS450 tabulator than to the naked eye. Other test ballots that contained lighter erasure marks were treated uniformly by all three tabulators.

In addition, ballots that were purposefully marked with slight resting marks were not treated consistently across all three machines. As shown in the example to the right, on ballots where there were heavy, or especially dark resting marks, the DS850, in several instances, did not read the resting mark in the oval as an overvote and counted the ballot correctly. However, the DS450 and DS200 both read the mark as unclear, or an overvote, and would not accept the ballot as marked. Additional test ballots that were marked with lighter resting marks within an oval, or with resting marks touching the edge or outside of the oval were all treated the same by the three machines and these marks did not negatively impact the counting of votes on those ballots.



Anomalies such as these are common during a testing campaign and are identified by the purposeful inclusion of ambiguous marks on test deck ballots. In both instances, voter behavior in marking the ballot (erasure smudge and resting mark within an oval) played a significant role in the disposition of those ballots by the voting equipment. No anomalies that presented during testing affected the outcome in any way. All elections reconciled, as required. Testing results and staff observation of the system indicate that EVS 6.0.4.0 consistently identifies and tabulates correctly marked votes in a uniform fashion. The system is also flexible enough to correctly interpret special marks made within an oval while not considering resting or stray marks made outside of an oval.

B. EVS 6.0.5.0 (base voting system with modeming functionality)

WEC staff conducted functional testing of EVS 6.0.5.0 in Waukesha, St. Croix, and Outagamie counties based on the *Voting Systems Standards, Testing Protocols and Procedures Pertaining to the Use of Communication Devices in Wisconsin*. A four-person team of WEC staff conducted this testing campaign between September 3 to 5, 2019. Two representatives from ES&S were on hand in each county to provide technical support. ES&S provided three (3) DS200s in each county, each equipped with a Verizon wireless modem. Also provided by ES&S as part of testing was a portable EMS environment, which included an SFTP client, firewall, and Electionware software. In each location, ES&S set up the portable environment in the county office to receive test election results from each municipal testing location. In each municipal location, WEC staff inserted a pre-marked package of 10 test ballots through the DS200 to create an election results packet to transmit to the county office. A WEC staff member was present at the county office to observe how the portable EMS environment handled the transmissions.

In previous test campaigns, staff tested both wireless and analog (wired) modems. Testing for EVS 6.0.5.0, however, was performed only with wireless modems, as there was no analog component submitted for certification. An additional change to EVS 6.0.5.0 is the method of wireless transmission, referred to as a “Zero Tunnel” by ES&S. As part of EVS 6.0.5.0, the unofficial results data continues to be encrypted and digitally signed but is transmitted via a further encrypted virtual private network (VPN) hosted by Verizon Wireless. Without the correct encryption key, the incoming data is prevented from reaching the EMS workstation.

i. Waukesha County

On September 3, 2019, WEC staff conducted tests on the EVS 6.0.5.0 modem component in three municipalities: City of Pewaukee, Village of Oconomowoc Lake, and Town of Brookfield. ES&S conducted pre-testing of the EVS 6.0.5.0 wireless modem component in Waukesha County prior to WEC testing. A DS200 equipped with Verizon wireless modem was tested in all three municipalities. A test script was used to ensure that each machine conforms to the communications device standards and was able to transmit accurate election results data from the DS200 to the Election Management System.

<b>Municipality</b>	<b>Type of Modem</b>	<b>Signal Strength</b>
City of Pewaukee	Wireless	5 bars
Village of Oconomowoc Lake	Wireless	3-4 bars
Town of Brookfield	Wireless	3 bars

WEC staff successfully transmitted election results from each of the three municipalities. The test script calls for the verification of several certification standards and then requires 10 results sets to be transmitted from each DS200. The machines were able to successfully transmit multiple results with a 100% success rate during this portion of testing. The functional testing concluded with a load test during which WEC staff attempted to transmit results simultaneously from all the machines for a set period of time. Each machine was able to transmit multiple results sets with 100% success during the 15-minute load test in Waukesha County.

<b>Location</b>	<b>Modem Type</b>	<b>Initial Transmission</b>	<b>Load Test Results</b>
City of Pewaukee	Wireless	10 of 10	14 of 14
Village of Oconomowoc Lake	Wireless	10 of 10	17 of 17
Town of Brookfield	Wireless	10 of 10	15 of 15
<b>Totals</b>		<b>30 of 30</b>	<b>46 of 46</b>

ii. St. Croix County

On September 4, 2019, WEC staff conducted tests on the EVS 6.0.5.0 modem component in three municipalities: City of New Richmond, Village of Roberts, and Town of Star Prairie. ES&S conducted pre-testing of the EVS 6.0.5.0 modem component in St. Croix County prior to WEC testing. A DS200 equipped with a Verizon wireless modem was tested in all three municipalities. The same test script that was used in Waukesha County was again used during this portion of the test campaign.

<b>Municipality</b>	<b>Type of Modem</b>	<b>Signal Strength</b>
City of New Richmond	Wireless	2-3 bars
Village of Roberts	Wireless	3 bars
Town of Star Prairie	Wireless	4 bars

WEC staff successfully transmitted election results from each of the three municipalities. The test script calls for the verification of several certification standards and then requires 10 results sets to be transmitted from the DS200. The three machines each were able to successfully transmit results with an 87% success rate during this portion of testing. The functional testing concluded with a load test where WEC staff attempted to transmit results simultaneously from all the machines for a set period of time and each machine was able to transmit at least 16 results set during the stress test with zero overall transmission failures.

<b>Location</b>	<b>Modem Type</b>	<b>Initial Transmission</b>	<b>Load Test Results</b>
City of New Richmond	Wireless	10 of 10	16 of 16
Village of Roberts	Wireless	6 of 10	16 of 16
Town of Star Prairie	Wireless	10 of 10	18 of 18
<b>Totals</b>		<b>26 of 30</b>	<b>50 of 50</b>

iii. Outagamie County

On April 18, 2019, WEC staff conducted tests on the EVS 6.0.5.0 modem component in three municipalities: City of Seymour, Village of Black Creek, and Town of Freedom. ES&S conducted pre-testing of the EVS 6.0.5.0 modem component in Outagamie County prior to WEC testing. A DS200 equipped with a Verizon wireless modem was tested in all three municipalities. The same test script that was used in Waukesha and St. Croix Counties was again used during this portion of the test campaign.

<b>Municipality</b>	<b>Type of Modem</b>	<b>Signal Strength</b>
City of Seymour	Wireless	3-4 bars
Village of Black Creek	Wireless	0-2 bars
Town of Freedom	Wireless	4 bars

WEC staff successfully transmitted election results from each of the three municipalities using wireless modems. The test script calls for the verification of several certification standards and then requires 10 results sets to be transmitted from the DS200. The three machines each were able to transmit results sets during this portion of testing with a 97% rate of success. The functional testing concluded with a load test during which WEC staff attempted to transmit results simultaneously from all of the machines for a set period of time and each machine was able to transmit at least 15 results set during the stress test with zero overall transmission failures.

<b>Location</b>	<b>Modem Type</b>	<b>Initial Transmission</b>	<b>Load Test Results</b>
City of Seymour	Wireless	10 of 10	19 of 19
Village of Black Creek	Wireless	9 of 10	16 of 16
Town of Freedom	Wireless	10 of 10	15 of 15
<b>Totals</b>		<b>29 of 30</b>	<b>50 of 50</b>

## **B. Public Demonstration**

A public demonstration of EVS 6.0.4.0 was held August 29, 2019, from 4:00 p.m. to 5:30 p.m. in Madison at the WEC office. The public meeting is designed to allow members of the public the opportunity to use the voting system and provide comment. There were two attendees at the public demonstration.

Feedback routed to WEC via the League of Women Voters from one attendee addressed that attendee's concern after having difficulty determining how to print their ballot for review when the font size was increased on the ExpressVote Tabulator. This attendee is visually impaired and wished to mark their ballot sans headphones. During the demonstration, staff was also able to assist the attendee with questions related to printing their ballot for review. However, the attendee remained curious as to why a voter would be required to choose to physically review their ballot.

## **C. Wisconsin Elections Commission Voting Equipment Review Panel Meeting**

In an effort to continue to receive valuable feedback from local election officials and community advocates during the voting equipment approval process, the Wisconsin Elections Commission formed a Voting Equipment Review Panel. Wis. Admin. Code EL §7.02(2), permits the agency to use a panel of local election officials and electors to assist in the review of voting systems.

Nine of the 25 invited participants attended the Voting Equipment Review Panel Meeting, which is composed of municipal and county clerks, representatives of the disability community, and advocates for the interests of the voting public. The meeting took place at the WEC office in Madison on August 29, 2019, from 2:00 p.m. to 3:30 p.m. ES&S provided a demonstration of EVS 6.0.4.0 with attendees encouraged to test the equipment. The modeming component of EVS 6.0.5.0 was discussed but not

demonstrated during the meeting. Comments and feedback from the Voting Equipment Review Panel meeting are included in Appendix G.

#### D. Statutory Compliance

Wis. Stat. §5.91 provides the following requirements voting systems must meet to be approved for use in Wisconsin. Please see the text below of each requirement and staff’s analysis of the EVS 6.0.4.0 and EVS 6.0.5.0’s compliance with the standards.

<b>§ 5.91 (1)</b>
The voting system enables an elector to vote in secret.
<b>Staff Analysis</b>
The ES&S voting systems meet this requirement by allowing a voter to vote a paper ballot in the privacy of a voting booth or at the accessible voting station without assistance.

<b>§ 5.91 (3)</b>
The voting system enables the elector, for all elections, except primary elections, to vote for a ticket selected in part from the nominees of one party, and in part from nominees from other parties and write-in candidates
<b>Staff Analysis</b>
The ES&S voting systems allow voter to split their ballot among as many parties as they wish during any election that is not a partisan primary.

<b>§ 5.91 (4)</b>
The voting system enables an elector to vote for a ticket of his or her own selection for any person for any office for whom he or she may desire to vote whenever write-in votes are permitted.
<b>Staff Analysis</b>
The ES&S voting systems allow write-ins where permitted.

<b>§ 5.91 (5)</b>
The voting systems accommodate all referenda to be submitted to electors in the form provided by law.
<b>Staff Analysis</b>
The ES&S voting systems meet this requirement. Referenda included as part of testing were accurately tabulated by all EVS 6.0.4.0 components.

<b>§ 5.91 (6)</b>
The voting system permits an elector in a primary election to vote for the candidates of the recognized political party of his or her choice, and the system rejects any ballot on which votes are cast in the primary of more than one recognized political party, except where a party designation is made or where

an elector casts write-in votes for candidates of more than one party on a ballot that is distributed to the elector.

**Staff Analysis**

The ES&S voting systems can be configured to always reject crossover votes without providing an opportunity for the voter to override. The system can also be programmed to provide a warning screen to the voter that identifies any crossover voted contest. Either one of these programming options allows these systems to meet this requirement. The warning screen provides options where the voter can choose to have their ballot returned to them or they can cast the ballot without correcting the crossover vote. The use of the override function was previously prohibited by statute, but Wis. Stats. §5.85(2)(b) expressly allows for the optional use of the override function in event of an overvote and the WEC has applied the same standard to the use of the override function in the event of crossover vote.

**§ 5.91 (7)**

The voting system enables the elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; to vote for or against any question upon which the elector is entitled to vote; and it rejects all choices recorded on a ballot for an office or a measure if the number of choices exceeds the number which an elector is entitled to vote for on such office or on such measure, except where an elector casts excess write-in votes upon a ballot that is distributed to the elector.

**Staff Analysis**

The ES&S voting systems can be configured to always reject overvotes without providing an opportunity for the voter to override. The system can also be programmed to provide a warning screen to the voter that identifies any overvoted contest. Either one of these programming options allows these systems to meet this requirement. The warning screen provides options where the voter can choose to have their ballot returned to them or they can cast the ballot without correcting the overvote. The use of the override function was previously prohibited by statute, but Wis. Stats. §5.85(2)(b) expressly allows for the optional use of the override function in event of an overvote.

**§ 5.91 (8)**

The voting system permits an elector at a General Election by one action to vote for the candidates of a party for President and Vice President or for Governor and Lieutenant Governor.

**Staff Analysis**

The ES&S voting systems meet this requirement. Traditional paper ballots utilized by the DS200, as well as the ExpressVote candidate screens, present the two candidates in these contests as a single choice.

**§ 5.91 (9)**

The voting system prevents an elector from voting for the same person more than once, except for excess write-in votes upon a ballot that is distributed to the elector.

**Staff Analysis**

The ES&S voting systems meet this requirement.

**§ 5.91 (10)**

The voting system is suitably designed for the purpose used, of durable construction, and is usable safely, securely, efficiently and accurately in the conduct of elections and counting of ballots.

**Staff Analysis**

The ES&S voting systems meet this requirement.

**§ 5.91 (11)**

The voting system records and counts accurately every vote and maintains a cumulative tally of the total votes cast that is retrievable in the event of a power outage, evacuation or malfunction so that the records of votes cast prior to the time that the problem occurs is preserved.

**Staff Analysis**

The ES&S voting systems meet this requirement.

**§ 5.91 (12)**

The voting system minimizes the possibility of disenfranchisement of electors as the result of failure to understand the method of operation or utilization or malfunction of the ballot, voting system, or other related equipment or materials.

**Staff Analysis**

The ES&S voting systems can be programmed to provide warning screens to the voter that identifies any problem with their ballot. The warning screens provide an explanation of the problem and allow the voter to have their ballot returned to them to review and correct the error. The systems can be configured to always reject overvotes and crossover votes without providing an opportunity for the voter to override.

**§ 5.91 (13)**

The automatic tabulating equipment authorized for use in connection with the system includes a mechanism which makes the operator aware of whether the equipment is malfunctioning in such a way that an inaccurate tabulation of the votes could be obtained.

**Staff Analysis**

The ES&S voting systems meet this requirement.

**§ 5.91 (14)**

The voting system does not use any mechanism by which a ballot is punched or punctured to record the votes cast by an elector.

**Staff Analysis**

The ES&S voting systems do not use any such mechanism to record votes.

**§ 5.91 (15)**

The voting system permits an elector to privately verify the votes selected by the elector before casting his or her ballot.

**Staff Analysis**

The ES&S voting systems meet this requirement through the use of hand-marked paper ballots and accessible voting equipment that provides both an electronic ballot review screen and a marked paper ballot that can be reviewed before tabulation. However, due to its direct cast feature and the lack of automatic ballot return for voter review on the ExpressVote Tabulator, that specific piece of equipment does not meet this requirement.

**§ 5.91 (16)**

The voting system provides an elector the opportunity to change his or her votes and to correct any error or to obtain a replacement for a spoiled ballot prior to casting his or her ballot.

**Staff Analysis**

The ES&S voting systems meet this requirement. Traditional paper ballots can be changed and/or spoiled at any point up to being placed in the tabulator. ExpressVote ballots are printed for the voter to review prior to casting in a tabulator and can be spoiled at will by the voter.

**§ 5.91 (17)**

Unless the ballot is counted at a central counting location, the voting system includes a mechanism for notifying an elector who attempts to cast an excess number of votes for a single office the ballot will not be counted, and provides the elector with an opportunity to correct his or her ballot or to receive a replacement ballot.

**Staff Analysis**

The ES&S voting systems can be programmed to provide warning screens to the voter that identifies any problem with their ballot. The warning screens provide an explanation of the problem and allow the voter to have their ballot returned to them to review and correct the error. The systems can be configured to always reject overvotes and crossover votes without providing an opportunity for the voter to override.

**§ 5.91 (18)**

If the voting system consists of an electronic voting machine, the voting system generates a complete, permanent paper record showing all votes cast by the elector, that is verifiable by the elector, by either visual or nonvisual means as appropriate, before the elector leaves the voting area, and that enables a manual count or recount of each vote cast by the elector.

**Staff Analysis**

Since the ES&S voting systems presented for approval require paper ballots to be used to cast votes, this requirement is satisfied. However, due to its direct cast feature and the lack of automatic ballot return for voter review on the ExpressVote Tabulator, that specific piece of equipment does not meet this requirement.

The Help America Vote Act of 2002 (HAVA) also provides the following applicable requirements that voting systems must meet:

**HAVA § 301(a)(1)(A)**

The voting system shall:

- (i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;
- (ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and
- (iii) if the voter selects votes for more than one candidate for a single office –
  - (I) notify the voter that the voter has selected more than one candidate for a single office on the ballot;
  - (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and,
  - (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted

**HAVA § 301(a)(1)(C)**

The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

**HAVA § 301(a)(3)(A)**

The voting system shall—

- (A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters

<b>Staff Analysis</b>
The ES&S voting system components, with the exception of the ExpressVote Tabulator, meet these requirements through the inclusion of options for ADA-compliant voting machines municipalities can choose to employ.

## **E. Recommendations**

Staff has reviewed the application materials, including the technical data package and testing lab report, and examined the results from the functional and modeming test campaigns to determine if these systems are compliant with both state and federal certification laws. EVS 6.0.4.0, with the exception of the ExpressVote tabulator, complies with all applicable state and federal requirements. As EVS 6.0.4.0 is the base voting system for EVS 6.0.5.0, EVS 6.0.5.0 also meets this standard. The remaining voting system components met all standards over three mock elections and staff determined they can successfully run a transparent, fair, and secure election in compliance with Wisconsin Statutes. The systems also enhance access to the electoral process for individuals with disabilities with the inclusion of the ExpressVote vote capture system.

1. WEC staff recommends approval of ES&S voting system EVS 6.0.4.0 and components set forth in the tables on pages 4 and 11 above, with the exception of the ExpressVote tabulator, as described below in item 3. This voting system accurately completed the three mock elections and was able to accommodate the voting requirements of the Wisconsin election process.
2. WEC staff recommends approval of ES&S voting system EVS 6.0.5.0, with the exception of the ExpressVote tabulator, and components set forth in the tables on pages 13 and 14 above. The analog modem functionality of this system was not submitted for testing by ES&S and that functionality is not recommended for approval as part of this system version. This recommendation is based on the VSTL report provided by SLI Compliance and on this voting system successfully completing a functional test according to the *Voting Systems Standards, Testing Protocols and Procedures Pertaining to the Use of Communication Devices in Wisconsin*.
3. WEC staff recommends approval of the ExpressLink application software and ballot style printer as part of the WEC's approval. While this product lacks EAC certification, the component performed successfully when evaluated under a Commission approved test protocol.
4. WEC staff does not recommend approval of the ExpressVote Tabulator. With its direct cast feature, and no way to be programmed for automatic ballot return for voter review, staff believes that this specific piece of equipment does not meet the requirements laid out in Wis. Stat. §5.91(15),(18). These statutes state that equipment must permit an elector to privately verify the votes selected by the elector before casting his or her ballot, and that it must generate a complete, permanent paper record showing all votes cast by each elector, that is verifiable by the elector, by visual or non-visual means, before the elector leaves the voting area.
5. WEC staff recommends that as a continuing condition of the WEC's approval, ES&S may not impose customer deadlines contrary to requirements provided in Wisconsin Statutes, as determined by the WEC. In order to enforce this provision, local jurisdictions purchasing ES&S equipment

shall also include such a provision in their respective purchase contract or amend their contract if such a provision does not currently exist.

6. WEC staff recommends that as a continuing condition of the WEC's approval, that voting systems purchased and installed as part of EVS 6.0.4.0 or EVS 6.0.5.0 be configured in the same manner in which they were tested, subject to verification by the Commission or its designee. Once installed, the configuration must remain the same and may not be altered by ES&S nor by state, county, or municipal officials except as approved by the Commission.
7. WEC staff recommends that as a continuing condition of the WEC's approval, that this system must always be configured to include the following options:
  - a. Automatic rejection of crossover and overvoted ballots with or without the option to override.
  - b. Automatic rejection of all improper ballots except blank ballots.
  - c. Digital ballot images to be captured for all ballots tabulated by the system.
8. As part of US EAC certificate: ESSEVS6040, only equipment included in this certificate can be used together to conduct an election in Wisconsin. Previous versions that were approved for use by the former Elections Board and the G.A.B. are not compatible with the new ES&S voting system and are not to be used together with the equipment seeking approval by the WEC, as this would void the US EAC certificate. If a jurisdiction upgrades to EVS 6.0.4.0, it needs to upgrade each and every component of the voting system to the requirements of what is approved herein. Likewise, if a jurisdiction upgrades to EVS 6.0.5.0, it needs to upgrade each and every component of the voting system to the requirements of what is approved herein.
9. WEC staff recommends that as a condition of approval, ES&S shall abide by applicable Wisconsin public records laws. If, pursuant to a proper public records request, the customer receives a request for matters that might be proprietary or confidential, customer will notify ES&S, providing the same with the opportunity to either provide customer with the record that is requested for release to the requestor, or shall advise customer that ES&S objects to the release of the information, and provide the legal and factual basis of the objection. If for any reason, the customer concludes that customer is obligated to provide such records, ES&S shall provide such records immediately upon customer's request. ES&S shall negotiate and specify retention and public records production costs in writing with customers prior to charging said fees. In absence of meeting such conditions of approval, ES&S shall not charge customer for work performed pursuant to a proper public records request, except for the "actual, necessary, and direct" charge of responding to the records request, as that is defined and interpreted in Wisconsin law, plus shipping, handling, and chain of custody.
10. The Wisconsin application for approval contains a condition that requires the vendor to reimburse the WEC for all costs associated with the testing campaign and certification process. ES&S agreed to this requirement on the applications submitted to WEC on July 17, 2019 requesting the approval of EVS 6.0.4.0 and 6.0.5.0.

#### **F. Proposed Motion**

**MOTION:** The Wisconsin Elections Commission adopts the staff's recommendations for approval, with the exception of the ExpressVote Tabulator, of the ES&S voting system's Application for

Approval of EVS 6.0.4.0 in compliance with US EAC certificate ESSEVS6040 including the conditions described above, and the ES&S voting system's Application for Approval of EVS 6.0.5.0 including the conditions described above.

## **Appendices**

- Appendix A: Wisconsin Statutes § 5.91
- Appendix B: Wisconsin Administrative Code Ch. EL 7
- Appendix C: US-EAC Certificate of Conformance / Scope of Certification
- Appendix D: *Voting Systems Standards, Testing Protocols and Procedures Pertaining to the Use of Communication Devices in Wisconsin*
- Appendix E: ExpressLink Testing Protocol
- Appendix F: DS200 Write-In Report Pilot Test Protocol
- Appendix G: Wisconsin Voting Equipment Review Panel Feedback
- Appendix H: ES&S Ongoing Support for Windows 7

## **Appendix A: Wis. Stat. § 5.91**

**5.91 Requisites for approval of ballots, devices and equipment.** No ballot, voting device, automatic tabulating equipment, or related equipment and materials to be used in an electronic voting system may be utilized in this state unless it is certified by the commission. The commission may revoke its certification of any ballot, device, equipment, or materials at any time for cause. The commission may certify any such voting device, automatic tabulating equipment, or related equipment or materials regardless of whether any such item is approved by the federal election assistance commission, but the commission may not certify any ballot, device, equipment, or material to be used in an electronic voting system unless it fulfills the following requirements:

- (1) It enables an elector to vote in secrecy and to select the party for which an elector will vote in secrecy at a partisan primary election.
- (3) Except in primary elections, it enables an elector to vote for a ticket selected in part from the nominees of one party, and in part from the nominees of other parties, and in part from independent candidates and in part of candidates whose names are written in by the elector.
- (4) It enables an elector to vote for a ticket of his or her own selection for any person for any office for whom he or she may desire to vote whenever write-in votes are permitted.
- (5) It accommodates all referenda to be submitted to the electors in the form provided by law.
- (6) The voting device or machine permits an elector in a primary election to vote for the candidates of the recognized political party of his or her choice, and the automatic tabulating equipment or machine rejects any ballot on which votes are cast in the primary of more than one recognized political party, except where a party designation is made or where an elector casts write-in votes for candidates of more than one party on a ballot that is distributed to the elector.
- (7) It permits an elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; to vote for or against any question upon which the elector is entitled to vote; and it rejects all choices recorded on a ballot for an office or a measure if the number of choices exceeds the number which an elector is entitled to vote for on such office or on such measure, except where an elector casts excess write-in votes upon a ballot that is distributed to the elector.
- (8) It permits an elector, at a presidential or gubernatorial election, by one action to vote for the candidates of a party for president and vice president or for governor and lieutenant governor, respectively.
- (9) It prevents an elector from voting for the same person more than once for the same office, except where an elector casts excess write-in votes upon a ballot that is distributed to the elector.
- (10) It is suitably designed for the purpose used, of durable construction, and is usable safely, securely, efficiently and accurately in the conduct of elections and counting of ballots.
- (11) It records correctly and counts accurately every vote properly cast and maintains a cumulative tally of the total votes cast that is retrievable in the event of a power outage, evacuation or malfunction so that the records of votes cast prior to the time that the problem occurs is preserved.
- (12) It minimizes the possibility of disenfranchisement of electors as the result of failure to understand the method of operation or utilization or malfunction of the ballot, voting device, automatic tabulating equipment or related equipment or materials.
- (13) The automatic tabulating equipment authorized for use in connection with the system includes a mechanism which makes the operator aware of whether the equipment is malfunctioning in such a way that an inaccurate tabulation of the votes could be obtained.

- (14) It does not employ any mechanism by which a ballot is punched or punctured to record the votes cast by an elector.
- (15) It permits an elector to privately verify the votes selected by the elector before casting his or her ballot.
- (16) It provides an elector with the opportunity to change his or her votes and to correct any error or to obtain a replacement for a spoiled ballot prior to casting his or her ballot.
- (17) Unless the ballot is counted at a central counting location, it includes a mechanism for notifying an elector who attempts to cast an excess number of votes for a single office that his or her votes for that office will not be counted, and provides the elector with an opportunity to correct his or her ballot or to receive and cast a replacement ballot.
- (18) If the device consists of an electronic voting machine, it generates a complete, permanent paper record showing all votes cast by each elector, that is verifiable by the elector, by either visual or nonvisual means as appropriate, before the elector leaves the voting area, and that enables a manual count or recount of each vote cast by the elector.

**History:** 1979 c. 311; 1983 a. 484; 1985 a. 304; 2001 a. 16; 2003 a. 265; 2005 a. 92; 2011 a. 23, 32; 2015 a. 118 s. 266 (10); 2015 a. 261; 2017 a. 365 s. 111.

**Cross-reference:** See also ch. [EL 7](#), Wis. adm. code.

## **Appendix B: Wis. Admin. Code Ch. EL 7**

### **Chapter EL 7**

#### **APPROVAL OF ELECTRONIC VOTING EQUIPMENT**

**EL 7.01** Application for approval of electronic voting system.

**EL 7.02** Agency testing of electronic voting system.

**EL 7.03** Continuing approval of electronic voting system.

**Note:** Chapter EIBd 7 was renumbered chapter GAB 7 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., [Register April 2008 No. 628](#). Chapter GAB 7 was renumbered Chapter EL 7 under s. 13.92 (4) (b) 1., Stats., [Register June 2016 No. 726](#).

#### **EL 7.01 Application for approval of electronic voting system.**

(1) An application for approval of an electronic voting system shall be accompanied by all of the following:

- (a) A signed agreement that the vendor shall pay all costs, related to approval of the system, incurred by the elections commission, its designees and the vendor.
- (b) Complete specifications for all hardware, firmware and software.
- (c) All technical manuals and documentation related to the system.
- (d) Complete instruction materials necessary for the operation of the equipment and a description of training available to users and purchasers.
- (e) Reports from an independent testing authority accredited by the national association of state election directors (NASED) demonstrating that the voting system conforms to all the standards recommended by the federal elections commission.
- (f) A signed agreement requiring that the vendor shall immediately notify the elections commission of any modification to the voting system and requiring that the vendor will not offer, for use, sale or lease, any modified voting system, if the elections commission notifies the vendor that the modifications require that the system be approved again.
- (g) A list showing all the states and municipalities in which the system has been approved for use and the length of time that the equipment has been in use in those jurisdictions.

(2) The commission shall determine if the application is complete and, if it is, shall so notify the vendor in writing. If it is not complete, the elections commission shall so notify the vendor and shall detail any insufficiencies.

(3) If the application is complete, the vendor shall prepare the voting system for three mock elections, using offices, referenda questions and candidates provided by the elections commission.

**History:** Cr. [Register, June, 2000, No. 534](#), eff. 7-1-00; **correction in (1) (a), (f), (2), (3) made under s. 13.92 (4) (b) 6., Stats., Register June 2016 No. 726.**

#### **EL 7.02 Agency testing of electronic voting system.**

(1) The elections commission shall conduct a test of a voting system, submitted for approval under s. [EL 7.01](#), to ensure that it meets the criteria set out in s. [5.91](#), Stats. The test shall be conducted using a mock election for the partisan primary, a mock general election with both a presidential and gubernatorial vote, and a mock nonpartisan election combined with a presidential preference vote.

(2) The elections commission may use a panel of local election officials and electors to assist in its review of the voting system.

(3) The elections commission may require that the voting system be used in an actual election as a condition of approval.

**History:** Cr. [Register, June, 2000, No. 534](#), eff. 7-1-00; **correction in (1) to (3) made under s. 13.92 (4) (b) 6., Stats., and correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.**

#### **EL 7.03 Continuing approval of electronic voting system.**

(1) The elections commission may revoke the approval of any existing electronic voting system if it does not comply with the provisions of this chapter. As a condition of maintaining the elections commission's approval for the use of the voting system, the vendor shall inform the elections commission of all changes in the hardware, firmware and software and all jurisdictions using the voting system.

(2) The vendor shall, at its own expense, furnish, to an agent approved by the elections commission, for placement in escrow, a copy of the programs, documentation and source code used for any election in the state.

(3) The electronic voting system must be capable of transferring the data contained in the system to an electronic recording medium, pursuant to the provisions of s. [7.23](#), Stats.

(4) The vendor shall ensure that election results can be exported on election night into a statewide database developed by the elections commission.

(5) For good cause shown, the elections commission may exempt any electronic voting system from strict compliance with this chapter.

**History:** Cr. [Register, June, 2000, No. 534](#), eff. 7-1-00; **correction in (1), (4), (5) made under s. 13.92 (4) (b) 6., Stats. and corrections in (5) made under s. 13.92 (4) (b) 7., Stats., and s. 35.17, Stats., Register June 2016 No. 726.**

## Appendix C: US-EAC Certificate of Conformance / Scope of Certification

**Manufacturer:** *Election Systems & Software*  
**System Name:** *EVS 6.0.4.0*  
**Certificate:** *ESSEVS6040*

**Laboratory:** *SLI Compliance*  
**Standard:** *VVSG 1.0 (2005)*  
**Date:** *May 3, 2019*



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# Scope of Certification

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This document describes the scope of the validation and certification of the system defined above. Any use, configuration changes, revision changes, additions or subtractions from the described system are not included in this evaluation.

## Significance of EAC Certification

An EAC certification is an official recognition that a voting system (in a specific configuration or configurations) has been tested to and has met an identified set of Federal voting system standards. An EAC certification is **not**:

- An endorsement of a Manufacturer, voting system, or any of the system's components.
- A Federal warranty of the voting system or any of its components.
- A determination that a voting system, when fielded, will be operated in a manner that meets all HAVA requirements.
- A substitute for State or local certification and testing.
- A determination that the system is ready for use in an election.
- A determination that any particular component of a certified system is itself certified for use outside the certified configuration.

## Representation of EAC Certification

Manufacturers may not represent or imply that a voting system is certified unless it has received a Certificate of Conformance for that system. Statements regarding EAC certification in brochures, on Web sites, on displays, and in advertising/sales literature must be made solely in reference to specific systems. Any action by a Manufacturer to suggest EAC endorsement of its product or organization is strictly prohibited and may result in a Manufacturer's suspension or other action pursuant to Federal civil and criminal law.

## System Overview

The ES&S EVS 6.0.4.0 voting system is a modification of the ES&S EVS 6.0.2.0 voting system, certified on October 4, 2018, which contains changes in hardware, software, as well as an upgrade in the election management system's COTS operating system. The ES&S EVS 6.0.4.0 voting system is composed of software applications, central count location devices and polling place devices with accompanying firmware, and COTS hardware and software.

Electionware®

Electionware election management software is an end-to-end election management software application that provides election definition creation, ballot formation, equipment configuration, result consolidation, adjudication and report creation. Electionware is composed of five software groups: Define, Design, Deliver, Results and Manage.

#### **ExpressVote XL™**

ExpressVote XL is a hybrid paper-based polling place voting device that provides a full-face touchscreen vote capture that incorporates the printing of the voter's selections as a cast vote record, and tabulation scanning into a single unit.

#### **ExpressTouch®**

ExpressTouch Electronic Universal Voting System (ExpressTouch) is a DRE voting system which supports electronic vote capture for all individuals at the polling place.

#### **ExpressVote® Hardware 1.0**

ExpressVote Universal Voting System Hardware 1.0 (ExpressVote HW1.0) is a hybrid paper-based polling place voting device that provides touch screen vote capture that incorporates the printing of the voter's selections as a cast vote record, to be scanned for tabulation in any one of the ES&S precinct or central scanners.

#### **ExpressVote® Hardware 2.1**

ExpressVote Universal Voting System Hardware 2.1 (ExpressVote HW2.1) is a hybrid paper-based polling place voting device that provides touch screen vote capture that incorporates the printing of the voter's selections as a cast vote record, and tabulation scanning into a single unit.

ExpressVote HW2.1 is capable of operating in either marker or tabulator mode, depending on the configurable mode that is selected in Electionware.

There are two separate versions of the ExpressVote hardware version 2.1: 2.1.0.0 and version 2.1.2.0 (6.4 & 6.8). Please note that all future references to ExpressVote HW 2.1 as used throughout the document refers to both hardware versions.

#### **DS200®**

DS200 is a polling place paper-based voting system, specifically a digital scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic Cast Vote Records (CVR).

#### **DS450®**

DS450 is a central scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic Cast Vote Records (CVR).

#### **DS850®**

DS850 is a central scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic Cast Vote Records (CVR).

### Event Log Service (ELS)

ELS monitors and logs users' interactions with the Election Management System. Events that happen when a connection to the database is not available are logged to the Windows Operating System log through the ELS.

### Removable Media Service (RMS)

RMS is a utility that runs in the background of the Windows operating system. RMS reads specific information from any attached USB devices so that ES&S applications such as Electionware can use that information for media validation purposes.

## Configurations

Within the scope of the ES&S EVS 6.0.4.0 voting system, three unique configurations are supported, in order to accommodate limitations of components with the ES&S EVS6.0.4.0 voting system.

### Configuration A

ES&S EVS 6.0.4.0: Test Configuration A is comprised of the entire suite of voting system products.

- Electionware
- ExpressVote Marker (HW 1.0)
- ExpressVote Marker/Tabulator (HW 2.1)
- ExpressVote XL
- ExpressTouch
- DS200
- DS450
- DS850

### Configuration B

- Electionware
- ExpressVote Marker (HW 1.0)
- ExpressVote Marker/Tabulator (HW 2.1)
- DS200
- DS450
- DS850

### Configuration C

- Electionware
- ExpressVote XL

## Mark Definition

ES&S' declared level mark recognition for the DS200, DS450 and DS850 is a mark across the oval that is 0.02" long x 0.03" wide at any direction.

## Tested Marking Devices

Bic Grip Roller Pen

## Language Capability

EVS 6.0.4.0 supports English, Spanish, Chinese (Cantonese), Korean, Japanese, Hindi, Bengali, Vietnamese, Tagalog, Creole, Russian, and French. Configuration C also supports Punjabi and Gujarati.

## Proprietary Components Included

This section provides information describing the components and revision level of the primary components included in this Certification.

System Component	Software or Firmware Version	Hardware Version	Model	Comments
Electionware	5.0.4.0			
ES&S Event Log Service	1.6.0.0			
Removable Media Service	1.5.1.0			
ExpressVote HW 1.0	1.5.2.0	1.0		Paper-based vote capture and selection device
ExpressVote Previewer (1.0)	1.5.2.0			
ExpressVote HW 2.1	2.4.5.0	2.1.0.0 2.1.2.0		Hybrid paper-based vote capture and selection device and precinct count tabulator
ExpressVote Previewer (2.1)	2.4.5.0			
DS200	2.17.4.0	1.2.1, 1.2.3, 1.3, 1.3.11		Precinct Count Tabulator
DS450	3.1.1.0	1.0		Central Count Scanner and Tabulator
DS850	3.1.1.0	1.0		Central Count Scanner and Tabulator
ExpressVote XL	1.0.3.0	1.0		Hybrid full-faced paper-based vote capture and selection device and precinct count tabulator
ExpressTouch	1.0.3.0	1.0		DRE
Delkin USB Flash Drive		USB Flash Drive	Bitlocker 32.2MB	BitLocker USB Flash Drive
ExpressVote Rolling Kiosk		1.0	98-00049	Portable Voting Booth
Voting Booth		N/A	98-00051	Stationary Voting Booth
Quad Express Cart		N/A	41404	Portable Voting Booth

MXB ExpressVote Voting Booth		N/A	95000	Sitting and Standing Voting Booth
System Component	Software or Firmware Version	Hardware Version	Model	Comments
ExpressVote Single Table		N/A	87033	Voting Table for One Unit
ExpressVote Double Table		N/A	87032	Voting Table for Two Units
ADA Table		N/A	87031	Voting Table for One Unit
DS200 Ballot Box		1.0, 1.1	98-00009	Collapsible Ballot Box
DS200 Ballot Box		1.2, 1.3, 1.4, 1.5	57521	Plastic ballot box
DS200 Tote Bin		1.0	00074	Tote Bin Ballot Box
DS450 Cart		N/A	3002	
DS850 Cart		N/A	6823	
Universal Voting Console		1.0	98-00077	Detachable ADA support peripheral
Tabletop Easel		N/A	14040	
ExpressTouch Voting Booth		N/A	98-00081	Stationary Voting Booth
SecureSetup	2.1.0.3			Proprietary Hardening Script

## COTS Software

Manufacturer	Application	Version
Microsoft Corporation	Server 2008	R2 w/ SP1 (64-bit)
Microsoft Corporation	Windows 7 Professional	SP1 (64-bit)
Microsoft Corporation	Windows 7 Enterprise	SP1 (64-bit)
Microsoft Corporation	WSUS Microsoft Windows Offline Update Utility	11.5
Symantec	Endpoint Protection	14.2.0_MP1 (64-bit)
Symantec	Symantec Endpoint Protection Intelligent Updater (File-Based Protection)	20190122-001-core15sds5i64.exe
Symantec	Symantec Endpoint Protection Intelligent Updater (Network-Based Protection)	20190121-062-IPS_IU_SEP_14RU1.exe
Symantec	Symantec Endpoint Protection Intelligent Updater (Behavior-Based Protection)	20190115-001-SONAR_IU_SEP.exe
Gigabyte	WindowsImageTool	B17.1116.01
Cerberus	CerberusFTP Server – Enterprise	10.0.5 (64-bit)
Adobe	Acrobat	XI
Microsoft Corporation	Visual C++ Redistributable	en_visual_cpp_2015_redistributable_x86_8487157.exe (32-bit)
RSA Security	RSA BSAFE Crypto-C ME for Windows 32-bit	4.1
OpenSSL	OpenSSL	2.0.12
OpenSSL	OpenSSL	2.0.16
OpenSSL	OpenSSL	1.02d

OpenSSL	OpenSSL	1.02h
OpenSSL	OpenSSL	1.02k

## COTS Hardware

Manufacturer	Hardware	Model/Version
Dell	EMS Server	PowerEdge T420, T630
Dell	EMS Client or Standalone Workstation	Latitude 5580, E6430 OptiPlex 5040, 5050, 7020
Dell	Trusted Platform Module (TPM) Chip version 1.2	R9X21
Innodisk	USB EDC H2SE (1GB) for ExpressVote 1.0	DEEUH1-01GI72AC1SB
Innodisk	USB EDC H2SE (16GB) for ExpressVote 2.1	DEEUH1-16GI72AC1SB
Delkin	USB Flash Drive (512MB, 1GB, 2GB, 4GB, 8GB)	N/A
Delkin	Validation USB Flash Drive (16 GB)	N/A
Delkin	USB Embedded 2.0 Module Flash Drive	MY16TNK7A-RA042-D/ 16 GB
Delkin	Compact Flash Memory Card (1GB)	CE0GTFHHK-FD038-D
Delkin	Compact Flash Memory Card Reader/Writer	6381
Delkin	CFAST Card (2GB, 4GB)	N/A
Lexar	CFAST Card Reader/Writer	LRWCR1TBNA
CardLogix	Smart Card	CLXSU128kC7/ AED C7
SCM Microsystems	Smart Card Writer	SCR3310
Avid	Headphones	86002
Zebra Technologies	QR code scanner (Integrated)	DS457-SR20009, DS457-SR20004ZZWW
Symbol	QR Code scanner (External)	DS9208
Dell	DS450 Report Printer	S2810dn
OKI	DS450 and DS850 Report Printer	B431dn, B431d, B432DN
OKI	DS450 and DS850 Audit Printer	Microline 420
APC	DS450 UPS	Back-UPS Pro 1500, Smart-UPS 1500
APC	DS850 UPS	Back-UPS RS 1500, Pro 1500
Tripp Lite	DS450 and DS850 Surge Protector	Spike Cube
Seiko Instruments	Thermal Printer	LTPD-347B
NCR/Nashua	Paper Roll	2320
Fujitsu	Thermal Printer	FTP-62GDSL001, FTP-63GMCL153







## System Limitations

This table depicts the limits the system has been tested and certified to meet.

System Characteristic	Boundary or Limitation	Limiting Component
Max. precincts allowed in an election	9,900	Electionware
Max. ballot styles in an election	15,000	Electionware
Max. candidates allowed per election	10,000	Electionware
Max. contests allowed in an election	10,000	Electionware
Max. number of parties allowed	General election: 75 Primary election: 30	Electionware
Max. District Types/Groups	25	Electionware
Max. districts of a given type	250	
Max. Contests allowed per ballot style	500	
Max. Reporting Groups in an election	14	Electionware
Max. candidates allowed per contest	230	Electionware
Max. "Vote For" per contest	230	Electionware
Max. ballots per batch	1,500	DS45/DS850

## Component Limitations:

### Electionware

1. Electionware software field limits were calculated based on an average character width for ballot and report elements. Some uses and conditions, such as magnified ballot views or combining elements on printed media or ballot displays, may result in field limits (and associated warnings) lower than those listed. Check printed media and displays before finalizing the election.
2. The Electionware Export Ballot Images function is limited to 250 districts per export.
3. Electionware supports the language special characters listed in the System Overview, Attachment 1. Language special characters other than those listed may not appear properly when viewed on equipment displays or reports.
4. The Straight Party feature must not be used in conjunction with the Single or Multiple Target Cross Endorsement features.

5. The 'MasterFile.txt' and the 'Votes File.txt' do not support results for elections that contain multiple sheets or multiple ExpressVote cards per voter. These files can be produced using the Electionware > Reporting > Tools > Export Results menu option. This menu option is available when the Rules Profile is set to "Illinois".

#### **Paper Ballot Limitations**

1. The paper ballot code channel, which is the series of black boxes that appear between the timing track and ballot contents, limits the number of available ballot variations depending on how a jurisdiction uses this code to differentiate ballots. The code can be used to differentiate ballots using three different fields defined as: Sequence (available codes 1-16,300), Type (available codes 1-30) or Split (available codes 1-18).
2. If Sequence is used as a ballot style ID, it must be unique election-wide and the Split code will always be 1. In this case the practical style limit would be 16,300.
3. The ExpressVote activation card has a limited ballot ID based on the three different fields defined as: Sequence (available codes 1-16,300), Type (available codes 1-30) or Split (available codes 1-18).
4. Grid Portrait and Grid Landscape ballot types are New York specific and not for general use.

#### **ExpressVote**

1. ExpressVote capacities exceed all documented limitations for the ES&S election management, vote tabulation and reporting system. For this reason, Election Management System and ballot tabulator limitations define the boundaries and capabilities of the ExpressVote system as the maximum capacities of the ES&S ExpressVote are never approached during testing.

#### **ExpressVote XL**

1. ExpressVote XL capacities exceed all documented limitations for the ES&S election management, vote tabulation and reporting system. For this reason, Election Management System and ballot tabulator limitations define the boundaries and capabilities of the ExpressVote XL system as the maximum capacities of the ES&S ExpressVote XL are never approached during testing.
2. ExpressVote XL does not offer open primary support based on the ES&S definition of Open Primary, which is the ability to select a party and vote based on that party.
3. ExpressVote XL does not support Massachusetts Group Vote.
4. ExpressVote XL does not support Universal Primary Contest.
5. ExpressVote XL does not support Multiple Target Cross Endorsement.
6. ExpressVote XL does not support Reviewer or Judges Initials boxes.
7. ExpressVote XL does not support multi-card ballots.
8. In a General election, one ExpressVote XL screen can hold 32 party columns if set up as columns or 16 party rows if set up as rows.
9. ExpressVote XL does not support Team Write-In.

#### **ExpressTouch**

1. ExpressTouch capacities exceed all documented limitations for the ES&S election management, vote tabulation and reporting system. For this reason, Election Management System limitations define the boundaries and capabilities of the ExpressTouch system as the maximum capacities of the ES&S ExpressTouch are never approached during testing.

2. ExpressTouch does not offer open primary support, which is the ability to select a party and vote based on that party.
3. ExpressTouch does not support Massachusetts Group Vote.
4. ExpressTouch does not support Universal Primary Contest.
5. ExpressTouch does not support Multiple Target Cross Endorsement.
6. ExpressTouch does not support Team Write-In.

#### DS200

1. The ES&S DS200 configured for an early vote station does not support precinct level results reporting. An election summary report of tabulated vote totals is supported.
2. The DS200 storage limitation for write-in ballot images is 3,600 images. Each ballot image includes a single ballot face, or one side of one page.
3. Write-in image review requires a minimum 1GB of onboard RAM.
4. To successfully use the Write-In Report, ballots must span at least three vertical columns. If the column is greater than 1/3 of the ballot width (two columns or less), the write-in image will be too wide to print on the tabulator report tape.

## Functionality

### VVSG 1.0 Supported Functionality Declaration

Feature/Characteristic	Yes/No	Comment
Voter Verified Paper Audit Trails		
VVPAT	No	
Accessibility		
Forward Approach	Yes	
Parallel (Side) Approach	Yes	
Closed Primary		
Primary: Closed	Yes	
Open Primary		
Primary: Open Standard (provide definition of how supported)	Yes	Configuration B only
Primary: Open Blanket (provide definition of how supported)	No	
Partisan & Non-Partisan:		
Partisan & Non-Partisan: Vote for 1 of N race	Yes	
Partisan & Non-Partisan: Multi-member ("vote for N of M") board races	Yes	
Partisan & Non-Partisan: "vote for 1" race with a single candidate and write-in voting	Yes	
Partisan & Non-Partisan "vote for 1" race with no declared candidates and write-in voting	Yes	
Write-In Voting:		
Write-in Voting: System default is a voting position identified for write-ins.	Yes	
Write-in Voting: Without selecting a write in position.	Yes	
Write-in: With No Declared Candidates	Yes	
Write-in: Identification of write-ins for resolution at central count	Yes	
Primary Presidential Delegation Nominations & Slates:		
Primary Presidential Delegation Nominations: Displayed delegate slates for each presidential party	No	

<b>Feature/Characteristic</b>	<b>Yes/No</b>	<b>Comment</b>
Slate & Group Voting: one selection votes the slate.	No	
Ballot Rotation:		
Rotation of Names within an Office; define all supported rotation methods for location on the ballot and vote tabulation/reporting	Yes	
Straight Party Voting:		
Straight Party: A single selection for partisan races in a general election	Yes	
Straight Party: Vote for each candidate individually	Yes	
Straight Party: Modify straight party selections with crossover votes	Yes	
Straight Party: A race without a candidate for one party	Yes	
Straight Party: N of M race (where "N">1)	Yes	
Straight Party: Excludes a partisan contest from the straight party selection	Yes	
Cross-Party Endorsement:		
Cross party endorsements, multiple parties endorse one candidate.	Yes	
Split Precincts:		
Split Precincts: Multiple ballot styles	Yes	
Split Precincts: P & M system support splits with correct contests and ballot identification of each split	Yes	
Split Precincts: DRE matches voter to all applicable races.	Yes	
Split Precincts: Reporting of voter counts (# of voters) to the precinct split level; Reporting of vote totals is to the precinct level	Yes	It is possible to list the number of voters.
Vote N of M:		
Vote for N of M: Counts each selected candidate, if the maximum is not exceeded.	Yes	
Vote for N of M: Invalidates all candidates in an overvote (paper)	Yes	
Recall Issues, with options:		
Recall Issues with Options: Simple Yes/No with separate race/election. (Vote Yes or No Question)	No	
Recall Issues with Options: Retain is the first option, Replacement candidate for the second or more options (Vote 1 of M)	No	
Recall Issues with Options: Two contests with access to a second contest conditional upon a specific vote in contest one. (Must vote Yes to vote in 2 <sup>nd</sup> contest.)	No	
Recall Issues with Options: Two contests with access to a second contest conditional upon any vote in contest one. (Must vote Yes to vote in 2 <sup>nd</sup> contest.)	No	
Cumulative Voting		
Cumulative Voting: Voters are permitted to cast, as many votes as there are seats to be filled for one or more candidates. Voters are not limited to giving only one vote to a candidate. Instead, they can put multiple votes on one or more candidate.	No	
Ranked Order Voting		
Ranked Order Voting: Voters can write in a ranked vote.	No	
Ranked Order Voting: A ballot stops being counting when all ranked choices have been eliminated	No	

<b>Feature/Characteristic</b>	<b>Yes/No</b>	<b>Comment</b>
Ranked Order Voting: A ballot with a skipped rank counts the vote for the next rank.	No	
Ranked Order Voting: Voters rank candidates in a contest in order of choice. A candidate receiving a majority of the first choice votes wins. If no candidate receives a majority of first choice votes, the last place candidate is deleted, each ballot cast for the deleted candidate counts for the second choice candidate listed on the ballot. The process of eliminating the last place candidate and recounting the ballots continues until one candidate receives a majority of the vote	No	
Ranked Order Voting: A ballot with two choices ranked the same, stops being counted at the point of two similarly ranked choices.	No	
Ranked Order Voting: The total number of votes for two or more candidates with the least votes is less than the votes of the candidate with the next highest number of votes, the candidates with the least votes are eliminated simultaneously and their votes transferred to the next-ranked continuing candidate.	No	
<b>Provisional or Challenged Ballots</b>		
Provisional/Challenged Ballots: A voted provisional ballots is identified but not included in the tabulation but can be added in the central count.	Yes	
Provisional/Challenged Ballots: A voted provisional ballots is included in the tabulation, but is identified and can be subtracted in the central count	Yes	
Provisional/Challenged Ballots: Provisional ballots maintain the secrecy of the ballot.	Yes	
<b>Overvotes (must support for specific type of voting system)</b>		
Overvotes: P & M: Overvote invalidates the vote. Define how overvotes are counted.	Yes	
Overvotes: DRE: Prevented from or requires correction of overvoting.	Yes	
Overvotes: If a system does not prevent overvotes, it must count them. Define how overvotes are counted.	Yes	
Overvotes: DRE systems that provide a method to data enter absentee votes must account for overvotes.	Yes	
<b>Undervotes</b>		
Undervotes: System counts undervotes cast for accounting purposes	Yes	
<b>Blank Ballots</b>		
Totally Blank Ballots: Any blank ballot alert is tested.	Yes	
Totally Blank Ballots: If blank ballots are not immediately processed, there must be a provision to recognize and accept them	Yes	
Totally Blank Ballots: If operators can access a blank ballot, there must be a provision for resolution.	Yes	
<b>Networking</b>		
Wide Area Network – Use of Modems	No	
Wide Area Network – Use of Wireless	No	
Local Area Network – Use of TCP/IP	No	
Local Area Network – Use of Infrared	No	

Feature/Characteristic	Yes/No	Comment
Local Area Network – Use of Wireless	No	
FIPS 140-2 validated cryptographic module	Yes	
Used as (if applicable):		
Precinct counting device	Yes	DS200, ExpressTouch, ExpressVote HW2.1, ExpressVote XL
Central counting device	Yes	DS450 and/or DS850

## Baseline Certification Engineering Change Order's (ECO)

This table depicts the ECO's certified with the voting system:

Change ID	Date	Component	Description	Inclusion
ECO 938	12/14/18	DS200	Texture Free Surface for Security Seals	DeMinimis Optional
ECO 982	2/20/19	ExpressVote XL	Add Cord Wrap Hooks, Filler for Card Bin and Shipping Bracket	DeMinimis Optional
ECO 988	4/29/19	ExpressVote	Add End of Life Zebra Scanner	DeMinimis Optional
ECO 989	4/29/19	ExpressVote	Adds Updated USB Thumb Drive Cover	DeMinimis Optional
ECO 991	4/29/19	DS200	Add Hardware Rev 1.3.11	Non-DeMinimis Optional
ECO 993	4/29/19	DS450	Adds Oki 432 Report Printer and APC Smart-UPS 1500	Non-DeMinimis Optional
ECO 1000	2/13/19	DS200 Collapsible Ballot Box	Adds Hardware Rev 1.1	De Minimis Optional
ECO 1004	12/14/18	DS450	Add Oki 432 Report Printer Due to End of Life	De Minimis Optional
ECO 1005	12/14/18	DS850	Add Oki 432 Report Printer Due to End of Life	De Minimis Optional
ECO 1016	2/13/19	ExpressVote Voting Booth	Added Enhanced Doors	De Minimis Optional
ECO 2160	4/29/19	ExpressVote	Lengthen Detachable Key Pad Cord	De Minimis Optional

## **Appendix D: Voting System Standards, Testing Protocols and Procedures Pertaining to the Use of Communication Devices**

### **PART I: PROPOSED TESTING STANDARDS**

#### **Applicable VVSG Standard**

The modem component of the voting system or equipment must be tested to the requirements contained in the most recent version or versions of the Voluntary Voting System Guidelines (VVSG) currently accepted for testing and certification by the U.S. Election Assistance Commission (EAC). Compliance with the applicable VVSG may be substantiated through federal certification by the EAC, through certification by another state that requires compliance with the applicable VVSG, or through testing conducted by a federally certified voting system test laboratory (VSTL) to the standards contained in the applicable VVSG. Meeting the requirements contained in the VVSG may substantiate compliance with the voting system requirements contained in Section 301 of the Help America Vote Act of 2002 (HAVA).

#### **Access to Election Data**

Provisions shall be made for authorized access to election results after closing of the polls and prior to the publication of the official canvass of the vote. Therefore, all systems must be capable of generating an export file to communicate results from the election jurisdiction to the Central processing location on election night after all results have been accumulated. The system may be designed so that results may be transferred to an alternate database or device. Access to the alternate file shall in no way affect the control, processing, and integrity of the primary file or allow the primary file to be affected in any way.

#### **Security**

All voting system functions shall prevent unauthorized access to them and preclude the execution of authorized functions in an improper sequence. System functions shall be executable only in the intended manner and order of events and under the intended conditions. Preconditions to a system function shall be logically related to the function so as to preclude its execution if the preconditions have not been met.

#### **Accuracy**

A voting system must be capable of accurately recording and reporting votes cast. Accuracy provisions shall be evidenced by the inclusion of control logic and data processing methods, which incorporate parity, and checksums, or other equivalent error detection and correction methods.

#### **Data Integrity**

A voting system shall contain provisions for maintaining the integrity of voting and audit data during an election and for a period of at least 22 months thereafter. These provisions shall include protection against:

- the interruption of electrical power, generated or induced electromagnetic radiation.
- ambient temperature and humidity.

- the failure of any data input or storage device.
- any attempt at an improper data entry or retrieval procedure.

## **Reliability**

Successful Completion of the Logic and Accuracy test shall be determined by two criteria

- The number of failures in transmission
- and the accuracy of vote counting

The failure or connectivity rate will be determined by observing the number of relevant failures that occur during equipment operation. The accuracy is to be measured by verifying the completeness of the totals received.

## **PART II: TEST PROCEDURES AND PROTOCOLS**

### **Overview of Telecommunication Test**

The telecommunication test focuses on system hardware and software function and performance for the transmission of data that is used to operate the system and report election results. This test applies to the requirements for Volume I, Section 6 of the EAC 2005 VVSG. This testing is intended to complement the network security requirements found in Volume I, Section 7 of the EAC 2005 VVSG, which include requirements for voter and administrator access, availability of network service, data confidentiality, and data integrity. Most importantly, security services must restrict access to local election system components from public resources, and these services must also restrict access to voting system data while it is in transit through public networks. Compliance with Section 7, EAC 2005 VVSG shall be evidenced by a VSTL report submitted with the vendor's application for approval of a voting system.

In an effort to achieve these standards and to verify the proper functionality of the units under test, the following methods will be used to test each component of the voting system:

### **Wired Modem Capability Test Plan**

**Test Objective:** To transfer the results from the tabulator to the Election Management System via a wired network correctly.

#### **Test Plan:**

1. Attempt to transmit results prior to the closing of the polls and printing of results tape
2. Set up a telephone line simulator that contains as many as eight phone lines
3. Perform communication suite for election night reporting using a bank with as many as seven analog modems:
  - a. Connect the central site election management system to the telephone line simulator and connect the modems to the remaining telephone line ports

- b. Setup the phone line numbers in the telephone line simulator
- c. Use the simulated election to upload the election results
  - i. Use at least eight tabulators in different reporting units
  - ii. Use as many as two tabulators within the same reporting units
- d. Simulate the following transmission anomalies
  - i. Attempt to upload results from a tabulating device to a computer which is not part of the voting system
  - ii. Attempt to upload results from a non-tabulating device to the central site connected to the modem bank
  - iii. Attempt to load stress by simulating a denial of service (DOS) attack or attempt to upload more than one polling location results (e.g., ten or more polling locations)

### **Wireless Capability Test Plan**

**Test Objective:** To transfer the results from the tabulator to EMS via a wireless network correctly.

**Test Plan:**

1. Attempt to transmit results prior to the closing of the polls and printing of results tape.
2. Perform wireless communication suite for election night reporting:
  - a. Use the simulated election to upload the election results using wireless transfer to the secure FTP server (SFTP)
  - b. Use at least eight tabulators in different reporting units
  - c. Use as many as two tabulators within the same reporting unit
3. Simulate the following transmission anomalies
  - a. Attempt to upload results from a tabulating device to a computer which is not part of the voting system
  - b. Attempt to upload results from a non-tabulating device to the SFTP server
  - c. Attempt to load stress by simulating a denial of service (DOS) attack or attempt to upload more than one polling location results (e.g., ten or more polling locations)
  - d. If possible, simulate a weak signal
  - e. If possible, simulate an intrusion

### **Test Conclusions for Wired and Wireless Transmission**

- System must be capable of transferring 100% of the contents of results test packs without error for each successful transmission.
- Furthermore, system must demonstrate secure rate of transmission consistent with security requirements.
- System must demonstrate the proper functionality to ensure ease of use for clerks on election night.

- System must be configured such that the modem component remains inoperable until after the official closing of the polls and printing of one (1) copy of the results tape.

### **PART III: PROPOSED SECURITY PROCEDURES**

Staff recommends that as a condition of purchase, any municipality or county which purchases this equipment and uses modem functionality must also agree to the following conditions of approval.

1. Devices which may be incorporated in or attached to components of the system for the purpose of transmitting tabulation data to another data processing system, printing system, or display device shall not be used for the preparation or printing of an official canvass of the vote unless they conform to a data interchange and interface structure and protocol which incorporates some form of error checking.
2. Any jurisdiction using a modeming solution to transfer results from the polling place to the central count location may not activate the modem functionality until after the polling place closes.
3. Any municipality using modeming technology must have one set of results printed before it attempts to modem any data.
4. Any municipality purchasing and using modem technology to transfer results from the polling location to the central count location must conduct an audit of the voting equipment after the conclusion of the canvass process.
5. Default passwords provided by ES&S to county/municipality must be changed upon receipt of equipment.
6. Counties must change their passwords after every election.

### **PART IV: CONDITIONS FOR APPROVAL (VENDOR)**

Additionally, staff recommends that, as a condition/continuing condition of approval, ES&S shall:

1. Reimburse actual costs incurred by the G.A.B. and local election officials, where applicable, in examining the system (*including travel and lodging*) pursuant to state processes.
2. Configure modem component to remain inoperative (incapable of either receiving or sending transmissions) prior to the closing of the polls and the printing of tabulated results.

## **APPENDIX E: ExpressLink Testing Protocol**

### **WEC Protocol for Approving the Elections Systems and Software ExpressLink Component**

#### Background

As part of an application submitted on March 17, 2017, Elections Systems and Software (ES&S) requested the Wisconsin Elections Commission (WEC) to certify the ExpressLink component as part of the EVS 5.2.2.0 and EVS 5.3.2.0 systems. ExpressLink was outside of the scope of certification that was granted by the Elections Assistance Commission (EAC) for those systems. The WEC staff review of the application materials for EVS 5.2.2.0 and EVS 5.3.2.0 determined that this component was part of the voting system and should be subject to testing and certification, contrary to the EAC review. This component was not included in the voting equipment system that was certified for use in Wisconsin by the WEC on June 20, 2017. Staff was instructed, however, to create a protocol to test and certify the ExpressLink component outside of the EAC process. Wis. Stat. § 5.91 provides that the WEC may certify any such voting device, automatic tabulating equipment, or related equipment or materials regardless of whether any such system is approved by the EAC and this protocol outlines the procedures for reviewing the ExpressLink consistent with this statutory authority.

#### Component Information

The ExpressLink is designed for use by election officials in conjunction with the ExpressVote Universal Voting System that was approved as part of the EVS 5.2.20 and EVS 5.3.2.0 systems. This voting system component consists of both the ExpressLink software application and one piece of hardware, the ExpressVote Activation Card Printer. ExpressLink is a Windows application housed on a laptop computer that uses contest and candidate information imported from Election Ware election management system to determine the appropriate ballot style for a voter. The system then prints the activation barcode using the ExpressVote Activation Card Printer. The ExpressVote Activation Card Printer is a small, thermal, on demand printer used to print the ballot activation barcode on the ExpressVote ballot card. A voter would then use the ballot card that contains the barcode printed via the ExpressLink to activate the correct ballot style on the ExpressVote Universal Voting System.

#### Review and Testing Process

- WEC staff shall complete a review of supporting documentation provided by the vendor that details the functionality of the ExpressLink before functional testing is conducted. The manufacturer shall provide both a full and a redacted set of the following documentation as part of the process to review the component, if applicable:
  - Complete specifications for all hardware, firmware and software;
  - All technical manuals and documentation related to the component;

- Complete instruction materials necessary for the operation of the equipment and a description of training available to users and purchasers;
- Reports from voting system test laboratories accredited by the US Election Assistance Commission (EAC) demonstrating that the system component functions as described by the vendor in the application materials.
- A list of all the states and municipalities in which the system has been approved for use and how long the ExpressLink component has been in use in those jurisdictions.
- If any portion of the materials provided to the Wisconsin Elections Commission is copyrighted, trademarked, or otherwise trade secret, the application shall include written assertion of any protected interests and redacted versions of the application and all materials consistent with any properly asserted protected interests. Simply identifying the individual item as “proprietary” is not sufficient. Any assertion of proprietary rights must include detailed specifics of each item protected, the factual and legal basis for protection, whether there is anything public within the protected item, and if there is, how to extract it along with a statement whether there are costs to do so.
- If applicable, provide the WEC with a list of software components, pursuant to Wis. Stat. § 5.905, that “record and tally the votes cast with this system.” For purposes of this condition, “software components” include vote-counting source code, table structures, modules, program narratives and other human-readable computer instructions used to count votes with this system.
- The vendor shall submit the component to the WEC for functional testing. The hardware and software submitted for certification testing shall be equivalent, in form and function, to the actual production versions of the component.
  - An operational status check shall be conducted on the ExpressLink to determine if it functions as described by the vendor using the following procedures:
    - Arrange the system for normal operation and power on the system.
    - Perform any servicing, and make any adjustments necessary, to achieve operational status.
    - Operate the equipment in all modes, demonstrating all functions and features that would be used during election operations.
    - Commission staff shall verify that all system functions have been correctly executed.
  - Compatibility of the voting system software components or subsystems with one another, and with other components of the voting system environment, shall be determined through functional tests integrating the voting system software with

the remainder of the system and to determine if the software meets the vendor's design specifications.

- The election definition file that is created in ElectionWare for use with the ExpressLink shall be verified to determine if the data contained in that file is accurate.
- The ExpressLink will be tested in a mock election to determine if it can print barcodes on ExpressVote ballot cards that access the correct ballot styles.
- The ExpressLink will be tested to determine if it can accommodate multiple ballot styles for an election on a single ExpressVote machine.

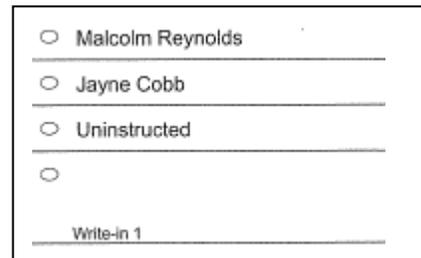
Conditions for Approval (vendor)

Additionally, staff recommends that, as a condition/continuing condition of approval, ES&S shall:

1. Reimburse the WEC for all costs associated with the testing campaign for the ExpressLink, where applicable, pursuant to state processes.
2. Agree to any additional conditions for approval and use that may be identified after the review and testing process is complete.

## APPENDIX F: DS200 Write-In Report Testing and Pilot Test Protocol

In response to clerk interest as well as pending legislation, Commission staff conducted testing on the write-in report functionality of the DS200. Staff created a pilot testing protocol to account for and review how the DS200 would capture images of write-in votes in several scenarios and how the machine would display the write-in votes on the report that would be used to tabulate those votes. These scenarios included circumstances such as write-in votes with a blank oval or a write-in vote as part of an overvote or crossover vote. A total of 80 ballots were marked based on a customized test deck utilizing the election definitions from the General and Presidential Preference test elections. When the write-in report is enabled on the DS200, the write-in area on the ballot is roughly twice the size of what it would normally be, as illustrated by the example to the right.



<input type="radio"/>	Malcolm Reynolds
<input type="radio"/>	Jayne Cobb
<input type="radio"/>	Uninstructed
<input type="radio"/>	
Write-in 1	

The larger write-in area is required to ensure that write-in votes where the corresponding oval is not filled in by the voter will be captured on the write-in report. This programming must be done to allow for write-in votes to be tabulated in accordance with Wis. Stat. §7.50(d), which states that “If an elector writes a person's name in the proper space for write-in candidates for an office, it is a vote for the person written in for the office indicated, regardless of whether the elector strikes the names appearing in the same column for the same office, or places a mark by the same or any other name for the same office, or omits placing a mark to the right of the name written in”. Under the proposed legislation, ballots cast via electronic voting equipment during the in-person absentee voting period would not be reviewed for write-in votes and all tabulation of write-in votes would be done using the output on the write-in report created by the voting equipment.

When programming a ballot with the larger write-in area, it is not possible to have multiple candidate lines represented. Write-in vote areas with two candidate lines are used in both Presidential and Gubernatorial elections in Wisconsin. The programming for the DS200 was unable to accommodate this style of write-in field. Testing showed that the write-in report functionality records images of write-in votes and tabulates the corresponding votes correctly and accurately.

As with traditional paper ballots, ballots from an ExpressVote with write-in votes will be imprinted with a pink circle by the tabulator prior to being dispatched to the ballot bin. To correctly account for write-in votes on ExpressVote ballots, they must be identified by election inspectors through a hand tally of ballots.

It is important to note that the write-in report testing was conducted on a pilot basis. Prior to further write-in report testing, staff would need to review the legislation if signed into law and gain Commission approval for an appropriate test protocol. If the Commission wishes staff to further explore DS200 write-in report testing or implementation, staff will work with Commissioners and management to address next steps.

## Write-in Report Testing Checklist

Requirement	Pass: Y or N	Notes
Early voting demonstration from vendor (open polls multiple times, end of night procedures without closing polls, etc.)	Y	DS200 is simply shut down at the end of day with auto generated report cancelled by clerk; or lid can be closed and locked w/o powering down, putting it into a "sleep" mode.
Write-in report testing scenarios (outlined below): per the test deck	Y	If a ballot has write-ins that are part of a crossover or overvote situation, those votes do not appear on the report.
Write-in totals on tape and inclusion on write-in report: do they match the expected results?	Y	Since overvotes and crossover votes are not tallied nor captured on the write-in report, all contests tested reconciled.
Machine with multiple reporting units (simulate early voting scenario): Are the write-in records itemized by ward/precinct/reporting unit?	Y	EVS6040/6050 prints the write-in report by reporting unit, then by contest within that reporting unit.

### 1. Write-in Scenarios

- i Oval/good vote
- ii No oval/good vote
- iii Oval/blank vote
- iv Oval/w-i/overvote
- v No oval/w-i/overvote
- vi Oval/no w-i/overvote
- vii Oval/crossover (PP, Pres Pref)
- viii No oval/crossover (PP, Pres Pref)

## APPENDIX G: Wisconsin Voting Equipment Review Panel’s Feedback

These comments were provided via a structured feedback form.

### 1. How would you rate the functionality of the equipment?

Very Poor	Poor	Fair	Good	Excellent
			3	4

- User friendly and durable. It would be nice if the ExpressVote had a location to display headphones and tactile keypad on for visibility.
- The functionality of the equipment was really good.
- Equipment and software are secure as presented.
- ExpressVote is 100% better than AutoMark. DS200/450/850 = 5. The small DS200 case is too much work. The one slight issue is the ExpressVote Tabulator seems wobbly when using on the stand.
- Generally, seems good. There are some lags between screens.
- EV tabulator should provide PDF of marked ballot for review prior to tabulation. All other equipment is very functional and improved. Additional concern with Win 7 support.
- Tabulator/EV were easy to navigate.

### 2. How would you rate the accessible features?

Very Poor	Poor	Fair	Good	Excellent
			2	5

- Very well covered on the ExpressVote.
- The accessible features were easy to use.
- Screws clearly visible and color coded, etc. Have options for audio, as well as voter prompts, etc.
- Very easy to understand and navigate through the screens or with the pads.
- I would recommend the WEC seek additional feedback from voters with disabilities or disability advocacy groups on the accessibility of the ExpressVote Tabulator. There have been accessibility issues in the past with machines that serve as the AVE (Assistive Voting Equipment) and as the tabulator. Those concerns may not apply in this situation, but further evaluation with members of the disability community is needed.
- A handicapped voter should not need to handle the ballot on the EV tabulator for a self-contained system.
- Easy for any user.

**3. Rate your overall impression of the system.**

Very Poor	Poor	Fair	Good	Excellent
			2	5

- Looking forward to the upgrades on DS200s and implementing ExpressVote.
- Everything that was presented was in good order.
- Seems to be safe and secure. Hardened and locked down from the outside.
- Meets the needs of county and municipal workers and electors. Should be approved by Commission!
- It would be preferable if people had to review their ballot selections on paper before casing their ballots on the ExpressVote Tabulator. Also, on the ExpressVote Tabulator, if one voter wants to review their card twice, the machine stops prompting them to vote. Other parts generally seem good.
- EVS 6050 is very needed for 2020 elections and modeming. In our county, alternative methods of receipt are very time intensive.

## APPENDIX H: ES&S Ongoing Support for Windows 7 Equipment

Via U.S. Mail and Email

August 16, 2019

Mr. Steve Pearson  
Vice President of Certification  
Election Systems & Software  
11208 John Galt Blvd.  
Omaha, NE 68137

Mr. Pearson:

This communication is a follow-up to our meeting on June 10, 2019 and intends to clarify the process by which ES&S will provide ongoing support for any voting system running Windows 7 after Microsoft discontinues base system support on January 14, 2020. The Wisconsin Elections Commission (WEC) is responsible for ensuring that voting equipment used in Wisconsin is up to date and secure and that any equipment in use will be able to maintain its state certification. To help the WEC make these determinations, we are specifically seeking further written explanations for the following questions:

1. Which ES&S voting systems currently operating in Wisconsin will be affected by Windows 7 reaching its end of life?

*ES&S Response:*

*Listed below are the ES&S voting systems currently operating in Wisconsin on the Windows 7 platform. The Unity and Electionware Election Management Systems (“EMS”) operate in a locked down, closed and hardened environment. When the system is configured as certified, it is not exposed to the public internet. This means that these systems are protected from risks commonly associated with other systems that interact with the internet.*

- *EVS 5.2.0.0/5.3.0.0*
- *EVS 5.2.2.0/5.3.2.0*
- *EVS 5.2.4.0/5.3.4.0*
- *Unity 3.4.1.0*
- *Unity 3.0.1.0*

- a. Which counties and municipalities are currently using these voting systems?

*ES&S Response:*

*Below is a list of counties and the voting system release they are currently using:*

Adams	EVS 5.2.0.0
Ashland	Unity 3.0.1.0
Bayfield	Unity 3.0.1.0

Brown	EVS 5.3.0.0
Calumet	EVS 5.3.2.0
Clark	Unity 3.0.1.0
Columbia	EVS 5.3.2.0
Dane	EVS 5.3.0.0
Dodge	EVS 5.3.2.0
Douglas	EVS 5.3.2.0
Eau Claire	EVS 5.3.2.0
Iowa	Unity 3.0.1.0/ EVS 5.2.2.0
Jefferson	EVS 5.3.0.0
Kenosha	EVS 5.3.0.0
La Crosse	Unity 3.4.1.0
Lafayette	EVS 5.2.0.0
Lincoln	Unity 3.4.1.0
Manitowoc	Unity 3.4.1.0/ EVS 5.2.2.0
Marathon	EVS 5.3.0.0
Menominee	EVS 5.3.2.0
Milwaukee	EVS 5.3.0.0
Outagamie	EVS 5.3.2.0
Pierce	EVS 5.2.2.0
Portage	Unity 3.4.1.0
Rock	EVS 5.3.2.0
Sauk	EVS 5.3.0.0
St Croix	EVS 5.3.0.0
Taylor	Unity 3.0.1.0
Waukesha	EVS 5.3.2.0
Wood	Unity 3.4.1.0

- b. What communication protocol will ES&S follow to contact customers currently operating Windows 7 based voting systems?

*ES&S Response:*

*ES&S recently provided all of our customer County Clerks and the larger Municipal Clerks Windows 7 Support FAQ for their information. ES&S is happy to answer any questions the counties may have regarding Windows 7 support and will continue to keep them informed when new information is available. A copy of the FAQ is attached with this response.*

2. It is our understanding that ES&S has entered into an agreement with Microsoft to continue support for Windows 7 devices after the official end of life date. What is your plan for continuing to provide extended support to ES&S customers after January 14, 2020?

*ES&S Response:*

*Microsoft will be offering extended security updates (“ESU”) for Windows 7 for a nominal cost per license through 2023. Microsoft ESU licenses are not yet available for purchase. Once Microsoft ESU licenses are available, ES&S will notify the Wisconsin Elections Commission and our county customers on how to obtain*

these licenses. Discussions are underway with both Microsoft and the Election Assistance Commission (“EAC”) to determine how this process will unfold.

ES&S will continue to support Windows 7, and we are confident a process for providing system updates will be in place soon. ES&S will work with Microsoft to address any critical updates in all certified ES&S system releases. ES&S and Microsoft are committed to working together to identify risks that would impact ES&S’ customer’s ability to conduct secure elections.

- a. In terms of this support, how will patches, security updates, etc., be rolled out or implemented to customers?

*ES&S Response:*

*ES&S regularly reviews vulnerabilities for all of our voting equipment and systems. When a vulnerability is discovered, the ES&S Vulnerability Review team reviews the vulnerability to determine if it affects any of the ES&S products, in this case the EMS systems. If the vulnerability is critical in nature, ES&S will notify affected customers and start the Engineering Change Order (“ECO”) process in accordance with the EAC Testing and Certification Program.*

*The ECO process involves internal testing with ES&S as well as third party testing at a Voting System Test Laboratory (“VSTL”). Installation procedures and staged Windows patch files will be included as part of the ECO package. The installation procedures will be tested by the VSTL to confirm that the patches are installed correctly. Once the VSTL completes their testing and review of the ECO and provides their recommendation and approved by the EAC, the ECO is presented to the WEC for approval. Once approved by the WEC, the Counties and jurisdictions may apply the patches in the ECO to their EMS systems.*

*It should also be noted, the EAC is currently in the process of reviewing and drafting procedures to allow for more efficiency for Windows security upgrades to be applied.*

- b. Who is responsible for installing these patches and updates?

*ES&S Response:*

*Once the patches have completed the ECO process and are approved for use in the State of Wisconsin, the patches can be applied to the EMS systems. At that point, the Wisconsin jurisdictions can utilize installation instructions provided by ES&S or contract with ES&S for patch installation services.*

- c. Who will be responsible for the costs associated with this extended support contract?

*ES&S Response:*

*The County jurisdictions will be responsible for all Microsoft ESU license costs associated with the extended support contract should such jurisdictions elect to participate in the Microsoft program.*

- d. Will the costs be covered under existing support contracts or will additional expenditures be required on the part of customer municipalities or counties?

*ES&S Response:*

*The Microsoft ESUs and any third party items associated with such Microsoft ESUs are not covered under existing support contracts and will require an additional expenditure for Wisconsin jurisdictions wishing to have the extended Microsoft support contract.*

- e. Will the cost of maintaining a support contract remain consistent from 2020 to 2023 or will contracts have a graduated fee structure/cost more as they remain in place?

*ES&S Response:*

*Pricing details are yet not available from Microsoft. We have been informed the per license fee will be nominal.*

- f. How will extended support contracts address Commercial Off-the-Shelf (COTS) products utilized as internal components within voting systems being used by customers?

*ES&S Response:*

*The Microsoft ESU specifically relates to the EMS Operating Systems. COTS products outside of the EMS Operating Systems are not included in the Microsoft ESU program.*

- g. Will each customer municipality or county have to work out a support contract with Microsoft or will this be handled by ES&S?

*ES&S Response:*

*More information will be provided on this once Microsoft has finalized the plan. ES&S will stay involved and engaged to assist Wisconsin jurisdictions in facilitating the purchasing of licenses if needed.*

- h. How long will extended support contracts be in place? Will the contracts be in place until 2023 (or until the customer upgrades to a Windows 10-based system) or will they need to be renewed on a yearly basis?

*ES&S Response:*

*It is our understanding the Microsoft ESU license contracts will be available in three, 12-month increments following the January 2020 End of Support and available until January 2023.*

- i. To your knowledge, how many current customers in Wisconsin will require extended support contracts for Windows 7-based equipment?

*ES&S Response:*

*ES&S has 30 customer jurisdictions currently on Windows 7 based EMS systems. All will be eligible to participate in the Microsoft ESU program.*

3. What is the eventual plan for providing support to customers after extended Windows 7 support is completely discontinued in 2023?

*ES&S Response:*

*ES&S will make every effort to migrate our customer base to Windows 10 based voting systems prior to the January 2023 conclusion of the Microsoft ESU program.*

- a. If there are still customers using system versions operating Windows 7 as of 2023, will there be a concerted effort to upgrade these customers to Windows 10-based system at that time?

*ES&S Response:*

*Yes. ES&S is planning on bringing EVS releases with Windows 10 to the States well in advance of 2023. It will be ES&S' recommendation that Wisconsin counties upgrade to a Windows 10 based release prior to 2023.*

- b. Can you assure the Commission that customers who upgrade to a Windows 10-based system will be able to do so without purchasing additional or replacement hardware?

*ES&S Response:*

*Due to the age of some of the voting systems currently in use in the State, we do not anticipate all systems will be able to be upgraded to a Windows 10 platform. Systems purchased in the last 3-5 years will likely support Windows 10 and may not be required to be replaced. However, depending on the age and condition of the equipment, it may be best for jurisdictions to upgrade their hardware to newer systems.*

- c. Is there a contingency plan in place if customers do not or cannot update to a Windows 10-based system by 2023?

*ES&S Response:*

*ES&S will continue to support our customers that remain on any one of the Windows 7 voting systems certified for use in the State. Given the fact that EMS environments operate in a locked down, closed and hardened environment with no connectivity to the internet and are not subject to the same risks that internet based systems are, by following our recommended security best practices, the counties can trust that their systems are secure and reliable for use.*

4. How will ES&S ensure that all impacted systems and equipment are regularly and correctly updated?

*ES&S Response:*

*ES&S regularly reviews vulnerabilities for all of our voting equipment and systems. When a vulnerability is discovered, the ES&S Vulnerability Review team reviews the vulnerability to determine any possible affects it might have on any of our fielded systems. In the event the vulnerability is determined to be critical in nature and represents a risk to the voting system, ES&S will notify affected customers immediately and initiate the Engineering Change Order (ECO) process in accordance with the EAC Testing and Certification Program and Wisconsin certification procedures.*

5. When implementing a large-scale update or patch, beyond federal and state certification, and pre-election logic and accuracy testing, how does ES&S ensure that each update was successfully installed?

*ES&S Response:*

*ES&S will thoroughly test the update installation procedures prior to and during the VSTL 3<sup>rd</sup> party testing. These same Installation procedures will be provided to the Counties ensuring the installations are consistent with the certified procedures. These procedures will include steps to validate the successful installation of the patch or update.*

- a. How will you provide confirmation that updates/patching have been completed to the county, municipality, or state?

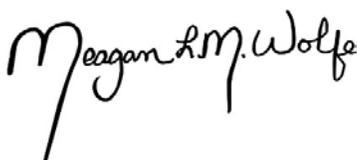
*ES&S Response:*

*Once an ECO is approved by the State, the Windows patches are available to be installed on the EMS systems. ES&S will work with the jurisdictions to have the approved ECO patch files and related documentation staged and sent via secure methods to the jurisdictions. The jurisdictions can then either apply the patches themselves based on the provided instructions or enlist the services of ES&S to apply the patches. ES&S will follow up with each of the jurisdictions receiving the update to verify the patch was applied successfully.*

The Commission is committed to providing accurate information to local election officials and the public regarding the status and security of voting equipment used in the State of Wisconsin in a transparent and timely manner. Therefore, please provide a written response to these questions no later than August 30, 2019. If you have any questions, please do not hesitate to contact our office. Thank you for your attention to these issues.

Sincerely,

**Wisconsin Elections Commission**







# Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984  
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## MEMORANDUM

**DATE:** For the September 24, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

**SUBJECT:** 2020 Commission Meeting Schedule

The Elections Commission has broad discretion in determining the time and place of its meetings. The Commission's enabling legislation created a directive in Wis. Stat. § 15.06(5) which states as follows:

**(5) FREQUENCY OF MEETINGS; PLACE.** Every commission shall meet on the call of the chairperson or a majority of its members. Every commission shall maintain its offices in Madison, but may meet or hold hearings at such other locations as will best serve the citizens of this state. The elections commission and the ethics commission shall meet in person at least 4 times each year and shall conduct meetings in accordance with accepted parliamentary procedure.

The Commission must meet in person at least four times each calendar year. In the opinion of staff, an in-person meeting does not preclude individual Commissioners from appearing by telephone if necessary, provided that some Commissioner are present in person and the public is able to also attend in person.

The first meeting of the year will be held on Tuesday, January 14, 2020 to consider ballot access decisions; the date for this meeting was set by the Commission in 2018. There is flexibility to schedule special meetings if required. The meeting schedule is constructed keeping in mind election events and deadlines, major holidays, and deadlines for preparing meeting materials. The dates proposed for 2020 are as follows:

Tuesday, March 3, 2020  
Wednesday, June 10, 2020  
Tuesday, August 25, 2020  
Tuesday, December 1, 2020

**Proposed Motion:** The Elections Commission adopts the proposed meeting schedule for the 2020 calendar year.

*Wisconsin Elections Commissioners*

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

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Administrator  
Meagan Wolfe





# Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984  
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## MEMORANDUM

**DATE:** For the September 24, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared and Presented by:

Richard Rydecki, Assistant Administrator

Riley Willman, Elections Administration Specialist

Cody Davies, Elections Administration Specialist

**SUBJECT:** Voter Registration Form Revision (EL-131)

### **I. Introduction**

The Voter Registration Form (EL-131) is the most used and most visible of the forms that the Wisconsin Elections Commission is required to maintain. The hard copy version of the Voter Registration Form has traditionally been the form used to complete the majority of voter registrations in Wisconsin. Since 2017, the MyVote Wisconsin website has also allowed voters to complete or update their voter registration completely online, but voters who are not eligible to register online, those registering at their municipal clerk's office during closed registration, and people completing an Election Day registration at their polling place still rely on the paper voter registration form. The current version of the form was created more than 10 years ago and has undergone regular minor revisions, but there has not been a significant redesign of the form during that time.

Over the years, WEC staff has received suggested revisions and comments about people's experience with the current EL-131 form. Staff consulted with design professionals from the Center for Civic Design regarding best practices for conducting user-centered design research and applying the data collected to the redesign process. The redesign process was supported by data gathered through usability sessions that were held around the state with a diverse set of participants. These sessions are structured to allow participants to navigate the form and provide feedback to a standard set of inquiries regarding their experience filling out the form and discuss whether the manner in which the form was organized met their expectations. The standardized data that is collected during these sessions is then used to inform the design direction for the new version.

*Wisconsin Elections Commissioners*

Dean Knudson, chair | Marge Bostelman | Julie M. Glancey | Ann S. Jacobs | Jodi Jensen | Mark L. Thomsen

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Administrator  
Meagan Wolfe

## **II. Current Form Review Process**

Previous feedback about the form allowed WEC staff to develop a general idea of problem areas on the current EL-131 design. Staff determined a data-driven revision was appropriate for this project and standardized unbiased data needed to be gathered on the current EL-131 form at the start of the project.

In June 2019, WEC staff tested the usability of the current EL-131 form at a farmers' market in Madison. The usability tests allowed for WEC staff to facilitate and observe how a person interacted with the EL-131 without influencing their opinion. Each session used a standard script that asks some questions about the participant's prior experience with the registration process, and then instructed the participant to complete the form without suggested hints or tips from the facilitator. The participants self-navigate the form during the test and are, encouraged to voice their thoughts aloud, while the WEC staff facilitating the test record their observations and comments. Inferences derived from these sessions are analyzed to determine how the form should be revised. Examples of the comments gathered about the current form included:

- A lack of clear instructions to help the voter provide required information on the form
- Difficulty understanding that a copy of a proof of residence document was necessary
- Questions were asked in a confusing order
- Participants did not read the text-heavy certification section before the voter signature area
- Issues with the official use only section being split up on different areas of the form
- Qualification questions about age and citizenship near the bottom of the form

Observations from the preliminary usability sessions confirmed that the current EL-131 needed revision and provided some suggested changes where voters and clerks would like to improve the form. WEC staff used this information to determine a design direction for the initial EL-131 revision prototype.

## **III. Prototype Process**

Before beginning the design of new EL-131 prototypes, staff discussed and reviewed general design tips from the Center for Civic Design, which has helped other state elections offices revise their state's voter registration form with usability in mind. The Center for Civic Design suggested generally that the prototypes have:

- Columns that clearly separate sections, instructions and data fields
- Section titles posed as conversations, not just simply the title of the section ("The Address Where You Live" versus "Residential Address")
- All required information listed above the signature line

### **A. First Prototype**

The first prototype incorporated these suggestions along with the design directives from the initial usability testing sessions for the current EL-131. The first prototype reorganized the form by placing the qualification questions about age and citizenship at the very top of the page, followed by the voter's name and information, their residential and mailing address, any prior registration information, and, finally, a bulleted-out version of other qualifications in a certification section, followed by the voter's signature and the official use section. This prototype was tested in two different locations with a diverse set of participants.

In July, WEC staff attended the Wisconsin Disability Vote Coalition's voter registration event in downtown Madison. Usability tests at this event were conducted with participants from the general public, including representatives of the Disability Vote Coalition and the League of Women Voters of Dane County. The script was edited for this specific event to allow for questions about accessibility to ensure that the form was just as usable for voters with different levels of ability.

Staff also tested the first prototype with municipal clerks in the Jefferson and Green Bay areas. Overall, voters and local election officials agreed the prototype represented an improvement and was easier to use than the current EL-131. Clerks responded that they thought having the official use only sections of the form consolidated near the bottom of the page would be helpful to their office and for election inspectors registering voters on Election Day.

Testing also showed areas that needed to be reorganized for future prototypes. Specifically, participants had difficulty identifying that a Wisconsin driver license/state-issued ID number is required if applicable, recognizing that a copy of a proof of residence document needed to be submitted along with the form, and general issues with the spacing on the prototype. Clerk participants also indicated that the workflow in the official use section was confusing. These comments and observations were noted by the WEC facilitators and were incorporated into the second prototype.

## **B. Second Prototype**

The second prototype of the EL-131 revision worked to resolve the issues identified during testing of the first prototype. These changes included adjusting the spacing of lines to allow more room, editing the identification section to better indicate the need for a Wisconsin driver license/state-issued ID number if issued, and re-organizing the official use section to better work for clerks and election inspectors completing the section on Election Day.

WEC staff tested the usability of the second prototype at a Naturalization Ceremony in Milwaukee in August. The League of Women Voters of Milwaukee County conducts a voter registration event at these ceremonies to allow newly naturalized citizens to register online via the MyVote Wisconsin website or complete a paper registration form if they do not have a Wisconsin DMV product. Testing a form prototype at a naturalization event was a priority because of the ability to gather feedback from citizens from all over Wisconsin at one event, but it also gave WEC staff the ability to test the form with people who have never registered to vote in the United States before. Many naturalized citizens are not native English speakers, which allowed staff to test the plain language of the form. Members of the League of Women Voters of Milwaukee County also participated in usability tests.

The testing of the second prototype generated many positive comments. Most participants noted that the form was clearly laid out and they knew what information the form was asking them to provide. Participants also knew which sections they were responsible to complete, and which sections were to be completed by a clerk or election official.

The usability tests of the second prototype also identified areas for additional improvement. Participants again had difficulty understanding from the form that a copy of a proof of residence document needed to accompany the form and which areas on the form are optional versus required. Participants also identified a need for additional questions regarding the qualifications needed to register to vote and for additional instructions for each section on the form. Clerk participants noted issues in the past with election inspectors not including the type of proof of residence used on Election Day, and suggested an

area listing possible types of proof of residence in the official use only section. These issues and suggestions created the design directives represented in the third prototype.

### **C. Third Prototype**

The third prototype of the EL-131 revision again built upon the constructive comments received about the first two prototypes and included specific edits to address the issues with the second prototype. These changes included adding qualifying questions at the top of the form, an interactive proof of residence section incorporated within the form itself, clarifying the “Prior Registration Information” section, and adding examples of proof of residence documents within the official use only section to allow election inspectors to quickly identify what kind of proof of residence document was being used to register.

Staff tested the third prototype’s usability in Wausau. WEC staff chose Wausau because of its location outside of southern Wisconsin, as well as its mix of voters who reside in more rural areas. By visiting the area during a normal weekday afternoon, usability tests were conducted with voters who have only been involved in the election process as a voter rather than as a clerk or activist, which was a group which staff struggled to reach at the various registration events. Testing was conducted in downtown Wausau, as well as at the City of Wausau Clerk’s Office and the Marathon County Clerk’s Office.

Testing generated positive feedback among members of the general public who participated in a usability test. Participants continued to comment that the prototype design was clear, straightforward, and asked questions in an order that made sense. Additionally, most participants were able to answer the qualifying questions concerning age, citizenship, residency, and felon status at the top of the form. Participants also noticeably indicated that they would have to attach a copy of a proof of residence document with the form in order to become registered.

The third prototype also was reviewed by both a municipal clerk and a county clerk, as well as their respective staffs. In addition to the general usability test that other participants had taken, the local election officials also performed a usability test for the official use only section with several example EL-131 prototypes and accompanying proof of residence documents. The goal of the additional usability test was to observe local elections officials interacting with and completing the official use only section with a revised EL-131 that had been completed by a sample voter along with a sample proof of residence document. The local election official participants noted that condensing all official use only information in one section allowed for them to review a form more efficiently and would help with post-election data entry. The positive reviews allowed WEC staff to fine tune the third prototype in order to present a more polished prototype to the Commission.

### **IV. Current Prototype**

The overall goal of revising the EL-131 is to create a paper form that allows voters and clerks to quickly and efficiently complete the registration process, while increasing the quality of the data collected on the form. WEC staff created four different prototypes that were tested with more than 70 different clerks, members of voter outreach groups, and members of the general public. The participants came from many different areas of Wisconsin and had vastly different levels of interest in the voting process. Testing the prototypes with a diverse group of Wisconsinites allowed for staff to collect diverse data that is more representative of the entire state.

The usability testing process allowed staff to see if the larger issues identified with the current EL-131 form were fixed with the revised EL-131 prototype. Issues concerning the confusing layout, questions

on how to complete the form, lack of acknowledgement about the proof of residence requirement and the qualifications needed in order to register were resolved for a majority of participants. A chart that identifies all of the sections that have been changed on the form throughout this process and that provides analysis of these changes is attached as Appendix A. In addition, the current version of the prototype and the current EL-131 form are attached as Appendix B and Appendix C for the Commission’s reference.

**V. Recommended Motion**

Staff recommends that the Commission approve the following motion:

**MOTION:** The Commission approves revisions of the voter registration application as illustrated in Appendix B and authorizes staff to finalize the form and release it publicly after final revisions are made. The Commission further directs staff to report on the progress of this project at the December 2, 2019 Commission Meeting.

**Appendix A**

<b><u>Prototype Section</u></b>	<b><u>Brief Description</u></b>	<b><u>Location on old form, explanation of new location/changes</u></b>
<b>Qualifications</b>	These are the qualifying criteria that determine whether someone may register to vote. This section asks the voter to affirm that they are a U.S. citizen, over 18 years old, that they have resided at their current address 10 days prior to the election and do not intend to move, and that they are not currently serving a sentence for a felony conviction.	Qualifying questions are in multiple locations on the current version of the EL-131. The prototype has all qualifications grouped at the top of the form to make them the very first thing the voter must review and confirm. This design requires the voter to affirm that they meet each qualification by filling in its respective bubble before providing any further required information.
<b>Your Name</b>	This section requires the voter to list their complete and current name.	The name field on the current EL-131 is in section four. Usability research shows that individuals are more likely to pay closer attention to information they enter after their name while filling out a form, so this section was moved up in the prototype to section two.
<b>About You</b>	This section collects a voter’s date of birth, email address, and phone number.	The current EL-131 groups these fields into the larger name section. The prototype separates the fields into a dedicated section and more clearly indicates which information is required and which is optional.
<b>The Address Where You Live</b>	This section is where a voter will list their home address, which is their legal residence for voting purposes.	The prototype is not a radical departure from the way this field collects information on the current

		form. The prototype includes bubbles that allow a voter to choose their type of municipality and allows more room to enter information. A notable change is the absence of the map used for non-traditional addresses or homeless voters, which has been moved to the back of the form and supplemented with additional instructions for completion.
<b>Your Mailing Address</b>	In this section, a voter may enter their mailing address if it differs from their physical residence.	This field has also not changed substantively. There is, however, more room for voters to fill in this section in the prototype.
<b>Prior Registration Information</b>	This section is specifically for voters who are updating their registration information due to a change in name or address. This field offers spaces for both prior name and prior address.	The current EL-131 lists similar options near the top of the form, e.g., “Name Change” or “Address Change,” but requires that prior registration information be entered in a separate section of the form. The prototype features a dedicated section that explains why a prior name/address would be necessary information to include and offers adequate space to include it.
<b>Identification</b>	This is the section in which a voter is required to enter their WI Driver License/State ID number or their Social Security Number. If the voter in question has neither, a third option directs them to the back of the form for additional instructions.	This section appears closer to the top in the current EL-131 but does not delineate the three options as clearly as the prototype. By requiring that one of the three options be chosen and clearly indicating the next steps based on that choice, the prototype seeks to cut down on any confusion a voter might experience in this section.
<b>Proof of Residence</b>	This section asks the voter to affirm that they are (if required) providing a valid copy of a proof of residence document with their registration.	This section does not exist on the current EL-131. This was added to the prototype to provide another self-check to the voter filling out the form. By confirming that they are providing a valid copy of a POR document (and providing examples), this section may result in saved time for both voters and poll workers.
<b>Signature/Assistant Section</b>	This section requires the voter to sign (or to have someone sign on their behalf if necessary) and date the registration to affirm the correctness of the information therein. The assistant section, which is only	The fields for signatures, dates, etc., remain mostly the same on the prototype. The main difference in this section lies in the certification section (“I hereby certify...”). By separating out the main qualifications and placing

	<p>completed when an assistor signs the form, includes fields for the assistant's name and address.</p>	<p>them at the top of the form, as well as focusing on plain language throughout, the prototype is able to more concisely convey the certification language in more understandable terms to the voter.</p>
<p><b>Official Use Only</b></p>	<p>This section of the form is used only by election officials, be it poll workers on Election Day or staff in the clerk's office.</p>	<p>When compared to the current iteration of the EL-131, the prototype greatly expands on the official use section. The prototype offers a list of abbreviated Proof of Residence documents that allow the official processing the form to quickly circle the correct type of document. The section also allows more space in the fields completed by poll workers on Election Day. Fields for SRD information have been omitted from the prototype and, in response to usability testing with election officials, certain fields that exist on the current form were repositioned on the prototype to appear in areas that make more logical sense, both in terms of processing a registration and for the purposes of data entry after Election Day.</p>



**Appendix B**



**Wisconsin Voter Registration Application**

Please complete legibly.

Additional instructions can be found on the back of this form.

<p><b>Qualifications</b></p> <p>Please fill in each circle if <b>YOU</b>:</p>	1	<input type="radio"/> Are a citizen of the United States <input type="radio"/> Will be at least 18 years old on or before Election Day <input type="radio"/> Have resided at the address provided below for at least 10 consecutive days prior to the election and do not intend to move <input type="radio"/> Are not currently serving a sentence including incarceration, parole, probation, or extended supervision for a felony conviction	<p>If you did not fill in <b>every</b> circle, do <b>NOT</b> complete this form</p>										
<p><b>Your Name</b></p>	2	Last _____ Suffix (Jr., II, etc.) _____ First _____ Middle _____											
<p><b>About You</b></p> <p>*phone number and email are optional</p>	3	Date of Birth (MM/DD/YYYY) _____ / _____ / _____	*Phone Number (____) _____ *Email Address _____										
<p><b>The Address Where You Live</b></p> <p>not a P.O. Box</p>	4	Street Number and Name _____ Apt # _____ <input type="radio"/> City <input type="radio"/> Town of _____ WI Zip _____ <input type="radio"/> Village If you are a military or permanent overseas elector, fill in the appropriate circle <input type="radio"/> Military <input type="radio"/> Permanent Overseas											
<p><b>Your Mailing Address</b></p> <p>if different from above</p>	5	Street Address (or P.O. Box) _____ Apt # _____ City _____ State _____ Zip _____											
<p><b>Prior Registration Information</b></p> <p>complete this field if you are updating your registration due to a change in name or address</p>	6	Full Name on Previous Registration _____ Full Address on Previous Registration _____											
<p><b>Identification</b></p> <p>you must choose one of the following options</p>	7	<input type="radio"/> I have a valid WI Driver License or WI DOT issued ID Number. Provide number and expiration date below _____ - _____ - _____ - _____ Expiration Date _____ / _____ / _____ <input type="radio"/> I do not have a valid WI Driver License or WI DOT issued ID Number Provide the last four digits of your Social Security Number XXX-XX- _____ - _____ <input type="radio"/> I have neither a valid WI Driver License/ID nor a Social Security Number (see back for more information and next steps)											
<p><b>Proof of Residence</b></p>	8	<p><u>Most</u> voters must provide a proof of residence document when registering to vote.                  Are you including a copy of a valid form of proof of residence with this application? <input type="radio"/> Yes <input type="radio"/> No</p> <p>Examples include: a copy of a valid and unexpired Wisconsin Driver License or ID Card, a utility bill, a paycheck/pay stub, or correspondence from a unit of government (see back of application for additional information and examples)</p>											
<p><b>Signature</b></p>	9	By signing below, I certify that all statements on this form are true and correct. If I have provided false information, I may be subject to fine or imprisonment under State and Federal laws. I also certify that I am not otherwise disqualified from voting and have not voted in this election. _____ Elector Signature Today's Date _____ / _____ / _____											
<p><b>Assistant</b></p> <p>if someone assisted you by signing this form, please complete this section</p>	10	_____ Assistant Signature Assistant Address											
Falsification of information on this form is punishable under Wisconsin law as a Class I felony													
This Section for Official Use Only													
Proof of Residence Type	WI DL	WI ID	UTIL	BANK	PYCK	STUD ID	GOV DOC	GOV ID	EMPL ID	RES CARE	LSE	TAX	HMLSS
WisVote ID # _____	<input type="radio"/> Submitted by Mail										Official's Signature		
Confidential Elector ID # _____													
Proof of Residence Issuing Entity	Proof of Residence #			Date Completed and POR Received				Election Day Voter Number					
_____	_____			_____ / _____ / _____				_____					
Ward	Sch. District	Alder	Civ. Supr.	Ct. Of App.		Assembly		St. Senate		Congress			
_____	_____	_____	_____	_____		_____		_____		_____			

<b>1</b>	<ul style="list-style-type: none"> <li>If you cannot fill in <b>every</b> circle in this section, you are <b>not</b> eligible to vote in Wisconsin. <b>Do not complete this form.</b></li> </ul>																		
<b>2</b>	<ul style="list-style-type: none"> <li>Provide your current and complete name. Please verify you have provided your name as it appears on the document, the number of which you provided in Box 8, if the name on that document is still your current and complete name.</li> </ul>																		
<b>3</b>	<ul style="list-style-type: none"> <li>Provide your month, day, and year of birth.</li> <li>Providing your phone number and/or email address is optional and is subject to open records requests.</li> </ul>																		
<b>4</b>	<ul style="list-style-type: none"> <li>Provide your home address (legal voting residence) in Wisconsin.</li> <li>Provide your full street name, including the type (St, Ave, etc.) and any pre- and/or post-directional (N, S, etc.).</li> <li>Provide the city name and zip that appears on mail delivered to your home address.</li> <li><u>You may not enter a PO Box as a residential address.</u> A rural route box without a number should not be used.</li> <li>A "military elector" is a person, or the spouse or dependent of a person who is a member of a uniformed service or merchant marine, a civilian officially attached to a uniformed service and serving outside the United States, or a Peace Corp volunteer. Military electors are not required to register as a prerequisite to voting at any election.</li> <li>A "permanent overseas elector" is a US citizen, at least 18 years old, who does not qualify as a resident of this state, but who either last lived in this state, or whose parent last lived in this state immediately prior to the parent's departure from the United States, and who is not registered to vote in any other state.</li> </ul> <p>If you do not have a street number or address, please use this map to show where you live.</p> <p>If you are a homeless voter and are registering to vote, please also provide a letter from an organization that provides services to the homeless that will:</p> <ul style="list-style-type: none"> <li>Identify you</li> <li>Describe the location designated as your residence for voting purposes</li> </ul> <div style="display: flex; justify-content: space-around; align-items: center;"> <table border="1" style="border-collapse: collapse; text-align: center;"> <tr> <td style="padding: 5px;">Example</td> <td style="padding: 5px;">N ↑</td> <td style="padding: 5px;">Library •</td> </tr> <tr> <td colspan="3" style="padding: 5px;">Marmoset Drive</td> </tr> <tr> <td style="padding: 5px;">High School •</td> <td colspan="2" style="padding: 5px;">X</td> </tr> </table> <table border="1" style="border-collapse: collapse; text-align: center;"> <tr> <td style="padding: 5px;"> </td> <td style="padding: 5px;">N ↑</td> <td style="padding: 5px;"> </td> </tr> <tr> <td colspan="3" style="padding: 5px;"> </td> </tr> <tr> <td style="padding: 5px;"> </td> <td colspan="2" style="padding: 5px;"> </td> </tr> </table> </div>	Example	N ↑	Library •	Marmoset Drive			High School •	X			N ↑							
Example	N ↑	Library •																	
Marmoset Drive																			
High School •	X																		
	N ↑																		
<b>5</b>	<ul style="list-style-type: none"> <li>If your mailing address is different from your home address, provide it here. A PO Box is acceptable as a mailing address. Overseas electors should provide their complete overseas address here.</li> </ul>																		
<b>6</b>	<ul style="list-style-type: none"> <li>Provide your full previous name and address if you have been registered to vote anywhere else in the U.S.</li> </ul>																		
<b>7</b>	<ul style="list-style-type: none"> <li>If you have been issued a WI driver license or WI DOT-issued ID that is unexpired, you must provide the number, even if your driving privileges have been revoked. To find your number, please call DMV at (608) 266-2353.</li> <li>If you have been issued a WI driver license or WI DOT-issued ID that is currently expired or has been canceled, please provide the number. You must also provide the last 4 digits of your Social Security number.</li> <li>If you have not been issued a WI driver license or WI DOT-issued ID, you must provide the last 4 digits of your Social Security number.</li> <li>If you have not been issued a WI driver license, a WI DOT-issued ID, or a Social Security number, indicate that fact by filling in the appropriate circle.</li> <li>If you are registering to vote on Election Day and have been issued a WI driver license or ID, but are unable or unwilling to provide the number, your vote will not be counted unless you provide the number to the election inspectors by 8:00p.m. on Election Day or to your municipal clerk by 4:00 p.m. the Friday following Election Day.</li> </ul>																		
<b>8</b>	<ul style="list-style-type: none"> <li>A WI Driver License/ID Card, if not expired or canceled; may be used even if driving privileges have been revoked</li> <li>Any other official identification card or license issued by a Wisconsin governmental body or unit</li> <li>An employee ID card with a photograph, but not a business card</li> <li>A real property tax bill or receipt for the current year or the year preceding the date of the election</li> <li>A residential lease (Does not count as proof of residence if elector submits form by mail)</li> <li>A picture ID from a university, college or technical college coupled with a fee receipt or an on-campus housing listing provided by the university, college or technical college</li> <li>A utility bill for the period commencing not earlier than 90 days before the day registration is made</li> <li>(Homeless voters only) A letter from an organization that provides services to the homeless that identifies the voter and describes the location designated as the person's residence for voting purposes</li> <li>A contract/intake document prepared by a residential care facility indicating that the occupant resides in the facility</li> <li>A bank/credit card statement</li> <li>A paycheck</li> <li>A check or other document issued by a unit of government</li> </ul> <p style="text-align: right;"><b>Proof of residence documents may be submitted in an electronic format</b></p>																		
<b>9</b>	<p><b>Assistant:</b> If you are unable to sign this form due to a physical disability, you may have an assistant do so on your behalf. That assistant must provide his or her signature and address in the space provided. By signing, the assistant certifies that he or she signed the form at your request.</p>																		
<p>Do you need any accommodations at your polling place (e.g., curbside voting)? If so, please describe:</p>																			
<input type="radio"/> Please indicate if you are interested in being a poll worker																			

**Appendix C: Current EL-131 (REV 2018-10)**

	<b>Wisconsin Voter Registration Application</b>	<input type="radio"/> Submitted by Mail <small>(Official Use Only)</small>					
<small>Confidential Elector ID# (Official Use Only)</small>		<small>WisVote ID # (Official Use Only)</small>					
<b>Instructions</b>	<p><b>Instructions for completion are on the back of this form. Return this form to your municipal clerk, unless directed otherwise.</b></p> <p> <b>Proof of Residence (see reverse) must accompany this application unless you are a military or permanent overseas voter. If this is a change of address, upon completion of this application your voting rights will be cancelled at your previous residence. Please print your information clearly and legibly. Fill in circles as applicable.</b></p>						
<b>1</b>	<input type="radio"/> New WI Voter <input type="radio"/> Name Change <input type="radio"/> Address Change	Municipality <input type="radio"/> Town <input type="radio"/> Village <input type="radio"/> City County					
<b>2</b>	WI Driver License or WI DOT-issued ID # (Req. if not expired or cancelled)	Expiration Date / /					
Social Security Number - Last Four Digits (Req. if driver license or state ID is not issued, has expired, or has been cancelled)		XXX - XX - <input type="radio"/> I have neither a WI Driver License/ ID nor a Social Security Number.					
<b>Current</b>	Last Name		First Name				
	Middle Name		Suffix (e.g. Jr, II, etc.)				
	Date of Birth (MM/YYYY)		Phone #				
	Apt. Number		City				
	Mailing Address: Street Number & Name		State & ZIP				
<b>3</b>	If you are a military or permanent overseas elector, fill in the appropriate circle (see instructions for definitions) <input type="radio"/> Military <input type="radio"/> Permanent Overseas						
<b>4</b>	Residence Address: Street Number & Name						
<b>5</b>	Mailing Address: Street Number & Name						
<b>6</b>	Last Name		First Name				
<b>7</b>	Middle Name		Suffix (e.g. Jr, II, etc.)				
<b>8</b>	Previous Address: Street Number & Name		State & ZIP				
<b>9</b>	Accommodation needed at poll location (e.g. wheelchair access): <input type="radio"/> I am interested in being a poll worker.		If you do not have a street number or address, use the map to show where you live. • Mark crossroads • 'X' where you live • Use dots for landmarks				
<b>10</b>	Please answer the following questions by filling in "Yes" or "No" 1. Are you a citizen of the United States of America? <input type="radio"/> Yes <input type="radio"/> No 2. Will you be 18 years of age or older on or before the first election at which you will offer to vote? <input type="radio"/> Yes <input type="radio"/> No If you filled in "No" in response to EITHER of these questions, do <u>not</u> complete this form.						
<b>11</b>	I hereby certify, to the best of my knowledge, that I am a qualified elector, a U.S. citizen, at least 18 years old or will be at least 18 years old at the time of the first election at which I will offer to vote, having resided at the above residential address for at least 10 consecutive days immediately preceding this election, with no present intent to move. I am not currently serving a sentence including incarceration, parole, probation, or extended supervision for a felony conviction, and not otherwise disqualified from voting. I certify that all statements on this form are true and correct. If I have provided false information I may be subject to fine or imprisonment under State and Federal laws. <b>If completed on Election Day:</b> I further certify that I have not voted in this election. <b>Please sign below to acknowledge that you have read and understand the above.</b>						
<b>12</b>	Elector Signature		Today's Date				
<b>X</b>		/ /		Proof of Residence Type (Official use only)	Proof of Residence Issuing Entity (Official use only)		
				Proof of Residence # (Official Use Only)	Election Day Voter # (Official Use Only)		
<b>Falsification of information on this form is punishable under Wisconsin law as a Class I felony.</b>							
Assistant Signature:		Assistant Address:					
Official's Signature:		Date Complete & POR Received	SRDs printed name and SRD#:				
/ /							
Ward	Sch. District	Alder	City, Supr.	Ct. of App.	Assembly	St. Senate	Congress

	<h2 style="text-align: center;">Wisconsin Voter Registration Application Instructions</h2> <p style="text-align: center;">Each section on the front side of this document corresponds to the sections below (1-12)</p>
<p>These documents constitute proof of residence if they contain the voter's current and complete first and last name and residential address, and are valid on the day used to register to vote.</p> <p>Electronic versions are also acceptable</p>	<ul style="list-style-type: none"> <li>• A WI Driver License/ID Card, if not expired or cancelled; may be used even if driving privileges have been revoked</li> <li>• Any other official identification card or license issued by a Wisconsin governmental body or unit</li> <li>• An employee ID card with a photograph, but not a business card</li> <li>• A real property tax bill or receipt for the current year or the year preceding the date of the election</li> <li>• A residential lease (<u>Does not count as proof of residence if elector submits form by mail</u>)</li> <li>• A picture ID from a university, college or technical college coupled with a fee receipt or an on-campus housing listing provided by the university, college or technical college</li> <li>• A utility bill for the period commencing not earlier than 90 days before the day registration is made</li> <li>• (Homeless voters only) A letter from an organization that provides services to the homeless that identifies the voter and describes the location designated as the person's residence for voting purposes</li> <li>• A contract/intake document prepared by a residential care facility indicating that the occupant resides in the facility</li> <li>• A bank/credit card statement    • A paycheck    • A check or other document issued by a unit of government</li> </ul>
1	<ul style="list-style-type: none"> <li>• Fill in the circle (New WI Voter, Name Change, Address Change) describing why you are completing the form.</li> <li>• A "New WI Voter" is anyone who is not currently registered to vote in Wisconsin. You can check your voter registration status at MyVote Wisconsin website (<a href="https://myvote.wi.gov">https://myvote.wi.gov</a>)</li> <li>• Indicate your county and municipality of residence (e.g. Town of Eaton, Manitowoc County).</li> </ul>
2	<ul style="list-style-type: none"> <li>• If you have been issued a WI driver license or WI DOT-issued ID that is unexpired, you must provide the number, even if your driving privileges have been revoked. If you are unsure of the number, please call DMV at (608) 266-2353.</li> <li>• If you have been issued a WI driver license or WI DOT-issued ID that is currently expired or has been cancelled, please provide the number. You must also provide the last 4 digits of your Social Security number.</li> <li>• If you have not been issued a WI driver license or WI DOT-issued ID, you must provide the last 4 digits of your Social Security number.</li> <li>• If you have not been issued a WI driver license, a WI DOT-issued ID, or a Social Security number, indicate that fact by filling in the appropriate circle.</li> <li>• If you are registering to vote on Election Day and have been issued a WI driver license or ID, but are unable or unwilling to provide the number, your vote will not be counted unless you provide the number to the election inspectors by 8:00 p.m. on Election Day or to your municipal clerk by 4:00 p.m. the Friday following Election Day.</li> </ul>
3	<ul style="list-style-type: none"> <li>• Provide your current and complete name including your last name, first name, middle name, and suffix (Jr., Sr., etc.), if any. Please verify you have provided your name as it appears on the document, the number of which you provided in Box 2, if the name on that document is still your current and complete name.</li> <li>• Provide your month, day, and year of birth.</li> <li>• Providing your phone number and/or email address is optional and is subject to open records requests.</li> <li>• A "military elector" is a person, or the spouse or dependent of a person who is a member of a uniformed service or merchant marine, a civilian officially attached to a uniformed service and serving outside the United States, or a Peace Corp volunteer. Military electors are not required to register as a prerequisite to voting at any election.</li> <li>• A "permanent overseas elector" is a US citizen, at least 18 years old, who does not qualify as a resident of this state, but who was last domiciled in this state, or whose parent was last domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote in any other state.</li> </ul>
4	<ul style="list-style-type: none"> <li>• Provide your home address (legal voting residence) in Wisconsin.</li> <li>• Provide your full street name, including the type (St, Ave, etc.) and any pre-and/or post-directional (N, S, etc.).</li> <li>• Provide the city name and zip that appears on mail delivered to your home address.</li> <li>• You may not enter a PO Box as a residential address. A rural route box without a number should not be used.</li> </ul>
5	<ul style="list-style-type: none"> <li>• If your mailing address is different from your home address, provide it here. A PO Box is acceptable as a mailing address. Overseas electors should provide their complete overseas address here.</li> </ul>
6	<ul style="list-style-type: none"> <li>• Provide your previous first, last and middle names, along with a suffix, if any.</li> </ul>
7	<ul style="list-style-type: none"> <li>• Provide the most recent address where you were previously registered to vote, if any.</li> </ul>
8	<ul style="list-style-type: none"> <li>• If you need assistance when voting, you may describe the assistance required (e.g. curbside voting, braille materials).</li> <li>• If you are interested in being a poll worker for your municipality, you may fill in the circle to indicate your interest.</li> <li>• If you do not have a street address, use the map to show where you live.</li> </ul>
9	<ul style="list-style-type: none"> <li>• If you answer "No" to either question in this section, you are not eligible to vote in Wisconsin.</li> <li>• Please note, for question 2, you must either be at least 18 years old, or will be at least 18 years old at the time of the next election to be eligible to vote. If you are completing on Election Day you must be 18 years old today.</li> </ul>
12	<ul style="list-style-type: none"> <li>• <b>Assistant:</b> If you are unable to sign this form due to a physical disability, you may have an assistant do so on your behalf. That assistant must provide his or her signature and address in the space provided. By signing, the assistant certifies that he or she signed the form at your request.</li> </ul>



# Wisconsin Elections Commission

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## **MEMORANDUM**

**DATE:** For the September 24, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared and Presented by:  
Michael Haas, Staff Counsel

**SUBJECT:** Agency Procedures to Create Guidance Documents and Publications

### **I. Introduction**

As the Commission has previously discussed, 2017 Wisconsin Act 369, enacted as a result of the December 2018 extraordinary session, established additional requirements for agencies which create and publish guidance documents and agency publications. Due to other agency priorities and three pending lawsuits regarding the legislation, WEC staff has delayed implementation of new processes established by Act 369. In one of the lawsuits, the Wisconsin Supreme Court has ruled that the extraordinary session was constitutional and it upheld Act 369. Another case is pending before the Wisconsin Supreme Court, which stayed a temporary injunction against certain provisions of the legislation previously issued by the Dane County Circuit Court. A federal lawsuit challenging the constitutionality of the extraordinary session is also pending before the U.S. District Court in the Western District of Wisconsin.

### **II. Guidance Document Procedures**

The broad goals of Act 369 seem to include 1) providing an avenue for public comments before an agency adopts a guidance document which interprets laws under its jurisdiction, and 2) provide a transparent opportunity for parties to petition an agency to promulgate an administrative rule rather than only publish a guidance document.

*Wisconsin Elections Commissioners*

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

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Administrator  
Meagan Wolfe

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Wis. Stat. § 227.01(3m)(a) contains the definition of a guidance document:

**227.01 (3m) (a)** “Guidance document” means, except as provided in par. (b), any formal or official document or communication issued by an agency, including a manual, handbook, directive, or informational bulletin, that does any of the following:

1. Explains the agency's implementation of a statute or rule enforced or administered by the agency, including the current or proposed operating procedure of the agency.
2. Provides guidance or advice with respect to how the agency is likely to apply a statute or rule enforced or administered by the agency, if that guidance or advice is likely to apply to a class of persons similarly affected.

Certain documents are specifically excluded from the definition of “guidance document,” including administrative rules, forms containing content prescribed by law, and pamphlets or materials that are merely informational and do not include interpretation of legislation.

Wis. Stat. § 227.112 requires agencies, prior to adopting a guidance document, to follow a public comment process. The draft guidance document, along with a notice of a public comment period, must be submitted to the Legislative Reference Bureau for publication in the Administrative Register. The public comment notice must indicate how comments may be submitted to the agency and the deadline for submitting comments, which must be at least 21 days after publication unless the Governor approves a shorter deadline. The agency must post each guidance document on its website, consider all submitted comments in determining whether to adopt or modify the document, and permit continuing public comment after adoption of the final document. Each guidance document must include a statement signed by the administrative head of the agency to certify that it complies with statutes related to administrative rules and that it does not contradict or exceed the authority in Wisconsin Statutes.

A guidance document does not have the force of law. The legislative discussion regarding guidance documents focused primarily on state agencies with more direct regulatory and enforcement roles than the WEC typically exercises, such as those which issue permits or impose monetary penalties. WEC documents typically either provide guidance to local election officials regarding their responsibilities to administer elections or provide information to candidates, voters and the public regarding ballot access, voting rights and the election process. Act 369 also involves a somewhat subjective judgment about whether a document is “interpreting” legislation, which is subject to the guidance document process, or is simply restating statutory provisions, which would not be considered a guidance document. WEC staff regularly publishes a variety of documents that may simply restate provisions of the law, and the line defining interpretation is not always clear, especially when agency advice may involve the interaction of various statutes.

WEC staff recently met with attorneys from Legislative Council, which is charged with providing agencies with assistance in determining whether documents and communications are guidance documents subject to the provisions of Act 369. Discussion focused on the variety of materials which the WEC produces and publishes as well as concerns about the guidance document process delaying advice or directions to local election officials or the public, especially in the time period leading up to an election. Legal or political developments, or a new focus on specific procedures, often require the agency to create and distribute guidance with a short turnaround in order to effectively respond to inquiries. Even when the Governor authorizes a public comment period as short as one day, the Administrative Register is published on a weekly basis, and final guidance documents may not be adopted until the deadline for submitting public comments.

Based on the discussion with Legislative Council staff and its internal discussion, WEC staff has developed a proposed approach to guide its implementation of Act 369's guidance document provisions. The proposed approach is designed to promote transparency and to comply with the legislative requirements while ensuring that the process is practical and retains the agency's ability to provide guidance to its partners, customers and constituents in a timely and effective manner, as well as to fulfill its many other statutory responsibilities. WEC staff proposes the following principles to guide its approach to Act 369's guidance document provisions:

- 1) If the material being created strictly restates existing statutes, administrative rules or other law, it does not constitute a guidance document subject to Act 369. If the material includes any interpretation of existing law, it is a guidance document subject to the Act 369 processes.
- 2) If the material is a communication stating an interpretation made to dispose of a particular matter applied to a specific set of facts, it is not considered a guidance document pursuant to Wis. Stat. § 227.01(3m)(b)2.
- 3) The WEC staff will focus its initial efforts on its most comprehensive and substantive materials which may be more likely to be subject to legal challenge and which provide guidance to large audiences, such as the agency's election manuals.
- 4) The WEC staff will make draft guidance documents immediately available on the agency website for use by local election officials, candidates and the public, but will include a disclaimer indicating that the document is in draft form until the review and consideration of any public comments. Following the deadline for public comments and adoption of the final document pursuant to item 6 below, the draft disclaimer will be removed.
- 5) Consistent with its current practice, a draft guidance document will be posted in a single location on the agency website. The website will contain a separate page listing all the draft and final guidance documents with links to the documents and links to facilitate submitting public comments.
- 6) Staff will be assigned to review and consider any public comments and recommend whether any modifications should be made before final adoption of the guidance document. Following the deadline for public comments and any necessary revisions, the Administrator will approve the guidance document and sign the required certification.
- 7) Because guidance documents may include clerk communications, conference and webinar presentations, and voter information guides, in most cases the Commission will not act to approve or adopt a guidance document. Draft guidance documents will be available for any interested Commissioner as they are posted on the agency website for public comment. Consistent with current practice, when a guidance document involves a significant, novel or potentially controversial interpretation of law, staff will seek Commission feedback and approval before publication.

Staff recommends that the Commission adopt the motion at the conclusion of this memorandum regarding the agency's implementation of the guidance document requirements of 2017 Act 369.

### **III. Agency Publications Procedures**

Act 369 also created Wis. Stat. § 227.05, which requires most state agencies, including the WEC, to “identify the applicable provision of federal law or the applicable state statutory or administrative code provision that supports any statement or interpretation of law that the agency makes in any publication, whether in print or on the agency’s Internet site, including guidance documents, forms, pamphlets, or other informational materials, regarding the laws the agency administers.”

The requirement to insert statutory or administrative code provisions applies to a wide variety of agency publications, including but not limited to guidance documents. Apart from the time commitment required to include such legal citations in all agency publications, staff has identified a concern about retaining the readability and usability of its documents, including those written for local election officials and the public. Wis. Stat. § 7.08(3) requires the Commission to publish its election manuals “so as to be easily understood by the general public explaining the duties of the election officials, together with notes and references to statutes as the commission considers advisable.” In general, WEC staff puts an emphasis on attempting to create guidance and materials that are accessible and usable for the general public.

WEC staff has been experimenting with various techniques to comply with Section 227.05 while continuing to ensure that its publications are readable and effective, so that numerous statutory citations do not overly clutter a document or distract or confuse readers. Working initially with some of its election manuals, the consensus of staff is that a flexible approach is most effective. In some instances, a pinpoint citation to a statute or administrative rule makes sense. In other cases, a more general reference to statutes may be more effective in introductory text or at the end of a paragraph or section. Especially with voter information documents, staff anticipates including legal citations in the least intrusive manner possible, so that the information is available but does not detract from essential information.

This summary regarding agency publications is intended solely as an update to the Commission and does not require action unless the Commission wishes to provide more specific direction to staff.

### **IV. Recommended Motion**

WEC staff recommends the Commission approve the following motion:

**MOTION:** The Commission approves the agency approach as described in the staff memorandum to implementing the guidance documents provisions of 2017 Act 369 and directs staff to make reasonable efforts to complete the process for publishing its guidance documents. The Commission authorizes the Administrator to exercise discretion to request that the Governor establish a public comment period shorter than 21 days for particular guidance documents when warranted by timeliness considerations. The Commission further authorizes the Administrator to approve the adoption of final guidance documents following the applicable public comment period and to execute the guidance document certification required by Act 369.



# Wisconsin Elections Commission

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## MEMORANDUM

**DATE:** For the September 24, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared and Presented by:  
Diane Lowe, Elections Specialist

**SUBJECT:** 2020 Spring Ballot Design Format

### **I. Introduction**

Sample ballots for the 2020 Spring Primary and Spring Election accompany this memorandum and are submitted to the Wisconsin Elections Commission for approval. The general format of the spring ballots has not changed since the Commission approved the 2019 Spring Ballots, and the design continues to be acceptable to county clerks, voters, ballot printers, and equipment vendors. Sample Spring Primary Ballots are included with this memo (**EL-208mtn oval, EL-208 paper**). There are no changes to the spring primary ballots, except for a minor clarification of the instructions to election inspectors which affects the optical scan primary and election ballots. A more substantive change was made to the Spring Election Ballots in order to accommodate the Presidential Preference Vote.

### **II. Modification to Election Inspector Instructions on Optical Scan Ballots**

The modification was made only on optical scan ballots and is found in the “For Official Use Only” section and clarifies instruction language for election inspectors. This section is used when a ballot must be remade so the voting equipment will accept it. The voter’s ballot and the duplicate ballot are marked with an identical serial number so that, in the event of a recount, the original ballot and the remade (duplicate) ballot can be matched. A few election inspectors have expressed confusion regarding the wording “Original Ballot No.” and “Duplicate Ballot No.” The wording has been modified to better explain that the placement of the serial number depends on the ballot being labeled.

*Wisconsin Elections Commissioners*

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

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Administrator  
Meagan Wolfe

<u>Current</u>	<u>Proposed</u>		
<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; background-color: black; color: white; margin: 0;"><b>For Official Use Only</b></p> <p><i>Inspectors: Identify ballots required to be remade.</i></p> <p><b>Reason for remaking ballot:</b></p> <p style="margin-left: 20px;"> <input type="checkbox"/> Overvoted  <input type="checkbox"/> Damaged  <input type="checkbox"/> Other                 </p> <p style="border: 1px solid black; padding: 2px; margin: 5px 0;">Original Ballot No. or Duplicate Ballot No.</p> <p style="margin-top: 10px;">_____</p> <p style="font-size: small; text-align: center;">Initials of inspectors who remade ballot</p> </div>	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; background-color: black; color: white; margin: 0;"><b>For Official Use Only</b></p> <p><i>Inspectors: Identify ballots required to be remade.</i></p> <p><b>Reason for remaking ballot:</b></p> <p style="margin-left: 20px;"> <input type="checkbox"/> Overvoted  <input type="checkbox"/> Damaged  <input type="checkbox"/> Other                 </p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 5px 0;"> <tr> <td style="width: 50%; padding: 2px;">                     If this is the original ballot--                      Write serial number here: _____                 </td> <td style="width: 50%; padding: 2px;">                     If this is the duplicate ballot--                      Write serial number here: _____                 </td> </tr> </table> <p style="margin-top: 10px;">_____</p> <p style="font-size: small; text-align: center;">Initials of inspectors who remade ballot</p> </div>	If this is the original ballot-- Write serial number here: _____	If this is the duplicate ballot-- Write serial number here: _____
If this is the original ballot-- Write serial number here: _____	If this is the duplicate ballot-- Write serial number here: _____		

**III. Modification Incorporating the Presidential Preference Vote into Spring Election Ballots**

A more significant modification is necessary for the 2020 Spring Election Ballot in order to include the Presidential Preference Vote contest.

**A. Optical Scan Ballots**

The Spring Election /Presidential Preference Vote optical scan ballot combines a partisan primary contest with nonpartisan contests. The Presidential Preference Vote appears as the first contest on a ballot. The voter is directed to decide which party in which to vote and vote only in that party. Additional instructions are needed to caution voters against voting in both parties or voting more than once and to provide the distinction that the Presidential Preference Vote is a partisan contest. Where electronic voting equipment is used, the voting equipment alerts the voter of an overvote or a crossover vote.

**B. Two Styles of Optical Scan Ballots**

At the August Partisan Primary, the ballot is comprised of numerous offices, all listed within each party section along with each party’s respective candidates. The sheer number of choices between candidates, contests and parties increases the voter’s chances of veering off the one-party path and crossover voting. The Party Preference Selection protects the voter from losing all votes cast by preserving votes cast in the selected party. By contrast, at the Presidential Preference Vote, there are only two participating parties within one contest. The voter is only permitted to vote once for the office of President. For this reason, in 2016, several clerks argued that the Presidential Preference Vote does not require a Party Preference Selection and should be treated as a simple “Vote for 1” contest. The Government Accountability Board agreed that regardless of which style is used, the effect on voters is the same as in any other election: Election-day voters are notified of errors by the voting equipment and are afforded an opportunity to vote a new ballot. Absentee voters are not notified of errors and do not have an opportunity to vote a new ballot.

Voter Type	With Party Preference Selection*	w/o Party Preference Selection	Overvote/Crossover		Notification to Voter		Counted		Opportunity for repair	
			C	O	Yes	No	Yes	No	Yes	No
Election Day	X		X			X	X		N/A	
	X			X	X			X	X	
		X	X		X			X	X	
		X		X	X			X	X	
Absentee	X		X			X	X		N/A	
	X			X		X		X		X
		X	X			X		X		X
		X		X		X		X		X

\* Assumes the voter selects a party

The Government Accountability Board approved the two Presidential Preference Vote ballot styles, one with a Party Preference Selection (**EL-209mc Oval**) and one without (**EL-209mc Arrow**) and voted to give discretion to the county clerks to determine which format will be used in their respective counties. Depending on the voting equipment or compilation software used in the county, the format *without* the party Preference Selection may not be an option.

### C. Conventional Hand-Count Paper Ballots

Hand-count paper ballots may be designed in the traditional style where, for nonpartisan elections, the State and County contests are on one ballot, municipal contests are on another ballot and School District contests are on yet another ballot. In the partisan primary, each party has a ballot. At the Presidential Preference Vote, each voter is given a Democratic Presidential Ballot and a Republican Presidential Ballot (**EL-204 Paper Pres Pref by party**) stapled together at the bottom, and one ballot for each level of state/county, municipal and school district offices. The elector votes on one Presidential Ballot and deposits it in the ballot box for that purpose. The unused ballot is placed in a locked discard box. The state/county, municipal and school district ballots are deposited in the box designated for each ballot type.

### D. Consolidated Hand-Count Paper Ballots

Most hand-count municipalities prefer to consolidate several ballots used in the traditional method into one ballot similar to an optical scan ballot. However, the Election Commission and its predecessor agency, the Government Accountability Board, have operated under the policy of discouraging the use of consolidated ballots at partisan primaries. At a partisan primary where the voter may only vote in one party, a consolidated hand-count ballot poses too much risk for crossover voting, with no way to notify voters that their ballot will not count. At the Presidential Preference Vote, each voter will receive two consolidated ballots that are identical except that one will be labeled “Democratic” and the other labeled “Republican.” (See **EL-209 Paper Ballot-Spring Election & Pres Pref by party**). The voter is instructed to choose the party ballot on which to vote and vote only on that ballot. The other ballot is deposited in a locked discard box.

## **E. Presidential-Only Absentee Ballot**

Wis. Stat. § 7.15(1)(cm), requires absentee ballots to be sent to registered electors with valid absentee requests on file for the Presidential Preference Primary no later than 47 days before the before the April 7 election. In 2020, this deadline falls on February 20, 2020. As the Spring Primary will be held on February 18, 2020, and the canvass of that election may be certified as late as March 3, 2020, the Elections Commission is directing election officials to send an **EL-204 Pres Pref Absentee Ballot** (a ballot containing only the Presidential Preference contest) to military and permanent overseas voters with an absentee ballot request on file no later than February 20, 2020. If the request is made after February 20, the ballot must be sent within one day of the request. Because this is strictly an absentee ballot, a consolidated Presidential Preference Absentee ballot may be used. When the official Spring Election and Presidential Preference Ballots are prepared, municipal clerks will send military voters who were previously sent a Presidential Preference-only ballot, an official ballot. Permanent overseas voters may only vote for national office. Therefore, they do not receive a second ballot.

## **IV. Recommended Motion**

Staff recommends that the Commission adopt the following motion:

**MOTION:** The Commission approves the ballot designs presented by staff and attached to this memorandum and directs staff to utilize the ballot designs for the 2020 Spring Primary and Spring Election/Presidential Preference Vote.

# Official Primary Ballot

## Nonpartisan Office

### February 18, 2020

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

#### Instructions to Voters

If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee Voters: Contact your municipal clerk.)

To vote for a name on the ballot, make an “X” or other mark in the square next to the name, like this:  To vote for a name that is not on the ballot, write the name on the line marked “write-in.”

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



# Official Primary Ballot

## Nonpartisan Office and Referendum

### February 18, 2020

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

Instructions	County	Municipal (Cont.)
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters: Contact your municipal clerk.)</p> <p>To vote for a name on the ballot, fill in the oval next to the name like this <input checked="" type="radio"/></p> <p>To vote for a name that is not on the ballot write the name on the line marked "write-in" and fill in the oval next to the name like this <input checked="" type="radio"/></p>	<b>County Executive</b>	<b>Town Board Supervisor 2</b>
	<b>Vote for 1</b>	<b>Vote for 1</b>
	<input type="radio"/> Candidate	<input type="radio"/> Candidate
	<input type="radio"/> Candidate	<input type="radio"/> Candidate
	<input type="radio"/> Candidate	<input type="radio"/> Candidate
	<input type="radio"/> write-in:	<input type="radio"/> write-in:
	<b>County Supervisor, District _</b>	<b>Town Clerk</b>
	<b>Vote for 1</b>	<b>Vote for 1</b>
<b>Judicial</b>	<input type="radio"/> Candidate	<input type="radio"/> Candidate
<b>Justice of the Supreme Court</b>	<input type="radio"/> Candidate	<input type="radio"/> Candidate
<b>Vote for 1</b>	<input type="radio"/> Candidate	<input type="radio"/> Candidate
<input type="radio"/> Candidate	<input type="radio"/> write-in:	<input type="radio"/> write-in:
<input type="radio"/> Candidate	<b>Municipal</b>	<b>Town Treasurer</b>
<input type="radio"/> Candidate	<b>Town Board Chairperson</b>	<b>Vote for 1</b>
<input type="radio"/> write-in:	<b>Vote for 1</b>	<input type="radio"/> Candidate
<b>Court of Appeals Judge, Dist._</b>	<input type="radio"/> Candidate	<input type="radio"/> Candidate
<b>Vote for 1</b>	<input type="radio"/> Candidate	<input type="radio"/> Candidate
<input type="radio"/> Candidate	<input type="radio"/> Candidate	<input type="radio"/> write-in:
<input type="radio"/> Candidate	<input type="radio"/> write-in:	<b>Town Constable</b>
<input type="radio"/> Candidate	<b>Town Board Supervisor 1</b>	<b>Vote for 1</b>
<input type="radio"/> write-in:	<b>Vote for 1</b>	<input type="radio"/> Candidate
<b>Circuit Court Judge, Branch _</b>	<input type="radio"/> Candidate	<input type="radio"/> Candidate
<b>Vote for 1</b>	<input type="radio"/> Candidate	<input type="radio"/> Candidate
<input type="radio"/> Candidate	<input type="radio"/> Candidate	<input type="radio"/> write-in:
<input type="radio"/> Candidate	<input type="radio"/> write-in:	
<input type="radio"/> Candidate		
<input type="radio"/> write-in:		
<b>Continue voting at top of next column.</b>	<b>Continue voting at top of next column.</b>	<b>Continue voting on other side.</b>

Page 1 of 2-sided ballot.

Turn ballot over.



Municipal (Cont.)	Referendum	Official Primary Ballot Nonpartisan Office and Referendum February 18, 2020 for
<b>Town Assessor</b>	To vote in favor of a question, fill in the oval next to "Yes," like this <input checked="" type="radio"/> . To vote against a question, fill in the oval next to "No," like this <input type="radio"/> .	Municipality and ward number(s) _____
<b>Vote for 1</b>		
<input type="radio"/> Candidate	<b>Level of government conducting referendum (State, County, Municipal, School District...)</b>	<b>Ballot issued by</b> _____ _____ Initials of election inspectors
<input type="radio"/> Candidate		
<input type="radio"/> Candidate	Question (number if necessary): Shall the...? <input type="radio"/> Yes <input type="radio"/> No	<b>Absentee ballot issued by</b> _____ _____ Initials of municipal clerk or deputy clerk
<input type="radio"/> write-in:		
<b>Sanitary District</b>	<b>For Official Use Only</b>	If issued by SVDs, both SVDs must initial.
<b>Town Sanitary District</b>		
<b>Commissioner</b>	<i><b>Inspectors:</b> Identify ballots required to be remade.</i>	<b>Certification of Voter Assistance</b> I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. § 6.82 to receive assistance. _____ Signature of assistor
<b>Vote for 1</b>		
<input type="radio"/> Candidate	<b>Reason for remaking ballot:</b> <input type="checkbox"/> Overvoted <input type="checkbox"/> Damaged <input type="checkbox"/> Other	_____ Initials of inspectors who remade ballot
<input type="radio"/> Candidate		
<input type="radio"/> Candidate	If this is the <b>original ballot</b> — Write serial number here: _____	If this is the <b>duplicate ballot</b> — Write serial number here: _____
<input type="radio"/> write-in:		
<b>School District</b>	<b>Continue voting at top of next column.</b>	
<b>Name of School (optional)</b>		
<b>School Board Member</b>	<b>Page 2 of 2-sided ballot.</b>	
<b>Vote for not more than 2</b>		
<input type="radio"/> Candidate		
<input type="radio"/> write-in:		
<input type="radio"/> write-in:		

# Official Ballot

## Presidential Preference Vote

### Nonpartisan Office and Referendum

#### April 7, 2020

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

**General Instructions to Voters:** If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters: Contact your municipal clerk.) To vote for a name on the ballot, complete the arrow next to the name like this . To vote for a name that is not on the ballot, write the name on the line marked "write-in," and complete the arrow next to the line, like this .

Special Instructions for Presidential Preference Vote	Presidential Preference Vote (Cont.)	Judicial	
<p><b>In the Presidential Preference Vote</b></p> <ul style="list-style-type: none"> <li>You may vote for only ONE candidate.</li> <li>You may vote in only ONE party.</li> <li>If you vote more than once, your vote will not be counted.</li> </ul> <p><b>Choose the party</b> in which you will vote. Within the party you have chosen, you have ONE of 3 choices:</p> <ol style="list-style-type: none"> <li>Vote for a candidate whose name is printed on this ballot in the party you have chosen.</li> <li>Vote for an uninstructed delegation from Wisconsin to the national convention of the party you have chosen.</li> <li>Write in the name of another person to become the presidential candidate of the party you have chosen.</li> </ol> <p><b>Complete ONE arrow in ONE party.</b></p>	<b>Cast your vote for President</b>	<b>Justice of the Supreme Court</b>	
	Vote ONCE in your chosen party.	<b>Vote for 1</b>	Candidate 
	<b>Democratic Party</b>	<i>If you vote in this party, you may not vote in the other party.</i>	Candidate 
	<b>President of the United States</b>	write-in: 	<b>Court of Appeals Judge, Dist. _</b>
	<b>Vote for 1</b>	Candidate 	District _
	Candidate 	Candidate 	Vote for 1
	Candidate 	Candidate 	Candidate 
	Candidate 	Uninstructed Delegation 	Candidate 
	Uninstructed Delegation 	write-in: 	write-in: 
	write-in: 	<b>Republican Party</b>	<b>Circuit Court Judge</b>
<i>If you vote in this party, you may not vote in the other party.</i>	Candidate 	Branch _	
<b>President of the United States</b>	Candidate 	Vote for 1	
<b>Vote for 1</b>	Candidate 	<b>County</b>	
Candidate 	Candidate 	<b>County Executive</b>	
Candidate 	Uninstructed Delegation 	Vote for 1	
Uninstructed Delegation 	Candidate 	Candidate 	
write-in: 	write-in: 	write-in: 	
write-in: 	<b>End Presidential Preference Vote</b>	<b>County</b>	
<b>Presidential Preference Vote continues at top of next column.</b>	Nonpartisan offices begin at top of next column.	Continue voting on other side of ballot.	

Page 1 of 2-sided ballot.

Turn ballot over. 

County (Cont.)	School District	
<b>County Supervisor</b>	<b>Name of School (Optional)</b>	<b>Official Ballot</b> <b>Presidential Preference Vote</b> <b>Nonpartisan Office</b> <b>and Referendum</b> <b>April 7, 2020</b>
District _	School Board Member	
Vote for `	Vote for not more than 2	for
Candidate ← █	Candidate ← █	_____
Candidate ← █	Candidate ← █	Municipality and ward #(s)
write-in: ← █	Candidate ← █	<b>Ballot issued by</b>
<b>Municipal</b>	Candidate ← █	_____
<b>City Clerk</b>	write-in: ← █	_____
Vote for 1	write-in: ← █	Initials of election inspectors.
Candidate ← █	<b>Referendum</b>	<b>Absentee ballot issued by</b>
Candidate ← █	To vote in favor of a question, Complete the arrow next to "Yes," like this ← █. To vote against a question, complete the arrow next to "No," like this ← █.	_____
write-in: ← █		Initials of municipal clerk or deputy clerk.
<b>City Treasurer</b>	<b>Level of government conducting Referendum (State, County, Municipal, School District...)</b>	_____
Vote for 1	QUESTION (number if necessary): Shall the...?	(If issued by SVDs, both SVDs must initial.)
Candidate ← █		Yes ← █
Candidate ← █	No ← █	<b>Certification of Voter Assistance</b>
write-in: ← █		I certify that I marked this ballot at the request and direction of a voter who is authorized under the law to receive assistance.
<b>Aldersperson</b>		_____
District 4		Signature of assistor
Vote for 1		<b>For Official Use Only</b>
Candidate ← █		<b>Inspectors: Identify ballots required to be remade.</b>
Candidate ← █		<b>Reason for remaking ballot:</b>
write-in: ← █		<input type="checkbox"/> Overvoted
<b>Municipal Judge</b>		<input type="checkbox"/> Damaged
Vote for 1		<input type="checkbox"/> Other
Candidate ← █		If this is the <b>original ballot</b> --
Candidate ← █		Write serial number here: _____
write-in: ← █		If this is the <b>duplicate ballot</b> --
		Write serial number here: _____
<b>Continue voting at top of next column.</b>		_____
		Initials of inspectors who remade ballot

# Official Ballot

## Presidential Preference Vote

### April 7, 2020

\_\_\_\_\_ Party

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

If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee Voters: Contact your municipal clerk.) To vote for a name on the ballot, make an "X" or other mark in the square next to the name, like this . To vote for a name that is not on the ballot, write the name on the line marked "write-in."

Special Instructions for Presidential Preference Vote	
<p><b>Mark this ballot in one space only. You have one of 3 choices:</b></p> <ul style="list-style-type: none"> <li>Vote for a candidate whose name is printed on this ballot by making an "X" or other mark in the square next to the name, like this: <input checked="" type="checkbox"/></li> <li>Vote for an uninstructed delegation from Wisconsin to the national convention of the _____ Party by making an "X" or other mark in the square next to "Uninstructed Delegation," like this: <input checked="" type="checkbox"/></li> <li>Write in the name of another person to become the presidential candidate of the _____ Party by writing the name on the line marked "write-in."</li> </ul>	
<b>President of the United States</b>	
<b>Vote for 1</b>	
<input type="checkbox"/>	Candidate
<input type="checkbox"/>	Candidate
<input type="checkbox"/>	Candidate
<input type="checkbox"/>	Uninstructed Delegation
write-in: _____	





County (Cont.)		Municipal (Cont.)		Official Ballot Presidential Preference Vote Nonpartisan Office and Referendum April 7, 2020 for _____	
<b>County Supervisor</b>		<b>Town Treasurer</b>		Municipality and ward #(s)	
District _		Vote for 1			
Vote for`		<input type="checkbox"/> Candidate		<b>Ballot issued by</b> _____ _____ Initials of election inspectors.	
<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate			
<input type="checkbox"/> Candidate		write-in:		<b>Absentee ballot issued by</b> _____ Initials of municipal clerk or deputy clerk.  (If issued by SVDs, both SVDs must initial.)	
write-in:		<b>Town Constable</b>			
<b>Municipal</b>		Vote for 1		<b>Certification of Voter Assistance</b> I certify that I marked this ballot at the request and direction of a voter who is authorized under the law to receive assistance.  _____ Signature of assistor	
<b>Town Board Chairperson</b>		<input type="checkbox"/> Candidate			
Vote for 1		write-in:		<b>For Official Use Only</b>	
<input type="checkbox"/> Candidate		<b>School District</b>			
<input type="checkbox"/> Candidate		<b>Name of School (optional)</b>		<b>Inspectors: Identify ballots required be remade:</b>  <b>Reason for remaking ballot:</b> <input type="checkbox"/> Overvoted <input type="checkbox"/> Damaged <input type="checkbox"/> Other	
write-in:		<b>School Board Member</b>			
<b>Town Board Supervisor 1</b>		Vote for not more than 2		If this is the <b>original ballot</b> -- Write serial number here: _____ If this is the <b>duplicate ballot</b> -- Write serial number here: _____	
Vote for 1		<input type="checkbox"/> Candidate			
<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate		_____ Initials of inspectors who remade ballot	
<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate			
write-in:		<input type="checkbox"/> Candidate		<b>Referendum</b>	
<b>Town Board Supervisor 2</b>		write-in:			
Vote for 1		<b>Referendum</b>		To vote in favor of a question, make an "X" or other mark next to "Yes," like this ☒. To vote against a question, make an "X" or other mark next to "No," like this ☒.	
<input type="checkbox"/> Candidate		<b>Level of government conducting Referendum (State, County, Municipal School District...)</b>			
<input type="checkbox"/> Candidate		Question (number if necessary):		Shall the...? <input type="checkbox"/> Yes <input type="checkbox"/> No	
write-in:		Shall the...?			
<b>Town Clerk</b>		<input type="checkbox"/> Yes		<b>Page 2 of 2-sided ballot.</b>	
Vote for 1		<input type="checkbox"/> No			
<input type="checkbox"/> Candidate					
<input type="checkbox"/> Candidate					
write-in:					
<b>Continue voting at top of next column.</b>					

**Official Ballot  
 Presidential Preference Vote  
 April 7, 2020**

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

**General Instructions to Voters:** If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee Voters: Contact your municipal clerk.) To vote for a name on the ballot, make an "X" or other mark in the square next to the name, like this . To vote for a name that is not on the ballot, write the name on the line marked "write-in."

**Special Instructions for Presidential Preference Vote**

**In the Presidential Preference Vote:**

- You may vote for only ONE candidate.
- You may vote in only ONE party.
- If you vote more than once, your vote will not be counted.

**Choose a party in which you will vote.** Within the party you have chosen, you have ONE of 3 choices:

1. Vote for a candidate whose name is printed on this ballot in the party you have chosen.
2. Vote for an uninstructed delegation from Wisconsin to the national convention of the party you have chosen.
3. Write in the name of another person to become the presidential candidate of the party you have chosen.

**Choose a party in which to vote**

Make an "X" or other mark in the box next to your party choice like this:  Choose only **ONE**.

Democratic

Republican

**Cast your Vote for President. Vote ONCE in your chosen party.**

**Democratic Party**

*If you vote in this party, you may not vote in the other party.*

**President of the United States  
 Vote for 1**

Candidate

Candidate

Candidate

Candidate

Candidate

Uninstructed Delegation

write-in: \_\_\_\_\_

**Republican Party**

*If you vote in this party, you may not vote in the other party.*

**President of the United States  
 Vote for 1**

Candidate

Candidate

Candidate

Uninstructed Delegation

write-in: \_\_\_\_\_



# Official Ballot

## Presidential Preference Vote Nonpartisan Office and Referendum

### April 7, 2020

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

**General Instructions to Voters:** If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters: Contact your municipal clerk.) To vote for a name on the ballot, fill in the oval next to the name like this . To vote for a name that is not on the ballot, write the name on the line marked "write-in," and fill in the oval next to the name like this .

Special Instructions for Presidential Preference Vote	Judicial	Municipal (Cont.)	
<p><b>In the Presidential Preference Vote</b></p> <ul style="list-style-type: none"> <li>You may vote for only ONE candidate.</li> <li>You may vote in only ONE party.</li> <li>If you vote more than once, your vote will not be counted.</li> </ul> <p><u>You have ONE of 3 choices:</u></p> <ol style="list-style-type: none"> <li>Vote for a candidate whose name is printed on this ballot.</li> <li>Vote for an uninstructed delegation from Wisconsin to the national convention of the party of your choice.</li> <li>Write in the name of another person to become the presidential candidate of the party of your choice.</li> </ol> <p><b>Fill in ONE oval in ONE party.</b></p>	<p><b>Justice of the Supreme Court</b></p> <p><b>Vote for 1</b></p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	<p><b>City Clerk</b></p> <p><b>Vote for 1</b></p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	
	<p><b>Court of Appeals Judge</b></p> <p>District _</p> <p><b>Vote for 1</b></p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	<p><b>City Treasurer</b></p> <p><b>Vote for 1</b></p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	
	<p><b>Circuit Court Judge</b></p> <p>Branch _</p> <p><b>Vote for 1</b></p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	<p><b>Aldersperson</b></p> <p>District _</p> <p><b>Vote for 1</b></p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	
	<p><b>County</b></p> <p><b>County Executive</b></p> <p><b>Vote for 1</b></p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	<p><b>Municipal Judge</b></p> <p><b>Vote for 1</b></p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	
	<p><b>County Supervisor</b></p> <p>District _</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	<p><b>School District</b></p> <p>Name of School District <i>(optional)</i></p> <p><b>School Board Member</b></p> <p><b>Vote for not more than 2</b></p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p> <p><input type="radio"/> write-in:</p>	
	<p><b>Municipal</b></p> <p><b>Mayor</b></p> <p><b>Vote for 1</b></p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	<p><input type="radio"/> write-in:</p> <p><input type="radio"/> write-in:</p>	
	<p><b>End Presidential Preference Vote</b></p>	<p>Continue voting at top of next column.</p>	<p>Continue votng on other side of ballot.</p>
	<p>Nonpartisan offices begin at top of next column.</p>	<p>Continue voting at top of next column.</p>	<p>Continue votng on other side of ballot.</p>
	<p><b>Page 1 of 2-sided ballot.</b>      <b>Turn ballot over.</b> </p>		

Referendum	Official Ballot Presidential Preference Vote, Nonpartisan Office and Referendum		For Official Use Only	
To vote in favor of a question, fill in the oval next to "Yes," like this ← To vote against a question, fill in the oval next to "No," like this ←	<b>April 3, 2020</b>  for _____ Municipality and ward number(s)		<b>Inspectors: Identify ballots required to be remade.</b>  <b>Reason for remaking ballot:</b> <input type="checkbox"/> Overvoted <input type="checkbox"/> Damaged <input type="checkbox"/> Other	
<b>Level of government conducting Referendum (State, County, Municipal, School District...)</b>			<b>Ballot issued by</b> _____ _____ Initials of election inspectors	
QUESTION (number if necessary): Shall the...?	<b>Absentee ballot issued by</b> _____ Initials of Municipal Clerk or Deputy  _____ (If issued by SVDs, both SVDs must initial.)		_____ Initials of inspectors who remade ballot	
<input type="radio"/> Yes			<input type="radio"/> No	
		<b>Certification of Voter Assistance</b> I certify that I marked this ballot at the request and direction of a voter who is authorized under the law to receive assistance.  _____ Signature of assistor		
<b>Page 2 of 2-sided ballot.</b>				



# Wisconsin Elections Commission

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## **MEMORANDUM**

**DATE:** For the September 24, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared by Elections Commission Staff

**SUBJECT:** Commission Staff Update

Since the last Elections Commission Update (June 11, 2019), staff of the Commission focused on the following tasks:

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

Since the 2019 Spring Election, staff have turned their attention to preparing for the 2020 Spring Elections and to take time to return to tasks set aside during the busy election season. Staff has assumed a variety of projects, including forms revision, manual creation and experimenting with new and interactive presentation methods. Staff attended and presented at several county and municipal clerk professional organizations, hosted Clerk Advisory Committee meetings and concluded the 2018-2019 Election Administration and WisVote Webinar series. Day-to-day phone and email traffic are beginning to pick up in anticipation of the 2020 elections. Staff has fielded calls from prospective state and local candidates and presidential election hopefuls as well as from clerks and county political parties with respect to party nominees of election inspectors which are due no later than November 30, 2019.

### **2. Badger Voters**

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

The following statistics summarize voter data requests through August 31, 2019.

*Wisconsin Elections Commissioners*

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

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Administrator  
Meagan Wolfe

<b>Fiscal Year</b>	<b>Total Number of Requests</b>	<b>Requested Files Purchased</b>	<b>Percentage of Requests Purchased</b>	<b>Total Revenue</b>
<b>FY2020 to Date</b>	45	30	66.6%	\$66,850.00
<b>FY2019</b>	617	473	76.6%	\$328,015.00
<b>FY2018</b>	706	517	73.2%	\$182,341.00
<b>FY2017</b>	643	368	57%	\$234,537.35
<b>FY2016</b>	789	435	55%	\$235,820.00
<b>FY2015</b>	679	418	61.56%	\$242,801.25
<b>FY2014</b>	371	249	67.12%	\$125,921.25
<b>FY2013</b>	356	259	72.75%	\$254,840.00
<b>FY2012</b>	428	354	78.04%	\$127,835.00

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

Commission staff continue to work with municipal and county clerks to meet reporting requirements following the Trempealeau County District Attorney Recall Partisan Primary, 2018 General Election, 2019 Spring Primary, 2019 Spring Election and 2019 Special Assembly District 64 Election.

There remain a handful of reporting units that have incomplete reports for the reconciliation process which replaced the former EL-190 reporting. As of September 9, 2019, there is one reporting unit outstanding for the Trempealeau County District Attorney Recall Partisan Primary, 11 reporting units outstanding for the 2018 General Election, zero reporting units for the 2019 Spring Primary, 23 reporting units outstanding for the 2019 Spring Election, and zero reporting units outstanding for the 2019 Special Assembly District 64 Election.

The Election Day Registration (EDR) Postcard Statistics for all calendar year 2018 elections were due no later than February 4, 2019, the 2019 Spring Primary was due by May 20, 2019, the 2019 Spring Election was July 1, 2019, and the 2019 Special Assembly District 64 Election was July 29, 2019. By statute this report is to be updated monthly until there is a full accounting of all EDR postcards. As of September 9, 2019, there remain a handful of incomplete reports as follows: zero for the Trempealeau County District Attorney Recall Partisan Primary, 7 for the General Election, 1 for the Spring Primary, 65 for the Spring Election and zero for the Special Assembly District 64.

**4. Education/Training/Outreach/Technical Assistance**

**County and Municipal Clerk Conferences**

Commission staff participated in several annual statewide clerk conferences this summer. In June, staff traveled to Hudson and presented the Wisconsin County Clerks Association with a review of its 2019 elections activities and led a day of education sessions featuring the Elections Security Tabletop Exercise and a preview of upcoming WisVote development projects.

In August, staff provided the Wisconsin Municipal Clerk’s Association conference in Middleton with information about elections security, the latest WisVote project news, a voting equipment status report, and a reminder of end-of-term election official training requirements and available training resources. Representatives from the Department of Homeland Security and other federal agencies briefed clerks on elections security, foreign actors, Election Day preparations and the importance of reporting cyber events. Staff also conducted a day of breakout sessions which featured a hands-on demonstration of the

Badger E-Poll Book and the debut of the Election Administration Tabletop Exercise. Staff is scheduled to give similar presentations at several WMCA District and county-wide meetings this fall.

### **Clerk Training Advisory Committee**

The Clerk Training Advisory Committee met several times since the June meeting of the Commission to solicit the members' thoughts and ideas about statewide and local training needs, and to identify training priorities and projects for the remainder of this year and going into a busy 2020 election year. Clerks were encouraged to share their training plans, agendas and materials with members of the committee. County and municipal clerks indicated they use a variety of techniques to train election officials on election administration processes and legislative and procedural changes, while trying to keep the interest and energy of the participants high.

Clerks were surveyed in May and identified the following training projects as priorities for the continued success of our state and local training partnership:

- **Poll Worker Training and Recruitment**

Committee members identified the development of training agendas cataloging the Election Day duties of election workers as a high priority for both new clerks and clerks looking for fresh and up-to-date training materials. Training agendas need to be task-based and modular in function so clerks can assemble a training plan depending on their training needs for a specific type of election and election worker.

Using an interactive, consensus building exercise with committee members, staff developed broad, task-based categories of Election Day duties; for example, Voter Registration, Voting Equipment, Poll Book Management and Special Procedures, among others.

Best practices for recruiting election workers and working with "inherited" or political party appointees were discussed. Experienced clerks suggested using high school poll workers, community organization members, and retirees. Other ideas include distributing recruitment information during in-person absentee voting in the clerk's office and determining the availability of election workers outside of the municipality, but within the home county, in accordance with state law. Staff is also exploring the ability to include a checkbox on the MyVote Wisconsin website for voters to indicate their interest in working as election inspectors.

- **Election Administration Tabletop Exercise**

Commission staff developed an Election Administration Tabletop Exercise (EA TTX), based on the structure of the Elections Security Tabletop Exercise, and focused on the common and not-so-common Election Day situations encountered by clerks and election officials at the polls on Election Day.

The EA TTX morning and afternoon sessions were 1.5 hours in length and consisted of an introduction/overview, the timed exercise and a debrief with the participants. Both EA TTX sessions were very well received by the approximately 90 clerks in attendance. Based on feedback from the clerks, Commission staff has incorporated several small changes designed to make the exercise longer and space the Election Day situations more evenly throughout the day to encourage and allow for more discussion time. Commission staff will participate in a third session of the EA TTX in Albany (Green County) on September 17, 2019, with plans to package the materials and make them available on the WEC Learning Center for clerks to use when training their election officials.

- **New Municipal Clerk Checklist**

Commission staff has developed a new municipal clerk checklist to guarantee that all clerks are familiar with state training requirements and resources, how to get access to the WEC Learning Center and tips on navigating the WEC website. The checklist received usability testing with several clerk committees, at a county clerk training session with new municipal clerks and at the Clerks Institute in Green Bay. The checklist will form the foundation of the New Clerk Orientation webinar in September and be given to clerk organizations to distribute to members or post in their newsletters.

- **WisVote/Election Administration 2019-2020 Training Webinar Series**

Prior to the release of the new webinar series, the committee discussed the components of a successful webinar. Clerks strongly agreed that the respective webinar training series are an important aspect of the WEC training program and noted some areas for improvement, such as ease in finding the webinar links, the ability to quickly access a segment of a webinar, and the timing of the webinars before an election.

In response to their feedback, Commission staff included live webinar access links as part of the webinar schedules so clerks could sign up in advance of the webinars. The training software was programmed to send clerks email reminders one week, one day and one hour before the webinar is scheduled to start. The posted webcasts will include indexing links to allow clerks to go directly to a specific topic covered in the webinar. Webinars are scheduled in a staggered manner so that WisVote webinars and election administration webinars are not conducted in the same week. Webinars are also scheduled four weeks or more before an election whenever possible.

- **New Reference Materials: *Election Administration for School District Clerks and A Guide to Understanding Referenda***

Commission staff has developed a manual geared specifically to school district clerks and the types of elections they may encounter. The manual includes instructions on ballot access procedures, candidate qualifications, communicating with the county clerks and scheduling the school district canvass. Staff also created *A Guide to Understanding Referenda* to help county, municipal and school district clerks understand how a referendum gets on the ballot, types of referenda and notice and procedural requirements. Both manuals will be referenced as part of the October 18, 2019 webinar: School District Clerk Duties.

- **Storyline Video Development**

Commission staff plans to provide new training resources in a variety of formats, including a “gamified” version of the Chief Inspector Self-Evaluation and certain election duties, such as end-of-night documentation and completing forms. The software is currently used to provide online WisVote training and allows users to interact with the training module.

- **WEC Certified Clerk-Trainer Program**

Commission staff will survey the Clerk-Trainer Recommendations Committee in September to identify county and municipal clerks interested and qualified to be certified to conduct Baseline Chief Inspector Training locally. Those clerks will be invited to attend an October training class conducted by Commission staff. A recertification webinar is also under development to recertify the Commission’s current roster of clerk-trainers for the 2020-2021 term.

Following this memorandum as Attachment 1 is a summary of information regarding initial certification and focused election administration training recently conducted by WEC staff.

## **5. Voter Felon Audit**

The Voter Felon Audit is a State-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 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.

Updates for the most recent Voter Felon Audits conducted by the Commission are as follows:

The Voter Felon Audit for the November 8, 2016 General Election began on April 3, 2019 and the initial comparison identified 79 potential matches. Of the 79 matches, 26 potential matches have been closed because DOC staff or WEC staff determined the individual identified was not a felon at the time of the election, or the voter and the felon identified in the match was not the same person. After DOC, clerks and WEC staff completed their review, the remaining 53 matches were referred to county district attorney offices between June 3, 2019 and August 27, 2019.

The Voter Felon Audit for the February 19, 2019 Spring Primary Election began on April 3, 2019 and the comparison identified two potential matches. After DOC, clerks and WEC staff completed their review, both matches were referred to the county district attorney office on September 9, 2019.

The Voter Felon Audit for the April 2, 2019 Spring Election began on July 9, 2019 and the comparison identified 10 potential matches. Of the 10 matches, six potential matches have been closed because DOC staff or WEC staff determined the individual identified was not a felon at the time of the election, or the voter and the felon identified in the match was not the same person. After DOC, clerks and WEC staff completed their review, the remaining four matches were referred to county district attorney offices on September 9, 2019.

The Voter Felon Audit for the April 30, 2019 Representative to the Assembly District 64 Special Election occurred on July 9, 2019 and identified no potential matches.

Staff is also providing its bi-yearly comprehensive update on the status of the past Voter Felon Audits and District Attorney response information. Attachment A 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.

## **6. Badger Book**

Shortly before the June Commission meeting, WEC staff posted a Clerk Communication that contained an interest survey gauging which municipalities are interested in either purchasing and/or borrowing

Badger Books in 2020. On August 22, the Badger Book team conducted two demonstrations at the WMCA conference in Middleton with a total of approximately 150 attendees. As a result of these outreach efforts and direct contact from some municipal clerks, WEC staff is currently tracking approximately 40 municipalities that are interested in purchasing and implementing Badger Books in 2020. The anticipated purchases range from 1 device to 50 devices to be used in as few as 1 and as many as 15 polling places. Six of the municipalities that expect to purchase devices are current Badger Book owners and are looking to increase their total number of devices. On August 30, another Clerk Communication was posted outlining the 2020 purchasing window (September 16-October 18) and the next steps. WEC staff expects delivery of new devices to municipalities by the end of the year.

WEC will suspend the traditional Borrowing Program for new municipalities who only wish to pilot the devices in 2020. WEC will reserve our supply to lend to municipalities that own Badger Books and wish to borrow one or more devices due to high anticipated voter turnout.

WEC staff also supported the City of Appleton, a prospective purchasing municipality, where they piloted the devices during a special election on September 10. This special aldermanic election featured Badger Books in two polling places, as well as a central count absentee location. Currently, the City of Appleton intends to utilize a phased approach to Badger Book implementation as they prepare to use Badger Books in all of their polling places by November 2020. On August 29, the Badger Book team provided training to municipal staff, Chief Inspectors, and the poll workers who were expected to use Badger Books during the special election.

To improve the Badger Book experience, WEC staff conducted usability sessions in July, related to software improvements and enhancements. As a result of those sessions, WEC staff developed a plan for improvement implementation to both the software and the WisVote modules affected by the use of Badger Books and are in the process of making updates.

## **7. Polling Place Accessibility Program**

WEC staff has added the Accessibility Audit survey data to the Access Elections database to be reviewed further by the evaluated municipalities. WEC staff has also sent notifications to each municipality that has had its polling places audited during the November 2018, February 2019, and April 2019. Currently the WEC is in the process of working with each municipality affected by the accessibility audits in creating plans to make its polling places accessible to every voter, regardless of physical ability.

Throughout the summer, the WEC placed an order for, and received, a wide variety of supplies that will help improve the accessibility of Wisconsin's polling places. The WEC received new tablets to help improve the auditing process moving into 2020. These new tablets will help make polling place audits more efficient by having a longer battery life, an improved camera, numerous accessibility functions, and being lighter weight. The WEC has also received supplies that will assist municipalities in fulfilling the ADA Polling Place Standards. The supplies that were received are: accessible parking signs, van accessible parking signs, accessible entrance signs, wireless doorbells, and orange cones. If these supplies are needed by a municipality, they can request them from the WEC and receive them free of charge.

## 8. Voting Equipment

The attention of the voting equipment team has been primarily focused on ES&S EVS 6.0.4.0 and EVS 6.0.5.0 testing. Voting equipment staff, after initial discussions with representatives from ES&S, scheduled a test campaign for the last week in August. In the weeks leading up to certification testing, staff time was 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 took two weeks. The first week involved ballot marking device and tabulation-equipment-specific testing in the WEC office. In the second week, staff traveled to Waukesha, St. Croix, and Waukesha counties to test the modeming functionality housed in the DS200 tabulation equipment. A final report on the test campaign for EVS 6.0.4.0 and EVS 6.0.5.0 has been prepared and is included as an agenda item for the September 24, 2019 meeting of the Commission.

During the remainder of 2019, staff expects there to be further voting equipment approval applications to be submitted by ES&S and Clear Ballot Group. Each of these applications will require individual voting equipment test campaigns and will require a moderate dedication of staff time and resources. At the conclusion of each round of testing, a report will be prepared and then presented to the Commission and the issue of approval considered.

## 9. Records Management Task Force

The WEC Records Management Task Force has met regularly throughout the summer to work towards updating agency-specific RDAs (Retention Disposition Authorizations) and to clear out agency records that are beyond their retention period, either by destroying the records or transferring them to the State Historical Society (SHS). The Task Force held a staff training session to discuss an organized process for disposing of existing paper records and has collected numerous boxes of documents in identified categories from staff which are being destroyed or transferred for storage, depending upon the requirements of the relevant RDAs.

The Task Force has reviewed General Records Schedules which apply to common categories of records of all state agencies (e.g., team projects, Commission materials, correspondence, financial) and which can be used to dispose of many agency records. The Task Force has also recommended that the WEC create several additional RDAs to govern agency-specific records. Currently the WEC has six RDAs in place and has requested that the Public Records Board eliminate one RDA which was specific to a one-time project of the Government Accountability Board. The remaining RDAs and their respective retention periods and ultimate disposition are as follows:

<u>RDA Category</u>	<u>Retention Period</u>	<u>Disposition</u>
County Canvass Returns	10 years after creation	Transfer to SHS
Recall Petitions	3 years after sufficiency determination	Transfer to SHS
Election Data Reports	20 years after receipt	Transfer to SHS
Local Election Reports/Surveys	3 years after receipt	Destroy
Voting Equipment Testing Materials	2 years after equipment decommissioned	Destroy

The Task Force recommended, and agency management approved, requesting that the Public Records Board approve the following additional RDAs to govern other agency-specific records. The Public Records Board will hold its quarterly meeting in November to consider agency requests to create new RDAs.

<u>RDA Category</u>	<u>Retention Period</u>	<u>Disposition</u>
Complaints and Investigations	6 years after resolution	Destroy Confidential
Advisory Opinions	6 years after opinion issued	Destroy
Litigation	10 years after case closure	Destroy Confidential
Election-Specific Records	2 years after date of election	Destroy

The proposed retention periods and dispositions are based upon the type of records involved and a review of similar RDAs of other agencies such as the Department of Justice. It is important to note that while the RDAs authorize disposing of records, the WEC can and will retain copies of records (usually electronic) that continue to serve a business purpose for the agency.

## **10. WisVote Upgrade to CRM 365 On Premise**

In 2016, the Wisconsin Election's Commission staff launched WisVote as the voter registration system to replace SVRS. WisVote is currently developed and maintained on Microsoft Dynamics CRM 2015 On Premise. In 2018, the WEC purchased software assurance for 2,000 client access licenses that is set to expire in September 2021. Mainstream support for CRM 2015 will end January 14, 2020. After this time, Microsoft will no longer provide non-security updates or accept design or feature requests. Staff has worked with Microsoft since February 2019 to resolve an issue that causes significant delays to users who frequently need to switch between jurisdictions to complete tasks. Microsoft was unable to provide a solution. After attempting multiple solutions unsuccessfully, WEC development staff are attempting to work around Microsoft's existing code.

WEC staff is continuing to test Microsoft Dynamics 365 On Premise and is behind schedule to transition to the upgraded environment on October 1, 2019. IT staff are meeting multiple times a week to discuss ongoing issues and resolutions as they are identified. WisVote users should expect the user interface to appear more modern, however no major workflow changes will be made as a part of the upgrade. WEC staff seeks to launch WisVote on Microsoft Dynamics 365 in Fall 2019.

## **11. 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.

As expected, MyVote usage was lower to begin the 2019 election cycle due to there being no statewide primary in February. However, MyVote usage rebounded for the 2019 Spring Election in April. There was an uptick in usage immediately before and on Election Day, approximately six times a normal non-Election Day; with usage quickly returning to non-Election Day levels after the election. The usage on Election Day, with MyVote maintaining a steady level of activity throughout the day, shows approximately 61,878 users and 211,000 pageviews during Election Day, roughly the same usage during the 2018 Spring Election and 150% of usage during the 2017 Spring Election.

## **12. Legislative Update**

Elections Administration staff continued to monitor and provide ongoing analysis of legislation relevant to WEC. As the current legislative update reporting period coincided with the Legislature's summer recess, election related legislation has been minimal. On September 10, 2019, a public hearing and

executive session were held for a total of six election-related bills. Additionally, there are two pieces of legislation introduced in the current reporting period and one previously reported bill which are noteworthy:

- Assembly Bill 342. This bill specifies that if there is no candidate in an election who qualifies to petition for a recount, certificates of election may be issued immediately after the completion of the canvass. Currently, such certificates may not be issued prior to the expiration of the recount period. This bill was included with those granted a public hearing on September 10, 2019.
- Senate Joint Resolution 59. This first consideration proposed constitutional amendment changes the Wisconsin Constitution to prohibit the Governor from using their partial veto power to increase state expenditures for any purposes beyond what is included in an enrolled budget bill.
- Senate Bill 246/Assembly Bill 168. If a voter is unable to state their name and address, under this bill, they may provide their acceptable photo identification to an election official. The election official, or another person chosen by the voter, must then state aloud the voter's name and address. AB 168 was passed by the full Assembly on June 18, 2019 and awaits a vote in the Senate.

### **13. Complaints**

Elections Administration staff and Staff Counsel have continued to process and resolve formal complaints related to the actions of local election officials, as well as informal inquiries submitted by voters and the public. For a complaint against a local election official to be processed in accordance with Wis. Stat. § 5.06, an elector of a jurisdiction must file a written sworn complaint. Since January 1, 2019, the Commission has received 13 Wis. Stat. § 5.06 complaints, two of which are still outstanding. 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. Since January 1, 2019, the agency has received a total of 60 informal complaints through the website. Complaints filed under Wis. Stat. § 5.05 are confidential and decided by the Commission in closed session. Since January 1, 2019, the Commission has received 7 complaints under Wis. Stat. § 5.05, two of which are outstanding.

### **14. Communications Report**

Between June 1 and August 31, 2019, Public Information Officer Reid Magney engaged in the following activities in furtherance of the Commission's mission:

Media: I logged approximately 150 media and general public phone calls and email contacts during the period. I arranged several interviews for the Administrator or gave interviews when she was not available. I prepared one news release about the Four-Year Maintenance postcard mailing.

Election Security: Many of the news media and public inquiries we are now receiving deal with questions and concerns about election security issues. Responding to these has involved working closely with the Elections Security Team, county and municipal clerks, staff of the National Association of State Election Directors, voting equipment vendors, in addition to the Administrator and other senior agency staff.

Also, much time since the June 11 WEC meeting has been spent developing the Request for Information for the Elections Security Communications program/contract and evaluating potential vendors. Since

the Commission approved engagement of KW2 on August 13, I have been working closely with them to finalize the scope of work and start the process of developing our communications plans for 2020. Additional details are contained in the Election Security section of the meeting materials.

Online: I have been working with elections staff on updating the WEC websites as we prepare for 2020.

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

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

**15. Four Year Maintenance Mailing**

Wisconsin Statutes §§6.50 (1) and (2) require the Commission, in June following a general election, to mail notices to all voters who have been registered to vote for the past four years but have not voted. The notice indicates that voters’ registrations will be deactivated unless they request continuation of their registration within 30 days. If the notice is returned as undeliverable or if the voter does not respond within 30 days, the Commission deactivates the voter’s registration in the statewide voter registration system. Voters who are deactivated do not appear on the poll list on Election Day and must reregister in order to vote. Commission staff completed this process on July 31, 2019. Below is a summary of the statistics:

<b>Voter Maintenance Summary Statistics</b>		<b>Total</b>
Total number of notices mailed		113,314
Number of notices that were returned requesting continuation of registration		15,974
Number of notices that were returned as undeliverable		30,342
Number of voters mailed a notice who requested cancellation of registration		23
Number of voters mailed a notice who clerks determined to be deceased		600
Number of voters mailed a notice who clerks deactivated for reasons other than being deceased or at the voter’s request		187
Number of duplicate voter records identified and merged together		271
Number of voters who did not respond to the notice		66,998
Total number of voters mailed a notice whose status changed from eligible to ineligible		95,939

**16. Elections HelpDesk/Customer Service Center**

The Elections Help Desk staff is supporting more than 2,000 active WisVote users, while also answering calls from the public and election officials. Staff is monitoring state enterprise network and data center changes and status, and processing voter verification postcards. Help Desk staff has been serving on and assisting various project teams including ongoing WisVote & MyVote development, ERIC, and Security 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 OnPrem for the next generation of WisVote, and various projects initiated by the Department of Administration (DOA) including migration of SharePoint sites, AT&T Unified Communication (VoIP), serving on DOA committee developing the next Voice Services contracts 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.

	<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>
May 2019	440	252	692
June 2019	311	177	488
July 2019	490	191	681
August, 2019	274	291	575
<b>Total for Reporting Period</b>	<b>1,515</b>	<b>911</b>	<b>2,426</b>

### 17. Financial Services Activity

- Staff successfully performed all procurement and financial year-end activities for the state fiscal year 2019 (FY2019) June 30 close.
- Staff has been working with the WI Department of Administration (DOA) to finalize and close one non-current federal grant appropriation and our previous business unit (the Government Accountability Board) that remains linked to WEC.
- Staff reconciled WEC’s 18 appropriations, creating adjusting journal entries when appropriate.
- Upon full reconciliation, staff verified to DOA all 18 WEC appropriations’ state Form 78s.
- Staff continued working with the U.S. Election Assistance Commission (EAC) and WI Department of Administration (DOA) to close out the federal grants HAVA 251, closed April 9, and HAVA 101, closed June 20, 2019.
- Staff continued collaborating with DOA on analyzing historic WISmart financial data to reconcile past Federal Financial Reports for HAVA 101 and HAVA 251 for accurate and complete close out financial reporting.
- Staff has continued to perform and submit to DOA scheduled month-end close queries, inquiries, and reports. Staff conducted necessary adjusting entries to resolve any found errors.
- Staff completed and submitted to DOA our annual Prompt Payment Interest Form (due September 30), reporting no interest expenditures in FY2019.
- Staff has continued to work with DOA to correct and reverse allocation errors due to erroneous setup of Elections Security leave payroll and fringe benefits.
- Staff attended a day-long procurement workshop at DOA and several procurement webinars.
- Staff has continued to participate in the Financial Leadership Council meetings at DOA.

## 18. Procurements

Financial staff has spent a lot of the time this past couple of months on purchasing activities for several large-scale procurements. The following Purchase Orders have been processed since the June 11, 2019 Commission meeting:

- A \$1,171.04 Purchase Order was written to SHI International for Acrobat Pro and Standard licenses for WEC staff pdf creation and editing.
- A \$13,600 Purchase Order was written to TAPFIN for our fifth IT Contractor's services for the remainder of FY2019.
- Five Purchase Orders totaling \$891,280.00 were written to TAPFIN for five IT Contractor services through FY2020.
- A \$1,500 Purchase Order was written to Environmental Systems Res. Institute for our annual subscription to the ArcGIS software 7/1/2019 – 6/30/2020.
- A \$1,106.43 Purchase Order was written to WI Dept of Corrections for a conference table.
- A \$1,033.07 Purchase Order was written to Audio Architects for the installation of an additional wall plate for our video conferencing system.
- A \$647.58 Purchase Order was written to SHI International for additional Acrobat Pro licenses for WEC staff.
- A \$39,440 Purchase Order was written to VectorSpect LLC for FY2020 (ending 5/29/2020) continued IT consulting services for general maintenance and enhancement of WEC's training website.
- A \$5,550 Purchase Order was written to AT&T Mobility Towers for an annual subscription service for the RAVE Alert system for emergency elections security communication.
- A \$8,715.85 Purchase Order was written to Lenovo for eleven ThinkPad Yoga's for elections security.
- A \$341,400 Purchase Order was written to Knupp, Watson & Wallman for our election security market research and clerk communications toolkit initiative.
- A \$63,720 Purchase Order was written to Insight Public Sector for an annual subscription to OPSWAT MetaAccess endpoint user computer testing.
- **All purchases accurately followed the Wisconsin State Procurement Process.**

## **19. Meetings and Presentations**

WEC staff attended the following events:

June 18: National Election Cyber Virtual TTX

June 24-25: WCCA Summer Conference

July 1-2: ERIC Usability Sessions

July 15-17: National Association of State Election Directors NASED

July 17: BPDD Presentation for Disability Voter Registration Week

July 18-19: Badger Book Usability Sessions

August 1: ERIC Usability Sessions

August 8-11: Defcon Conference

August 9: WI Council for the Blind

August 12: NCEPP TTX

August 12-14: Geo-Enabled Elections Conference NSGIC

August 16: Security TTX 2.0 Roll Out

August 21-22: WMCA Summer Conference

August 26-30: ES&S EVS 6040-6050 Testing

August 29: Badger Book Training in Appleton

September 4: Walworth County Security TTX

September 9-11: New Jersey Elections Security TTX

September 10: WMCA District 8 Conference

September 16-18: Moodle conference

September 17: Green County EA TTX

September 17: Northeast Region Cyberworkshop

September 19: WMCA District 3 Conference

September 23: WCA Conference

## **20. 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.

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.  MCT Core class is now available in the WisVote Learning Center.	3 hours	All municipal clerks are required to take the training; other staff may attend.	16-section presentation with quizzes	10
Chief Inspector	Required training for new Chief Inspectors before they can serve as an election official for a municipality during an election.  CIT Baseline class is available in the WisVote Learning Center.	2-3 hours	Election workers for a municipality.	In-Person: 1  7-section presentation with self-evaluation	80  24
Election Administration and WisVote Training Webinar Series	Series of programs designed to keep local government officials up to date on the administration of elections in Wisconsin.	60 + minute webinar training sessions hosted and conducted by Commission staff.	County and municipal clerks, chief inspectors, poll workers, election registration officials, and school district clerks.	4/30/2019: Posted new 2019-2020 WisVote and Election Administration training webinar series schedules	50 – 250 per live webinar; posted to website for clerks to use on-demand.
WisVote Training	Online training in core WisVote functions – how to navigate the system, how to add voters, how to set up elections and print poll books.	Varies	New users of the WisVote application software.	Online	Not tracked

Other	<p>Commission staff presented election administration and Wis Vote status information to county and municipal clerks attending the following conferences (more details are available in the staff update for this meeting):</p> <ul style="list-style-type: none"> <li>• Wisconsin County Clerks Association Summer Conference on June 22 &amp; 23, 2019 in Hudson</li> <li>• Wisconsin Municipal Clerks Association Summer Conference on August 20 &amp; 21, 2019 in Middleton</li> <li>• Wisconsin Municipal Clerks Association District 8 Meeting on September 10, 2019 in Conover</li> <li>• Election Administration Tabletop Exercise on September 17, 2019 in Albany</li> </ul>
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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 of closed	All matches have reached final disposition	Total number of voters	Referrals as a percentage of total number of voters
2019 Representative to the Assembly District 64	0	0	0	0	0	0	0	yes		
2019 Spring Election	10	4	0	0	0	4	6			
2019 Spring Primary	2	0	0	0	0	0	0			
2018 General Election	79	53	0	0	0	0	26			
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	1	0	0	2	4		32,119	0.009340%
11/4/2014 General Election	229	43	16	11	0	19	210		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	16	8	0	7	82		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	10	4	0	7	46		2,516,371	0.000874%

5/8/2012 Recall Primary Election	13	3	1	2	0	0	13	yes	1,360,750	0.000220%
4/3/2012 Presidential 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>93</b>	<b>44</b>	<b>3</b>	<b>135</b>	<b>563</b>	<b>14</b>		

## 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		164

## 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
BROWN - 05	5 - Referred to DA	8/9/2016		
BROWN - 05	5 - Referred to DA	8/9/2016		
DANE - 13	5 - Referred to DA	8/9/2016	2/13/2018	Under investigation.
DANE - 13	5 - Referred to DA	8/9/2016	2/13/2018	Under Investigation.
DANE - 13	5 - Referred to DA	8/9/2016	2/13/2018	Under Investigation
DANE - 13	5 - Referred to DA	8/9/2016	2/13/2018	Under investigation.



MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/18/2017	8/25/2017	Under Investigation
MONROE - 42	5 - Referred to DA	7/19/2017		
ONEIDA - 44	5 - Referred to DA	7/17/2017		
OUTAGAMIE - 45	5 - Referred to DA	7/17/2017		
OUTAGAMIE - 45	5 - Referred to DA	7/12/2017		
POLK - 49	5 - Referred to DA	7/17/2017		
PORTAGE - 50	5 - Referred to DA	7/17/2017		
RACINE - 52	5 - Referred to DA	7/13/2017		
RACINE - 52	5 - Referred to DA	7/17/2017		
RACINE - 52	5 - Referred to DA	7/17/2017		
RACINE - 52	5 - Referred to DA	7/17/2017		
RACINE - 52	5 - Referred to DA	7/17/2017		
RACINE - 52	5 - Referred to DA	7/19/2017		
RACINE - 52	5 - Referred to DA	7/19/2017		
ROCK - 54	5 - Referred to DA	7/14/2017		
ROCK - 54	5 - Referred to DA	7/14/2017		
ST. CROIX - 56	5 - Referred to DA	7/17/2017		
SAUK - 57	5 - Referred to DA	7/17/2017		
SAWYER - 58	5 - Referred to DA	7/19/2017	9/15/2017	Under investigation.
SHEBOYGAN - 60	5 - Referred to DA	7/17/2017	8/8/2017	Under Investigation.
WOOD - 72	5 - Referred to DA	7/19/2017		

## DA Tracker - 2017 SPRING ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
MARATHON - 37	5 - Referred to DA	8/18/2017		
MILWAUKEE - 41	5 - Referred to DA	8/18/2017		
MILWAUKEE - 41	5 - Referred to DA	8/18/2017		

## DA Tracker - 2018 SPRING ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
KEWAUNEE - 31	5 - Referred to DA	7/18/2018		
WAUKESHA - 68	5 - Referred to DA	7/18/2018		

## DA Tracker - 2018 PARTISAN PRIMARY

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

# DA Tracker - 2018 GENERAL ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
BROWN - 05	5 - Referred to DA	6/3/2019		
BROWN - 05	5 - Referred to DA	8/27/2019		
BROWN - 05	5 - Referred to DA	6/3/2019		
DANE - 13	5 - Referred to DA	6/3/2019		
DANE - 13	5 - Referred to DA	6/4/2019		
DANE - 13	5 - Referred to DA	6/3/2019		
DANE - 13	5 - Referred to DA	6/3/2019		
DANE - 13	5 - Referred to DA	6/3/2019		
DANE - 13	5 - Referred to DA	9/9/2019		
DANE - 13	5 - Referred to DA	6/5/2019		
EAU CLAIRE - 18	5 - Referred to DA	6/3/2019		
GRANT - 22	5 - Referred to DA	6/3/2019		
GREEN - 23	5 - Referred to DA	9/9/2019		
JACKSON - 27	5 - Referred to DA	9/9/2019		
KENOSHA - 30	5 - Referred to DA	6/3/2019		
KENOSHA - 30	5 - Referred to DA	6/3/2019		
MARINETTE - 38	5 - Referred to DA	8/27/2019		
MILWAUKEE - 41	5 - Referred to DA	6/4/2019		
MILWAUKEE - 41	5 - Referred to DA	6/4/2019		
MILWAUKEE - 41	5 - Referred to DA	6/4/2019		
MILWAUKEE - 41	5 - Referred to DA	6/4/2019		
MILWAUKEE - 41	5 - Referred to DA	6/4/2019		
MILWAUKEE - 41	5 - Referred to DA	6/4/2019		
MILWAUKEE - 41	5 - Referred to DA	6/4/2019		
MILWAUKEE - 41	5 - Referred to DA	6/5/2019		
MILWAUKEE - 41	5 - Referred to DA	6/5/2019		
MILWAUKEE - 41	5 - Referred to DA	6/5/2019		
MILWAUKEE - 41	5 - Referred to DA	6/4/2019		
MILWAUKEE - 41	5 - Referred to DA	6/5/2019		
MILWAUKEE - 41	5 - Referred to DA	6/5/2019		
MILWAUKEE - 41	5 - Referred to DA	6/5/2019		
MILWAUKEE - 41	5 - Referred to DA	6/5/2019		
MILWAUKEE - 41	5 - Referred to DA	6/5/2019		
MILWAUKEE - 41	5 - Referred to DA	6/5/2019		
MILWAUKEE - 41	5 - Referred to DA	6/5/2019		
MILWAUKEE - 41	5 - Referred to DA	6/5/2019		
MILWAUKEE - 41	5 - Referred to DA	6/4/2019		
MILWAUKEE - 41	5 - Referred to DA	6/4/2019		
MILWAUKEE - 41	5 - Referred to DA	6/6/2019		
MILWAUKEE - 41	5 - Referred to DA	6/5/2019		
MILWAUKEE - 41	5 - Referred to DA	6/5/2019		
OCONTO - 43	5 - Referred to DA	8/27/2019		
OUTAGAMIE - 45	5 - Referred to DA	6/3/2019		
PORTAGE - 50	5 - Referred to DA	8/27/2019		
PORTAGE - 50	5 - Referred to DA	8/27/2019		
RACINE - 52	5 - Referred to DA	8/27/2019		
ST. CROIX - 56	5 - Referred to DA	8/27/2019		
SAUK - 57	5 - Referred to DA	6/6/2019		
SAUK - 57	5 - Referred to DA	6/6/2019		
SAWYER - 58	5 - Referred to DA	8/27/2019		
SHEBOYGAN - 60	5 - Referred to DA	8/27/2019		
WASHINGTON - 67	5 - Referred to DA	8/27/2019		168
WAUSHARA - 70	5 - Referred to DA	8/27/2019		

WINNEBAGO - 71	5 - Referred to DA	6/3/2019		
WOOD - 72	5 - Referred to DA	8/27/2019		

### DA Tracker - 2019 SPRING PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
BROWN - 05	5 - Referred to DA	9/9/2019		
VILAS - 64	5 - Referred to DA	9/9/2019		

### DA Tracker - 2019 SPRING ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
KENOSHA - 30	3 - Assigned to Clerk			
MANITOWOC - 36	5 - Referred to DA			
MILWAUKEE - 41	3 - Assinged to Clerk			
WAUKESHA - 68	5 - Referred to DA			