



# Wisconsin Elections Commission

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## **ELECTION SECURITY SUBGRANT PROGRAM – WISCONSIN COUNTIES**

### **COUNTY ELECTION SECURITY SUBGRANT AGREEMENT, TERMS, AND CERTIFICATION**

#### **I. PARTIES**

The parties to this County Election Security Subgrant Agreement are the Wisconsin Elections Commission (hereinafter referred to as the “WEC” or the “Commission”) and the County of \_\_\_\_\_, Wisconsin. The Commission is the state agency providing an election security subgrant to the County and the County identified above is the entity receiving a HAVA election security subgrant from the Commission and is referred to herein as the “receiving county.” By signing and dating this agreement, the receiving county agrees to the terms of the agreement.

#### **II. PURPOSE**

The purpose of this subgrant is to make funds available to Wisconsin counties to help address 2020 election security needs. The intent is to allow individual counties to apply for subgrant funds on an “individual needs basis” instead of a one size fits all approach. Funds may be used to make payments for activities that enhance election technology and make election security improvements, as authorized under sections 101, 103, and 104 of HAVA and under the Consolidated Appropriations Act, 2020 (Public Law 116-93), which include personnel, equipment, and training costs associated with cyber vulnerabilities, physical security, voter registration systems and management, election auditing, staff training and communications. Because all counties may have different election security needs, this subgrant is designed to allow counties to assess their unique security environment and then submit an application to the Commission that outlines its needs.

#### **III. SUBGRANT PROGRAM REQUIREMENTS**

##### **A. Introduction**

Any receiving county must have certain baseline security protocols currently in place (described below), OR if not currently in place, include those baseline security protocols in its application for funds submitted to the Commission and certify that funds provided will be used to meet the baseline security protocols. In addition to having baseline security protocols in place, counties must conduct a deliberate risk assessment of their overall security posture to identify areas of

*Wisconsin Elections Commissioners*

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

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Administrator  
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need that the subgrant could help fund. Subgrant funds may also be used to conduct this assessment and would be included in the county’s plan submitted to the Commission to request subgrant funds. The Commission recommends that counties conduct an Enterprise Risk Assessment, which assess risks to core assets, operational processes, and functions, as well as a Physical Infrastructure Assets and Systems Risk Assessment to identify and assess vulnerabilities and risks to core physical infrastructure assets and systems. After a receiving county has assessed its security needs, a plan to address unfunded security needs is submitted to the Commission for its review and approval of distribution of subgrant funds. After subgrant funds have been spent, Counties will be required to submit a compliance report outlining the expenditures made with the funds.

**B. Baseline Security Protocols for Counties**

- 1) Secure Encrypted Websites (HTTPS). To be eligible to receive subgrant funds from the Commission, the receiving county’s website on which unofficial election results are posted, must use HTTPS protocols. If a receiving county’s website does not currently use HTTPS, subgrant funds are to be requested to facilitate this transition. **Counties are asked to check the appropriate box below regarding HTTPS in their county (please check one):**

My county does not currently use HTTPS for its website and certify that the county’s application for subgrant funds submitted to the Commission will include a plan to transition in 2020 to the secure communication protocol, HTTPS.

My county currently uses HTTPS for its website.

- 2) Secure Email Host. To be eligible to receive subgrant funds from the Commission, the receiving county must use email services with DMARC (Domain-based Message Authentication, Reporting, and Conformance) enabled and encrypted with current transport-layer security (TLS) cryptographic protocols. **Counties are asked to check the appropriate box below regarding the email host or domain used in their county (please check one):**

My county does not currently use a secure email host for conducting its elections work via email and certify that the county’s application for subgrant funds submitted to the commission will include a plan to transition in 2020 to a secure email host or domain.

My county currently uses a secure email host for conducting its elections work via email.

- 3) Deliberate Security Risk Assessment. To be eligible to receive subgrant funds from the Commission, the receiving county must conduct a deliberate risk assessment of their overall security posture to identify areas of need that the subgrant could help fund. Risk assessments may be self-assessments so long as a deliberate process is followed and documented. Commission staff will, as needed, help counties design a risk assessment and vulnerability management

process that meets their needs and budget. In the absence of a deliberate risk assessment, counties may identify their needs based on the training and experience of county leaders, but must also request funds in order to complete an assessment. **Counties are asked to check the appropriate box below regarding deliberate risk assessments in their county (please check one):**

- My county has not conducted a recent security risk assessment to identify potential security vulnerabilities and certify that the county’s application for subgrant funds submitted to the Commission will include a plan to conduct such an assessment in 2020.
  
- My county has conducted a recent security risk assessment and will provide details of that risk assessment in the county’s application for subgrant funds submitted to the Commission.

**C. Certification**

By checking the appropriate boxes above, and executing this agreement, the authorized representative of the county is certifying that the information provided is true and correct to the best of their knowledge, and that the application and plan submitted to the Commission will include information (as needed), indicated above.

**IV. FUNDING**

- A. Counties may request funds for specific needs up to the maximum available allocation. Requests in excess of the maximum allocation may be considered by the Commission after all 72 counties have had the opportunity to request funds. The maximum allocation consists of a base subgrant of **\$35,000 per county**, plus an additional amount based on the voting-age population of the county. The additional amount is **\$0.30 per person**, based on the 2019 voting age population estimated by the DOA Wisconsin Demographic Services Center.<sup>1</sup>
  
- B. Check processing. To assist the Commission staff with the processing and distribution of subgrant checks, please complete the information below:

**County Clerk Name:** \_\_\_\_\_

**Check Payable to:** \_\_\_\_\_

**County Mailing Address:** \_\_\_\_\_

\_\_\_\_\_

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

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

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<sup>1</sup> [https://doa.wi.gov/Pages/LocalGovtsGrants/Demographic\\_Services.aspx](https://doa.wi.gov/Pages/LocalGovtsGrants/Demographic_Services.aspx)

Subgrant funds may be received through electronic transfer to a county's shared revenues account (if available) or a physical check may be sent to a county's shared revenues location. For questions related to the processing of subgrant checks, please contact the Commission's financial team through the WEC Help Desk: (608) 261-2028 or [elections@wi.gov](mailto:elections@wi.gov).

- C. **Potential Use of Funds.** Based on research of potential county security needs, the Commission believes the following uses would be good candidates for use of the subgrant funds after the baseline security protocols for counties have been accounted for: IT support services, staff security training, hardware or software upgrades, intrusion detection systems, data back-up systems, cyber insurance, physical security improvements, and mail processing equipment. Voting equipment purchases are generally not eligible for the subgrant, however, counties may consult with staff if specific security-related needs exist.

## V. SUBGRANT APPLICATION PROCESS

1. **Application.** To apply for subgrant funds, a receiving county will submit a completed and signed County Election Security Subgrant Agreement that contains certifications related to the county's baseline security protocols (HTTPS, email and domain security, security assessments) as well as any narrative required to explain any of those items including details of recent security assessments. In addition to the signed County Election Security Subgrant Agreement, counties shall provide a narrative and/or plan specifying specific 2020 security needs which details the proposed use of requested funds. The plan should detail items identified by a security assessment or other means that could be funded by a subgrant issued by the Commission. Applications must be received by the Wisconsin Elections Commission no later than **July 15, 2020**.
2. **Commission Review.** Once a complete request has been received, Commission staff will prepare for the Commission a request summary that assesses the subgrant narrative and plan submitted by the county and will recommend approval or denial of the request.
3. **Funding Approval.** Upon receiving approval to issue a subgrant to a county, Commission staff will issue a notice of subgrant award and the funds to be used by counties to implement the submitted plan.

## VI. COMPLIANCE MONITORING, CERTIFICATION, DOCUMENTATION AND AUDIT

### A. Subgrant Compliance Form.

The receiving county shall report on its use of subgrant funds and compliance with the terms of the subgrant by completing a "Subgrant Compliance Form" provided by the Commission. The jurisdiction is required to sign and complete the form and submit it to the Commission by February 1, 2021. Reasonable extensions of time to submit the subgrant compliance form will be reviewed, and granted when deemed appropriate. Additionally, the compliance form will require reporting total expenditures related to election security incurred through December 31, 2020. If a county does not spend the subgrant funds it was allocated, it must return any unused funds by February 15, 2021.

**B. Certification.**

The receiving jurisdiction shall certify (by completing a “Subgrant Compliance Form”) that information provided is true and correct; it has complied or will comply with all terms of the subgrant; the election security subgrant funds were used in accordance with this agreement and the plan submitted to the Commission to receive the funds; the jurisdiction has or will have the necessary processes and systems in place to comply with federal reporting requirements; all required documentation as requested on the Grant Compliance Form has been submitted; the jurisdiction will follow all state and federal laws, including adherence to all applicable federal requirements including Office of Management and Budget (OMB) guidance: Title 2 C.F.R. Subtitle A, Chapter II, Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. § 200) found here: (<https://www.govinfo.gov/app/collection/cfr/2019/>); the jurisdiction will return any unused funds by February 15, 2021; any falsification of information related to the subgrant could subject the jurisdiction official to civil or criminal penalties.

**C. Documentation.**

The receiving county shall maintain all documentation of purchases made using subgrant funds provided by the Commission for a minimum of ten years from the date of the expenditure or until the WEC authorizes destruction of said records. A standard inventory list of all items purchased using subgrant funds must be created and maintained by the jurisdiction for purposes of any state or federal audit. Such original purchasing documentation and inventory lists shall be retained by the receiving jurisdiction until the WEC authorizes destruction of said records. Submission of copies of some purchasing documentation may be required.

**D. Audit.**

All subgrant funds received by a receiving county 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 subgrant, the county shall repay the amount of the subgrant to the Commission.

**VII. SUBGRANT PROGRAM DEADLINES**

To ensure counties can receive HAVA Election Security federal funds to help improve their overall security posture in 2020, the Commission has established the following deadlines for the subgrant program:

County HAVA Subgrant: Key Dates	
Not later than July 1, 2020	Subgrant Application Period Opens
July 15, 2020	Deadline to Submit Subgrant Applications
Not later than July 31, 2020	Elections Commission Approves or Denies Requests
February 1, 2021	Compliance Reports Due to the Commission
February 15, 2021	Deadline for Counties to Return Unused Funds

**VIII. SIGNATURES**

By signing and dating this County Election Security Agreement the receiving county agrees to the terms of this agreement and certify that the information provided in this agreement are true and correct.

**RECEIVING COUNTY:**

Printed Name: \_\_\_\_\_  
(Authorized Representative of County)

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

Signature: \_\_\_\_\_  
(Authorized Representative of County)

Please submit the full application to:

Wisconsin Elections Commission  
ATTN: Michelle Hawley  
212 East Washington Avenue, Third Floor  
P.O. Box 7984  
Madison, WI 53707-7984  
[Michelle.Hawley@wisconsin.gov](mailto:Michelle.Hawley@wisconsin.gov)

Fax: (608) 267-0500