



Wisconsin Elections Commission

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2020 ELECTION SECURITY SUBGRANT PROGRAM FOR MUNICIPALITIES

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 (City) (Village) (Town) of _____ in _____ County, Wisconsin. The Commission is the state agency providing an election security subgrant to the county, city, village, or township. The City, Village or Town identified above is the entity receiving a local election security subgrant from the Commission and is referred to herein as the “receiving jurisdiction.” By signing and dating this agreement, the participating 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 cities, villages and towns must meet in order to be eligible to receive an election security subgrant from the Commission and the requirements for the use of the funds. The subgrant program is funded by the Consolidated Appropriations Act, 2020 (Public Law 116-93), an election security grant the Commission received from the federal government, to “improve the administration of elections for Federal office, including to enhance election technology and make election security improvements” to the systems, equipment and processes used in federal elections.

The purpose of the local election security subgrant is to help improve overall election security statewide by providing 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.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

III. SUBGRANT PROGRAM REQUIREMENTS

A. Introduction

The Commission’s Election Security Subgrant Program (“subgrant”) is intended to fund jurisdictions 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.

B. Establish and Maintain Baseline Security Requirements

No subgrant funds shall be provided to the receiving jurisdiction unless it certifies that the funds received will be used so that all baseline security measures described below will be met by the 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 standards set by the Commission (see Appendix B).

If a jurisdiction does not have compliant hardware or software, \$600 of the subgrant funds may be used to purchase a compliant hardware device from authorized providers on the state contract or to locate and purchase compliant hardware and software on their own from other vendors not on the state contract. (See Appendix C for information how to purchase compliant hardware and software.)

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 may request \$500 of subgrant funds to achieve compliance with this baseline requirement in one of the following ways:

Option 1: Contract with a Managed Service Provider. A jurisdiction may use its subgrant funds to contract with a managed IT support provider to maintain minimum standards. After entering into a managed service provider agreement, the local election jurisdiction will certify that it has compliant IT support and provide documentation detailing its support with its Election Security Grant Compliance Form. (See Appendix C-3 on choosing an IT support provider).

Option 2: Possess in-house, shared, or contracted IT staff that maintains minimum standards. The local election jurisdiction will certify that it has compliant IT support and provide the documentation detailing its support on its Election Security Grant Compliance Form. The documentation or description submitted should clearly outline the support provided and term of the service provided.

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. The jurisdiction may request \$100 of subgrant funds to offset costs of travel and staff time for attending one future in-person training event.

Online. 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 (Securing WisVote Series) developed by the Commission. The online cyber security training modules are currently accessed through the Commission's Learning Center (online) and are free to complete.

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 subgrant program deadline. Sample contingency plans can be obtained from the Commission to assist in complying with this baseline security requirement.

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 will meet the baseline security requirements outlined in Section III., B. of the agreement.

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

Instructions: The receiving jurisdiction shall complete the information requested below. *Please select one in each of the below categories.*

1. **Hardware.** The computer used in the receiving jurisdiction for election-related business is owned by the jurisdiction and meets or exceeds the Baseline Hardware and Software Standards for Election Officials as described in Appendix B.

_____ Our jurisdiction is already compliant. (I do not need the \$600 for a computer.)

or

_____ Our jurisdiction does not have a compliant computer. (I do need a new computer and am requesting the \$600 to purchase one.)

2. **IT Support.** The receiving jurisdiction has competent in-house or contracted Information Technology (IT) support capable of maintaining minimum security standards as described in Appendix C-3.

_____ Our jurisdiction is already compliant. (I do not need the \$500 for IT support.)

or

_____ Our jurisdiction does not have IT support. (I do need IT support and am requesting the \$500 to secure IT support.)

3. **WEC Election Security Training.** An individual in the receiving jurisdiction has participated in an election security tabletop exercise, roundtable exercise, security webinar or other WEC sponsored election security training event.

_____ Our jurisdiction is already compliant. (I do not need the \$100 for training.)

or

_____ Our jurisdiction has not already attended election security training. (I need to attend training and am requesting the \$100 to attend a future training.)

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 use the subgrant funds provided to purchase the item described, attend the required training described and to submit a contingency plan to the Commission, to the best of its ability, by the applicable deadlines.

Signature of Authorized Jurisdiction Official:

Date:

V. FUNDING

- A. Commission staff will award subgrants based on the receiving jurisdiction's self-assessment of needs and certification that subgrant funds will be expended in accordance with the terms of this agreement. Jurisdictions assessed to need funds to satisfy baseline security standards shall be provided a subgrant of up to \$1,200.
- B. Subgrant funding decisions based on a jurisdiction's need, including the amount allocated, is within the sole discretion of the Commission staff administering the subgrant program.
- C. Check processing.

Subgrant 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 subgrant checks, please contact the Commission's financial team. WEC Help Desk: (608) 261-2028 or elections.finance@wi.gov

VI. SUBGRANT PROGRAM DEADLINES

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

September 1, 2020: Deadline for jurisdictions to return the executed MOU to the WEC which includes the self-assessment of security needs and certification that the jurisdiction will expend subgrant funds to meet the terms of the subgrant program.

December 1, 2020: Deadline for receiving jurisdictions to comply with the terms of the subgrant and to submit a completed "Subgrant Compliance Form" to the WEC. Deadline to request extension of time to comply with terms of the subgrant.

VII. COMPLIANCE MONITORING, CERTIFICATION, DOCUMENTATION AND AUDIT

A. Subgrant Compliance Form.

The receiving jurisdiction shall report its efforts to comply with the terms of the subgrant by completing a "Subgrant Compliance Form" provided by the Commission. See Appendix A. The jurisdiction is required to sign and complete the form and submit it to the Commission by September 1, 2020.

B. Certification.

The receiving jurisdiction shall certify (by completing a “Subgrant Compliance Form”) that information provided is true and correct; it has complied with all terms of the subgrant; the election security subgrant funds were used to meet baseline security requirements; all required documentation as requested on the Grant Compliance Form has been submitted; any falsification of information related to the subgrant could subject the jurisdiction official to civil or criminal penalties.

C. Documentation.

The receiving jurisdiction 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 (See Appendix A).

D. Audit.

All subgrant 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 subgrant, the county or municipality shall repay the amount of the subgrant to the Commission.

E. Regulations.

As the receiving jurisdiction, we further certify that we 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. found here: (<https://www.govinfo.gov/app/collection/cfr/2020/>)

VIII. SIGNATURES

By signing and dating this agreement the receiving jurisdiction agrees to the terms of this MOU and certifies 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)

Jurisdiction Name: _____

County: _____

Jurisdiction Clerk Name: _____

Jurisdiction Mailing Address: _____

Jurisdiction Contact Phone Number: _____

Jurisdiction Contact E-mail Address: _____

Please submit the completed form to:
Wisconsin Elections Commission
212 East Washington Avenue, Third Floor
P.O. Box 7984
Madison, WI 53707
elections@wi.gov Fax: 608-267-0500