

# NOTICE OF OPEN AND CLOSED MEETING

## Wisconsin Elections Commission

Regular Meeting  
Tuesday, September 1, 2020  
9:00 A.M.

*Due to the COVID-19 pandemic, this meeting is being held via video teleconference only. Members of the public and media may attend online or by telephone. Please visit <https://elections.wi.gov/node/6625> for login/call-in information. All public participants' phones/microphones will be muted during the meeting. Members of the public wishing to communicate to the Commissioners should email [electioncomments@wi.gov](mailto:electioncomments@wi.gov) with "Message to Commissioners" in the subject line.*

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### AGENDA

- |           |  |                 |
|-----------|--|-----------------|
| <b>A.</b> | <b>Call to Order</b>   |                 |
| <b>B.</b> | <b>Administrator's Report of Appropriate Meeting Notice</b>                                      |                 |
| <b>C.</b> | <b>Minutes of Previous Meetings</b>  | <b>1</b>        |
|           | <b>1. June 10, 2020 Regular Meeting</b>  | <b>1</b>        |
|           | <b>2. July 30, 2020 Special Meeting</b>  | <b>13</b>       |
|           | <b>3. July 30, 2020 Emergency Meeting</b>  | <b>17</b>       |
|           | <b>4. August 20, 2020 Special Meeting</b>  | <b>19</b>       |
| <b>D.</b> | <b>Personal Appearances (Time reserved for personal appearances may be limited by the Chair)</b> |                 |
| <b>E.</b> | <b>Presentation of "How Wisconsin is Ready for November 3, 2020 Election" Report</b>             | Seperate Report |
| <b>F.</b> | <b>Approval of Major Party Presidential Candidates</b>   |                 |
| <b>G.</b> | <b>Voting Equipment Audit and Voluntary Canvass Audits</b>                                       | <b>31</b>       |
| <b>H.</b> | <b>Voter Fraud Report</b>  | <b>41</b>       |
| <b>I.</b> | <b>Voter Felon Audit Report</b>  | <b>47</b>       |
| <b>J.</b> | <b>Consideration of WEC 2021-23 Biennial Budget Request and Budget Lapse Plan</b>                | <b>59</b>       |

# NOTICE OF OPEN AND CLOSED MEETING

## **K. Closed Session**

- 1. Litigation Update**
- 2. Election Complaints – Wis. Stat. § 5.05**

*§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.*

## **L. Adjourn**



# Wisconsin Elections Commission

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

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## Wisconsin Elections Commission

Teleconference – Wisconsin Elections Commission Offices  
212 E. Washington Avenue, Third Floor  
Madison, Wisconsin  
10:00 a.m. June 10, 2020

### Open Session Minutes

Present: Commissioner Ann Jacobs, Commissioner Marge Bostelmann, Commissioner Julie Glancey, Commissioner Dean Knudson, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all via teleconference.

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

#### A. Call to Order

Commission Chair Ann Jacobs called the meeting to order at 10:02 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

**Debbie Morin of West Allis** appeared on her own behalf to discuss concerns about the voter mailing and election security grants.

**Barbara Beckert of Whitefish Bay** appeared on behalf of Wisconsin Disability Vote Coalition to discuss concerns about absentee voting for voters with disabilities and voters in nursing homes.

**Ardis Cerny of Pewaukee** appeared on her own behalf to ask questions about ballot harvesting.

**Denise Jess of Madison** appeared on behalf of Wisconsin Council for the Blind and Visually Impaired to express concerns that Wisconsin does not have an ADA-compliant absentee ballot and asked the Commission to add this to its legislative agenda.

*Wisconsin Elections Commissioners*

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

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Administrator  
Meagan Wolfe

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

Senior Elections Specialist Nathan Judnic made a presentation based on a written memorandum regarding ballot access challenges.

Assistant Administrator Richard Rydecki made a presentation based on the memorandum regarding nomination paper review procedures used to determine the number of valid signatures and to make staff's ballot access recommendations.

### **1. WEC Case No. EL 20-22 – Trevor Ford Complaint against Reese Wood, Libertarian Party Candidate for Representative to the Assembly, District 44**

#### **WEC Case No. EL 20-25 – Richard Coelho Complaint against Reese Wood, Libertarian Party Candidate for Representative to the Assembly, District 44**

Mr. Judnic noted that there were two challenges filed against Candidate Wood. He said they could be considered together, and he presented the facts of the first case and staff's recommendation to deny ballot access.

Trevor Ford appeared on behalf of the Republican Assembly Campaign Committee.

Candidate Wood appeared on his own behalf.

#### **MOTIONS:**

- 1) In case EL 20-22, sustain challenges to 13 signatures (Page 4, Lines 3 and 4; Page 6, Lines 7-9; Page 24, Line 1; Page 29, Line 4; Page 32, Lines 2, 3 and 5; Page 39, Lines 5, 6 and 10) because the signers reside outside the 44th Assembly District and reduce the verified number of signatures by 13.
- 2) In case EL 20-25, sustain challenges to 16 signatures (Page 3, Line 3; Page 35, Lines 3 and 4; Page 39, Lines 2, 5, 6, and 10; Page 47, Lines 4, 5, and 7; Page 32, Lines 2, 3, and 5; Page 36, Line 2; Page 50, Lines 1 and 2; Page 24, Line 1) because the signers reside outside the 44th Assembly District and reduce the verified number of signatures by 16; reject the challenge to 1 signature (Page 47, Line 5).
- 3) In case EL 20-22, verify a total of 196 valid signatures, deny ballot access to Candidate Wood, and direct staff to prepare and issue a Findings and Order consistent with this motion.
- 4) In case EL 20-25, verify a total of 193 valid signatures, deny ballot access to Candidate Wood, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Knudson, seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

**2. WEC Case No. EL 20-23 – Alesha Guenther Complaint against John Baker, Republican Party Candidate for Representative in Congress, District 1**

Mr. Judnic presented the facts of the case and staff’s recommendation to deny ballot access.

Candidate Baker appeared on his own behalf.

**MOTIONS:**

1) Sustain challenges to 31 signatures (Page 10, Line 5-Hintz; Page 5, Line 2-Masters; Page 3, Lines 2-Cotton and 3-Hughes; Page 2, Lines 5-Weber, 4-Webber, and 10-Smith; Page 9, Line 6-Krueger; Page 8, Line 4-Swanson; Page 10, Line 5-Yeager; Page 4, Lines 3-Schueller and 10-Gardner; Page 8, Line 3-Murphy, Page 8, Line 3-Nelson; Page 3, Line 1-Kantor; Page 10, Line 7-Kantor; Page 9, Line 3-Landry; Page 7, Lines 6-Boyd and 7-Boyd; Page 81, Line 9-Hawthorne; Page 98, Line 1-Jaeger; Page 98, Lines 2-Slipperly, 3-Slipperly, 4-Garny and 5-Garny; Page 5x, Lines 8-Balfanz and 9-Diermeier; Page 4, Line 7-Fox; Page 86, Line 7-Dawes; Page 1, Line 7-Heyk; Page 4bY, Line 2-Sarenac) because the signers reside outside the 1st Congressional District and reduce the verified number of signatures by 31.

2) Verify a total of 976 valid signatures, deny ballot access to Candidate Baker, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Knudson, seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

**3. Case No. EL 20-24 – Jackson Weber Complaint against Enrique Murguia, Democratic Party Candidate for Representative to the Assembly, District 8**

Mr. Judnic presented the facts of the case and staff’s recommendation to deny ballot access. Mr. Weber appeared. Candidate Murguia appeared on his own behalf.

**MOTION:** Accept signature on page 31, line 8. Moved by Commissioner Thomsen. Motion died for lack of a second.

**MOTION:** Accept signature on page 45, line 5. Moved by Commissioner Thomsen. Motion died for lack of a second.

Mr. Judnic said there was a typo, and one signature on West Muskego should be counted because it is in the 8<sup>th</sup> District.

**MOTION:** To deny signature. Moved by Commissioner Thomsen, seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

After discovering several problems with signatures Candidate Murgia claimed were valid, Commissioner Thomsen invited Murguia to withdraw his objections to the challenges. Candidate Murguia said he was no longer contesting the challenges.

**MOTIONS:**

- 1) Sustain challenges to 59 signatures contained on Page 44, Lines 3-6, 9; Page 31, Line 8; Page 30, Lines 4-8; Page 29, Line 3; Page 32, Line 7; Page 28, Lines 1, 3 and 8; Page 45, Lines 4 and 5; Page 38, Lines 1-4; Page 39, Line 5; Page 40, Lines 2 and 3; Page 31, Lines 3 and 4; Page 36, Lines 1 and 2; Page 33, Lines 1, 4 and 5; Page 34, Lines 2-5; Page 26, Lines 3-5; Page 21, Lines 1 and 3; Page 14, Lines 1, 3 and 4; Page 15, Line 5; Page 12, Lines 3 and 4; Page 9, Lines 2-4; Page 4, Line 4; Page 10, Line 2; Page 17, Lines 3 and 4; Page 35, Line 4; Page 12, Line 2; Page 43, Lines 4 and 5; Page 48, Lines 1 and 2 because the signers fail to reside in the 44th Assembly District; reject challenges to 3 signatures contained on Page 29, Line 6; Page 5, Line 4; Page 49, Line 2 because the signers do reside in the 44th Assembly District.
- 2) Sustain the challenge to 1 signature contained on Page 24, Line 4 as the signature date was after the date contained in the certification of circulator.
- 3) Reject the challenges to 7 signatures contained on Page 31, Lines 6, 7 and 9; Page 25, Lines 9 and 10; Page 47, Lines 3 and 4 because the signature dates were valid due to the bracketing rule and were otherwise legible and within the applicable circulation period.
- 4) Sustain the challenge to 1 signature contained on Page 15, Line 4 because the signer did not fully complete the printed name box and include a full printed last

name and reject the challenges to the remaining 4 signatures contained on Page 18, Line 1; Page 22, Line 2; Page 15, Line 5 and Page 17, Line 4.

5) Verify a total of 197 valid signatures, deny ballot access to Candidate Murguia, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Glancey, seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

**4. Case No. EL 20-26 – Richard Coelho Complaint against Dennis C. Walton, Independent Candidate for Representative to the Assembly, District 16 - WITHDRAWN**

Mr. Judnic stated that the challenge in this case had been withdrawn. Staff recommends ballot access.

**MOTION:** Grant ballot access to Candidate Dennis C. Walton, to appear on the November 3, 2020 General Election ballot. Moved by Commissioner Knudson, seconded by Commissioner Glancey. Motion carried unanimously.

**5. Case No. EL 20-27 – Richard Coelho Complaint against Robert Slamka, Democratic Party Candidate for Representative to the Assembly, District 78**

Mr. Judnic presented the facts of the case and staff's recommendation to grant ballot access. Candidate Slamka appeared on his own behalf.

**MOTIONS:**

1) Reject 63 challenges to signatures contained on Page 13, Lines 1 and 2; Page 17, Lines 1 and 2; Page 21, Lines 1 and 2; Page 24, Lines 1 and 4; Page 25, Lines 1 and 2; Page 27, Lines 3-9; Page 29, Lines 1 and 2; Page 30, Lines 1-10; Page 33, Lines 1 and 2; Page 35, Lines 1 and 2; Page 41, Lines 1, 2, 4 and 5; Page 42, Lines 1 and 3-6; Page 43, Lines 1-6 and 10; Page 44, Lines 3-10; Page 45, Lines 1 and 2; Page 51, Lines 1-4, as the challenger has not met his burden of proof to invalidate these signatures on Candidate Slamka's nomination papers.

2) Sustain 4 challenges to signatures on Page 30, Lines 7 and 8; Page 51, Lines 1 and 2 due to individuals signing the nomination papers of another candidate for the same office prior to signing the nomination papers of Candidate Slamka. Reject 4 challenges to signatures on Page 21, Lines 1 and 2; Page 27, Line 3; and

Page 42, Line 3 because the signatures appearing on a candidate for the same office prior to Candidate Slamka’s nomination papers were supplemental pages of the other candidate that were not included in the validated total of the other candidate.

3) Sustain 1 challenge to the signature on Page 17, Line 1 for signing Candidate Slamka’s nomination papers more than once.

4) Sustain 1 challenge to the signature on Page 39, Line 4 as the signer’s address is outside of the 78th Assembly District. Reject 1 challenge to the signature on Page 15, Line 1 as the signer’s address is within the 78th Assembly District.

5) Sustain 1 challenge to the signature on Page 9, Line 9 as the signer listed a commercial address on the nomination paper instead of their residential address.

6) Reject 5 challenges to the signatures on Page 30, Line 5; Page 48 Lines 2 and 3; Page 39, Line 3; Page 9, Line 3 as the addresses listed were valid within the circulation period or the addresses were valid due to the bracketing rule.

7) Verify a total of 218 valid signatures, grant ballot access to Candidate Slamka, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Knudson, seconded by Commissioner Spindell.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

**6. Case No. EL 20-28 – Roger S. Polack Complaint against Josh Pade, Democratic Party Candidate for Representative in Congress, District 1**

Mr. Judnic presented the facts of the case and staff’s recommendation to deny ballot access. Ms. Kristin Rulison appeared on behalf of Mr. Polack. Attorney Stacie Rosenzweig appeared on behalf of Candidate Pade.

**MOTIONS ON CHALLENGE:**

1) Sustain challenges to 2 signatures at: Page 1, Lines 3 and 4 due to the date of circulator being after signature dates.

2) Sustain challenges to 5 signatures at: Page 2, Line 1 (two candidates); Page 49, Line 5 (two candidates); Page 67, Lines 2 and 3 (two candidates); Page 96,

Line 1 (two candidate) and reject the remaining challenges for the reasons set forth above.

3) Sustain challenges to 3 signatures at: Page 66, Line 8 (out of district); Page 152, Line 3 (out of district) and Page 152, Line 10 (out of district) and reject the remaining challenges for the reasons set forth above.

4) Accept challenges to 16 signatures because the circulator was not the right person.

**MOTION ON SECTION 5.06 AND CHALLENGE RESULTS COMBINED:**

1) Verify a total of 1014 signatures and grant ballot access to Candidate Pade, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Knudson, seconded by Commissioner Thomsen.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

**Case No. EL 20-29 – Brandon Jackson Appeal**

Mr. Judnic stated that Brandon Jackson filed an untimely challenge against Lena Taylor, which was received by email two minutes late. He said staff recommends dismissal because of the untimely filing.

Mr. Jackson appeared on his own behalf.

Discussion.

**MOTION:** Reject the appeal of Mr. Jackson based on the fact that our administrative code is clear and he missed the deadline. Moved by Commissioner Knudson, seconded by Commissioner Spindell.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

Chair Jacobs called for a recess at 1:31 p.m. The Commission reconvened at 2:01 p.m.

**E. Certification of Candidates for the Partisan Primary Election and Certification of Independent Candidates for the General Election**

Lead Elections Specialist Diane Lowe made presentation based on a memorandum starting on page 71 of the June 10 Commission meeting materials regarding certifications of candidates.

Mr. Rydecki made a presentation based on the same memorandum regarding the nomination paper filing and review process and staff’s efforts to conduct it safely during the pandemic.

**MOTION #1:** The 367 candidates representing ballot-status parties marked “approved” on the “Candidates Tracking by Office” report are approved for ballot access for the August 11, 2020 Partisan Primary, in addition to any candidates who were subject to challenge but were ultimately approved for ballot access by the Commission.

**MOTION #2:** The 14 independent candidates marked “approved” on the “Candidates Tracking by Office” report are approved for ballot access for the November 3, 2020 General Election, in addition to any independent candidates who were subject to challenge but were ultimately approved by the Commission.

**MOTION #3:** The 70 candidates representing ballot-status parties and independent candidates marked “denied” on the “Candidates Tracking by Office” report are denied ballot access for the August 11, 2020 Partisan Primary and the November 3, 2020 General Election respectively, in addition to any candidates who were subject to challenge but were ultimately denied ballot access by the Commission.

**MOTION #4:** Candidate Michael Opela is denied ballot status for failing to submit the minimum number of nomination paper signatures and for failing to file a Declaration of Candidacy form as required by statute.

Moved by Commissioner Knudson, seconded by Commissioner Thomsen.

Roll call vote:	Bostelmann	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

**G. Certification of May 12 Special Election Results**

Commission Chair Jacobs signed the certification of the Certification of the May 12 Special Election results in Congressional District 7.

## H. Voter Mailing Review

Administrator Wolfe made a presentation based on a memorandum in the June 10 Commission supplemental meeting materials regarding the voter information mailing planned to be sent by September 1. She asked the commissioners to sign off on the elements of the mailing, subject to some refinements following usability testing.

Commissioners and staff discussed the mailer and the absentee ballot request form that will be included along with the mailer.

**MOTION:** Adopt the elements of the draft mailer and direct staff to continue usability testing to refine the design to be finalized no later than June 19. Prior to June 19, WEC staff will provide the final mailer to the Commissioners. If a Commissioner requests a meeting to discuss any of the refinements to the mailer, a special meeting will be held no later than June 19. Moved by Commissioner Thomsen, seconded by Commissioner Glancey.

Commissioner Knudson suggested setting a meeting for 4 p.m. on June 17, 2020.

Roll call vote:	Bostelmann	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

## I. HAVA Election Security Grant Spending Plan

Technology and Training Director Robert Kehoe made a presentation based on a written report starting on page 41 of the June 10 meeting materials regarding staff's proposal for spending the \$7.8 million HAVA Election Security Grant.

Commissioners and staff discussed the proposal for a two-phase spending plan and by consensus revised the three recommended motions.

**MOTION #1:** Direct staff to administer a HAVA Election Security subgrant program to counties at the rate of \$0.30 per voting-age resident plus \$35,000, not to exceed a total cost of more than \$3.88 million. As a condition of receipt of monies, all counties shall have as secure email and website or have a plan to obtain the same as a condition of receiving any funds.

**MOTION #2:** Direct staff to renew the administration of the Election Security subgrant to municipalities at the rate of up to \$1,200 per eligible jurisdiction, not to exceed a total cost of more than \$1,206,000, retroactive to January 1, 2020. If all funds are not requested by September 1, 2020, remaining monies shall be distributed to counties per rata based on voting age population for any unfunded or underfunded requests.

**MOTION #3:** The Commission directs WEC staff to submit the 2020 HAVA Security Grant spending plan to the US EAC outlining the two-phase approach outlined above.

All three motions moved by Commissioner Knudson, seconded by Commissioner Spindell.

Roll call vote:	Bostelmann	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

## **J. Staff Update**

Administrator Wolfe made a brief presentation based on the Staff Update memorandum starting on page 51 of the June 10 commission meeting materials.

## **K. Ballot Templates for the November 3 Election**

Elections Specialist Cody Davies made a brief presentation based on a memorandum starting on page 65 of the June 10 commission meeting materials regarding ballot templates for the November 3 General Election.

**MOTION:** Approve the sample ballot designs presented by staff and directs staff to utilize the templates for the 2020 General Election. Moved by Commissioner Bostelmann, seconded by Commissioner Glancey. Motion carried unanimously.

## **L. Closed Session**

- 1. Election Complaints**
- 2. Litigation Update**

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

Roll call vote:	Bostelmann	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

Commissioners adjourned to closed session at 4:49 p.m. and convened in closed session at 5:03 p.m.

**M. Adjourn**

The Commissioner adjourned in closed session at 5:45 p.m.

####

The next regular meeting of the Wisconsin Elections Commission is scheduled for Tuesday, September 1, 2020, at the Wisconsin Elections Commission offices in Madison, Wisconsin beginning at 9:00 a.m.

June 10, 2020 Wisconsin Elections Commission meeting minutes prepared by:

\_\_\_\_\_  
Reid Magney, Public Information Officer

August 23, 2020

June 10, 2020 Wisconsin Elections Commission meeting minutes certified by:

\_\_\_\_\_  
Marge Bostelmann, Commission Secretary

September 1, 2020





# Wisconsin Elections Commission

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

## Wisconsin Elections Commission

Wisconsin Elections Commission Offices  
212 E. Washington Avenue, Third Floor  
Madison, Wisconsin  
4:00 p.m. July 30, 2020

### Open Session Minutes

Present: Commissioner Ann Jacobs, Commissioner Marge Bostelmann, Commissioner Julie Glancey, Commissioner Dean Knudson, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all via teleconference.

Staff present: Meagan Wolfe, Richard Rydecki, Robert Kehoe, Sharrie Hauge, Nathan Judnic and Reid Magney, Sara Linski, Tony Bridges, Michelle Hawley

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

Commission Chair Ann Jacobs called the meeting to order at 4:00 p.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. She explained that a second emergency meeting was noticed for 6:00 p.m. to deal with a last-minute issue related to face coverings.

#### **C. Approval of County Election Security Grants**

Administrator Wolfe introduced Technology and Training Director Robert Kehoe, Election Security Lead Tony Bridges and Michelle Hawley, who made a presentation based on a written report starting on page 2 of the meeting materials.

Discussion.

**MOTION:** Approve the grant applications, subject to the EAC guidance referenced in the staff memorandum, for the 55 counties listed and partial approval for two counties listed. WEC further directs staff to allocate the funds requested (up to \$35,000 base and \$.30/eligible voter) to the 57 counties listed.

Counties: Barron, Bayfield, Brown, Buffalo, Calumet, Chippewa, Clark, Columbia, Dane, Dodge, Door, Douglas, Dunn, Eau Claire, Florence, Fond Du Lac, Green, Green

*Wisconsin Elections Commissioners*

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

*Administrator*  
Meagan Wolfe

Lake, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse (partial), Lafayette, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Oconto, Oneida, Outagamie, Ozaukee, Polk, Portage, Price, Racine, Rock, Rusk, Sauk, Sawyer, Shawano, Sheboygan, St. Croix, Taylor, Trempealeau, Vernon, Vilas, Walworth, Washburn, Washington, Waukesha, Waupaca, Waushara (partial), Winnebago, and Wood.

Moved by Commissioner Knudson, seconded by Commissioner Spindell.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell:	Aye	Thomsen:	Aye

Motion carried unanimously.

**MOTION:** Direct staff to work with the five counties identified for further discussion to obtain more information about how their proposal will improve their county’s election cybersecurity posture and/or to modify their application to meet the terms of the grant. Modifications to the proposals will be considered by the Commission at a future meeting.

Counties: Iron, La Crosse (partial - voting equipment), Languade, Milwaukee, and Waushara (partial - video surveillance equipment)

Moved by Commissioner Spindell, seconded by Commissioner Knudson.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell:	Aye	Thomsen:	Aye

**D. Approval of Revised Uniform Instructions for Absentee Voting**

Administrator Wolfe introduced Elections Specialist Cody Davies, who made a presentation based on a written report starting on page 67 of the meeting materials regarding revisions to the Uniform Instructions for Absentee Voting.

Discussion.

**MOTION:** Approve drafts of the revised Uniform Instructions for Absentee Voting as to form, pursuant to any revisions as determined by the Commission, and direct staff to finalize the uniform instructions and communicate the changes to local election officials.

Moved by Bostelmann, seconded by Glancey.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell:	Aye	Thomsen:	Aye

Motion carried unanimously.

**MOTION:** Approve draft revisions to the Uniform Instructions for Military and Overseas Voters that are emailed or faxed as to form, pursuant to any revisions as determined by the Commission, and direct staff to finalize the uniform instructions and communicate the changes to local election officials.

Moved by Spindell, seconded by Bostelmann.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell:	Aye	Thomsen:	Aye

Motion carried unanimously.

## **E. Update on Absentee by Mail Improvements**

Administrator Wolfe introduced IT Project Manager Sara Linski, who made a presentation based on a written report starting on page 74 of the meeting materials regarding improvements to the statewide voter registration system and other processes related to absentee voting.

Discussion. The Commission took no formal action.

## **F. Closed Session**

- 1. Election Complaints**
- 2. Litigation Update**

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

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell:	Aye	Thomsen:	Aye

Motion carried 6-0.

Commissioners convened in closed session at 5:30 p.m.

## **G. Adjourn**

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

The Commission adjourned in closed session at 6:10 p.m.

#####

The next regular meeting of the Wisconsin Elections Commission is scheduled for Tuesday, September 1, 2020, at the Wisconsin Elections Commission offices in Madison, Wisconsin beginning at 9:00 a.m.

July 30, 2020 Wisconsin Elections Commission meeting minutes prepared by:

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Reid Magney, Public Information Officer

August 7, 2020

July 30, 2020 Wisconsin Elections Commission meeting minutes certified by:

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Marge Bostelmann, Commission Secretary

September 1, 2020



# Wisconsin Elections Commission

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

Wisconsin Elections Commission Offices  
212 E. Washington Avenue, Third Floor  
Madison, Wisconsin  
6:00 p.m. July 30, 2020

### Open Session Minutes

Present: Commissioner Ann Jacobs, Commissioner Marge Bostelmann, Commissioner Julie Glancey, Commissioner Dean Knudson, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all via teleconference.

Staff present: Meagan Wolfe, Richard Rydecki, Robert Kehoe, Sharrie Hauge, Nathan Judnic and Reid Magney, Sara Linski, Tony Bridges, Michelle Hawley

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

Commission Chair Ann Jacobs called the emergency meeting to order at 6:10 p.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 emergency meeting. She explained that the emergency meeting was noticed for 6:00 p.m. to deal with a last-minute issue related to face coverings.

#### **C. Discussion and Approval of Face Covering Guidance and Governor's Order**

Administrator Wolfe and Assistant Administrator Richard Rydecki made a presentation based on a memorandum contained in the meeting materials regarding Commission guidance to local election officials regarding the wearing of face coverings due to the COVID-19 pandemic. WEC staff had posted a guidance document on the agency's website shortly before Governor Evers issued a statewide mask order, which does not apply to voters but does apply to poll workers and election observers at the polling place. In light of the Governor's order, staff asked commissioners to approve revised guidance.

Discussion.

*Wisconsin Elections Commissioners*

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

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*Administrator*  
Meagan Wolfe

**MOTION:** Direct staff to change the guidance document to reflect that face coverings are voluntary for voters and that voters who wear masks can be asked to remove them briefly so election inspectors can verify their identity when checking photo IDs. Moved by Commissioner Knudson, seconded by Commissioner Bostelmann.

Commissioners discussed the motion and by consensus amended it to provide staff with further direction for modifying the guidance to include that the Governor’s mask mandate does not apply to elections, that the Wisconsin Elections Commission unanimously recommends that everyone wear masks at the polling place, and that election observers are subject to the Governor’s order to wear masks.

Roll call vote: Bostelmann: Aye    Glancey:    Aye  
                  Jacobs:        Aye    Knudson:    Aye  
                  Spindell:    Aye    Thomsen:    Aye

Motion carried unanimously.

**G. Adjourn**

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

The Commission adjourned at 7:02 p.m.

#####

The next regular meeting of the Wisconsin Elections Commission is scheduled for Tuesday, September 1, 2020, at the Wisconsin Elections Commission offices in Madison, Wisconsin beginning at 9:00 a.m.

July 30, 2020 Wisconsin Elections Commission emergency meeting minutes prepared by:

\_\_\_\_\_  
Reid Magney, Public Information Officer

August 15, 2020

July 30, 2020 Wisconsin Elections Commission meeting minutes certified by:

\_\_\_\_\_  
Marge Bostelmann, Commission Secretary

September 1, 2020



# Wisconsin Elections Commission

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

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## Wisconsin Elections Commission

Teleconference – Wisconsin Elections Commission Offices  
212 E. Washington Avenue, Third Floor  
Madison, Wisconsin  
3:00 p.m. August 20, 2020

### Open Session Minutes

Present: Commissioner Ann Jacobs, Commissioner Marge Bostelmann, Commissioner Julie Glancey, Commissioner Dean Knudson, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all via teleconference.

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

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

Commission Chair Ann Jacobs called the meeting to order at 10:02 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. Consideration of Challenges and Approval/Denial of Ballot Access for Independent Candidates for President**

Chair Ann Jacobs went over the ground rules for the hearing.

##### **1. WEC Case No. EL 20-31 – William Brent, III, Richard C. Hughes, Keith Smith, Lauren Steven Complaint against Kanye West and Michelle Tidball**

The Chair recognized Attorney Jeff Mandell, representing challengers. Attorney Mandell made a point of order regarding whether the candidates' response was properly verified because Mr. West did not verify it.

Attorney Michael Curran, representing the candidates, stated there was substantial compliance because vice presidential candidate Michelle Tidball did verify the complaint.

*Wisconsin Elections Commissioners*

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

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Administrator  
Meagan Wolfe

**MOTION:** To continue the hearing and disregard the point of order. Moved by Commissioner Spindell, seconded by Commissioner Knudson.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

Attorney Mandell raised a second point of order asking that challengers' reply brief be accepted.

Commissioners and staff discussed the Commission's established procedures for ballot access challenges and replies, which do not include a reply by the challenger.

**MOTION:** To deny the point of order. Moved by Commissioner Knudson, seconded by Commissioner Spindell.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

The Chair recognized Attorney Mandell for 10 minutes. He made a presentation regarding this challenge of Kanye West's nomination papers.

The Chair recognized Attorney Curran, who appeared on behalf of Mr. West, for 10 minutes to make a presentation. Mr. Curran raised a point of order and asked the Commission to dismiss complaint on jurisdictional issues.

**MOTION:** To reject the point of order. Moved by Commissioner Thomsen, seconded by Commissioner Knudson.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

Attorney Curran made his presentation.

Commissioners questioned Attorney Curran and staff members about whether the West-Tidball filing was timely.

The Chair requested that WEC staff members involved in the filing of the West-Tidball nomination papers on August 4, 2020, be made available to testify.

The Chair placed Election Specialist Cody Davies under oath and questioned him regarding the events at the filing deadline.

The Chair placed Election Specialist Riley Willman under oath and questioned him regarding the events at the filing deadline.

Staff Counsel Nathan Judnic made a presentation based on a memorandum starting on page 7 of the August 20 Commission meeting materials. Staff recommends sustaining challenges to all the West-Tidball nomination papers for the reasons stated in the recommended motions.

**MOTIONS:**

- 1) The Commission sustains the challenge to all nomination papers submitted by Mr. West and Ms. Tidball because they were not filed timely in accordance with Wis. Stat. §8.20(8)(am), therefore their names shall not appear on the 2020 November General Election ballot as Independent candidates for President and Vice-President respectively, in Wisconsin.
- 2) The Commission rejects the challenges to 1517 signatures that the Complainant alleges were obtained on pages in which the circulator misrepresented the purpose of the petition to the signer.
- 3) The Commission rejects the challenge to the 637 signatures collected on Respondent's nomination papers by Mr. Linares, Mr. Rush and Mr. Durrell, as the Complainant has not met the burden of proof showing that the named circulators provided an incorrect address when completing the certification of circulator.
- 4) The Commission staff rejects the challenge to the 188 signatures alleged by the Complainant to not include the signer's correct municipality of residence for voting purposes and the street and number.
- 5) A. The Commission sustains the challenge, and strikes the following 16 signatures from the Candidate's total for failure to provide a legibly printed name as required by statute :  
Page 149, Line 2; Page 185, Line 4, Page 196, Line 1; Page 238, Line 3; Page 251, Line 6; Page 252, Lines 3 and 4; Page 259, Line 4; Page 267, Line 6, Page 293, Line 4; Page 308, Line 10; Page 312, Line 8; Page 349, Line 1; Page 350, Line 6; Page 354, Line 1, Page 370, Line 10.
- 5) B. The Commission rejects the remaining challenges because the signatures were legible, the signatures challenged were unable to be determined based on the Page and Line number described by the Complainants, or they were previously struck for legibility issues or other issues on the page.

6) The Commission rejects the challenges to signatures alleged to be missing a municipality or contain an incomplete signing date because the Complainant has not met the burden of proof of clear and convincing evidence that signatures were incomplete.

7) The Commission sustains the challenge to the two signatures on Page 11, Line 8 and Page 281, Line 6, as the signer has provided an improper name information when signing the nomination paper. The remaining 2 signatures are already struck for other reasons and not included in the total.

8) The Commission directs staff to draft Findings and an Order consistent with these motions.

All motions moved by Commissioner Thomsen, seconded by Commission Glancey.

Commissioner Spindell offered a friendly amendment to consider voting on recommended motions 2 through 7 first, then taking motions 1 and 8.

Commissioners Thomsen and Glancey accepted the amendment.

The Chair called the roll on Motions 2 through 7.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motions carried unanimously.

Commissioner Thomsen moved recommended motions 1 and 8, which was seconded by Commissioner Glancey.

Discussion.

Commissioner Thomsen called the question.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	No	Thomsen:	Aye

Motion carried 5-1.

The Chair called a break at 5:33 p.m. The Commission reconvene at 5:40 p.m.

**2. WEC Case No. EL 20-30 – Joseph R. Santeler Complaint against Kanye West**

The Chair recognized for 10 minutes Attorney Joseph R. Santeler, who made a presentation regarding his challenge of Kanye West’s nomination papers. Attorney Santeler made point of order, that he did not challenge Michelle Tidball.

**MOTION:** To disregard the point of order and continue. Moved by Commissioner Spindell, seconded by Commissioner Knudson.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

Attorney Santeler made a 10-minute presentation.

The Chair recognized Attorney Michael Curran, who appeared on behalf of Mr. West, for a 10 minute presentation.

Discussion.

**MOTION:** Based on the record of proceedings today, including testimony of WEC staff members, the Commission sustains challenge to West’s nomination papers because they were not filed timely, and the candidates shall not appear on the ballot. Moved by Commissioner Jacobs, seconded by Commissioner Thomsen.

Discussion.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	No	Thomsen:	Aye

Motion carried 5-1.

**MOTIONS:**

1) The Commission rejects the challenge to Mr. West’s nomination papers because the complainant has not established by clear and convincing evidence that 3202 Big Horn Ave., Cody, WY 82414 is not Candidate West’s “residence and post-office address” as required by the statute.

3) The Commission rejects the challenges to the signatures contained on Pages 1, 2, 5, 6, 7, 8, 19, 20, 23, 24, 25, 26, 27, 28, 33, 34, 161, 162, 220, 223, 225, 236, 292, and 334, because the Complainant did not indicate the reason why such papers and signatures were insufficient.

4) The Commission directs staff to draft Findings and an Order consistent with these

motions.

All motions moved by Commissioner Knudson, seconded by Commissioner Spindell.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

**3. Case No. EL 20-32 – Allen Arntsen Complaint against The Wisconsin Green Party, Howie Hawkins, Angela Walker**

The Chair recognized Attorney Mandell, who made a presentation regarding this challenge of Howie Hawkins' nomination papers. He made a point of order that because the candidate did not respond by the deadline, he forfeited any opportunity to respond at this hearing.

The Chair ruled that the attorney for Mr. Hawkins and the Green Party can argue the law but may not introduce evidence.

Attorney Mandell continued his presentation.

The Chair recognized Attorney Andrea Merida, who appeared on behalf of Mr. Hawkins, and who made a presentation.

Staff Counsel Nathan Judnic made a presentation based on a memorandum starting on page 1 of the August 20 Commission meeting materials.

**MOTIONS:**

- 1) The Commission sustains the challenge to the 1834 signatures identified in the Complainant's Exhibit B identified with a code of 3042 which represent nomination papers that were printed and circulated with an address of 3204 TV Road, Room 231, Florence SC address.
- 2) The Commission sustains the challenge to the 57 signatures identified in the Complainant's Exhibit B identified with a code of 315\*\* which represent nomination papers that were corrected to include the 315 Royal Street, but the corrections were dated after the electors had signed the nomination papers, which would indicate that the 3204 TV Road address was present when they were signed.
- 3) The Commission rejects the challenge to the 48 signatures identified in the Complainant's Exhibit B identified with a code of 315\* which represent nomination papers that include the 315 Royal Street address, and there was no indication when the address was written on the page, but it is presumed to have been prior to circulation and signing on the page.

4) The Commission certifies 1846 valid signatures, which is below the minimum of 2,000 required for ballot access.

5) The Commission denies ballot access to Candidate Howie Hawkins and Candidate Angela Walker for the 2020 November General Election as independent candidates for President and Vice President and their names shall not appear on the ballot.

6) The Commission directs staff to draft Findings and an Order consistent with these motions.

Move by Commissioner Thomsen, seconded by Commissioner Glancey.

Discussion.

Commissioner Knudson asked to split the motions and vote on motions 2 and 3 first. Commissioners Thomsen and Glancey agreed.

The Chair called the question on motions 2 and 3.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

**MOTION:** The Commission sustains the challenge to the 1834 signatures identified in the Complainant's Exhibit B identified with a code of 3042 which represent nomination papers that were printed and circulated with an address of 3204 TV Road, Room 231, Florence SC address.

Moved by Commissioner Thomsen, seconded by Commissioner Glancey.

Roll call vote: Bostelmann	No	Glancey:	Aye
Jacobs:	Aye	Knudson:	No
Spindell	No	Thomsen:	Aye

Motion failed 3-3.

**MOTION:** That the Green Party be given access to the ballot. Moved by Commissioner Spindell, seconded by Commissioner Knudson.

Discussion.

Roll call vote: Bostelmann	Aye	Glancey:	No
Jacobs:	No	Knudson:	Aye
Spindell	Aye	Thomsen:	No

Motion failed 3-3.

**MOTION:** To allow into evidence the date of Angela Walker’s actual move. Moved by Commissioner Knudson, seconded by Commissioner Spindell

Discussion.

Roll call vote: Bostelmann	Aye	Glancey:	No
Jacobs:	No	Knudson:	Aye
Spindell	Aye	Thomsen:	No

Motion failed 3-3.

**MOTION:** The Commission certifies 1,789 signatures for Howie Hawkins and Angela Walker showing an address for Walker of 315 Royal Road, and that the Commission is deadlocked as to the validity of another 1,834 signatures with an address on TV Road, based on insufficient evidence as to where the vice-presidential candidate lived at the time of circulation of the nomination papers. Moved by Commissioner Knudson, seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

## **Ballot Access Motions**

Assistant Administrator Richard Rydecki made a presentation based on a memorandum starting on page 34 of the commission meeting materials regarding ballot access.

**MOTION:** The Commission approves ballot access for Jo Jorgensen and Jeremy Cohen representing the Libertarian Party and Brian Carroll and as independent candidates for the offices of President and Vice President at the 2020 General Election.

Moved by Commissioner Knudson, seconded by Commission Spindell.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

**MOTION:** The Commission approves ballot access for Brian Carroll and Amar Patel representing the American Solidarity Party.

Moved by Commissioner Knudson, seconded by Commissioner Spindell.

Roll call vote:	Bostelmann	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

**MOTION:** The Commission denies ballot access for Kyle Kealey Kopitke and Taja Yvonne as independent candidates representing the American Independent Party for the offices of President and Vice President at the 2020 General Election.

Moved by Commissioner Knudson, seconded by Commission Glancey.

Roll call vote:	Bostelmann	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

**MOTION:** Based upon a certification of 1,789 signatures and based upon the commission being deadlocked on another 1,834, the Commission denies ballot access for Howie Hawkins and Angela Walker as independent candidates representing the Green Party for the offices of President and Vice President at the 2020 General Election.

Moved by Commissioner Jacobs, seconded by Commission Thomsen.

Roll call vote:	Bostelmann	No	Glancey:	Aye
	Jacobs:	Aye	Knudson:	No
	Spindell	No	Thomsen:	Aye

Motion failed 3-3.

**MOTION:** That Howie Hawkins and Angela Walker filed enough signatures to get on the ballot.

Moved by Commissioner Knudson, seconded by Commissioner Spindell.

Roll call vote:	Bostelmann	Aye	Glancey:	No
	Jacobs:	No	Knudson:	Aye
	Spindell	Aye	Thomsen:	No

Motion failed 3-3.

**D. Consideration and Approval/Denial of County HAVA Security Subgrants**

Technology and Training Director Robert Kehoe made a presentation based on a written report starting on page 38 of the meeting materials regarding approval of additional county grant applications.

Motion 1: Approve the grant applications for Iron, Milwaukee, and Waushara counties. WEC further directs staff to allocate the funds requested (up to \$35,000 base and \$.30/eligible voter) to these three counties.

Motion 2: Direct staff to continue working with counties interested in the subgrant to help them complete applications. County proposals will be considered by the Commission at a future meeting.

Both motions moved by Commissioner Thomsen, seconded by Commissioner Spindell.

Discussion.

Roll call vote:	Bostelmann	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell	Aye	Thomsen:	Aye

Motion carried 6-0.

## E. Closed Session

1. Wis. Stat. § 5.05 Complaints
2. Litigation Update

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

Roll call vote:	Bostelmann	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell	Aye	Thomsen:	Aye

Motion carried 6-0.

Commissioners convened in closed session at 8:49 p.m. and adjourned in closed session at 9:03 p.m.

#####

The next regular meeting of the Wisconsin Elections Commission is scheduled for Tuesday, September 1, 2020, at the Wisconsin Elections Commission offices in Madison, Wisconsin beginning at 9:00 a.m.

August 20, 2020 Wisconsin Elections Commission meeting minutes prepared by:

\_\_\_\_\_  
Reid Magney, Public Information Officer

August 24, 2020

August 20, 2020 Wisconsin Elections Commission meeting minutes certified by:

\_\_\_\_\_  
Marge Bostelmann, Commission Secretary

September 1, 2020





# Wisconsin Elections Commission

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

**DATE:** For the September 1, 2020 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Administrator

Prepared and presented by:

Cody Davies  
Election Administration Specialist

Robert Williams  
Elections Administration Specialist

**SUBJECT:** 2020 Post-Election Audit of Electronic Voting Equipment and Optional Post-Election County Canvass Audit

## 1. Post-Election Voting Equipment Audit

### Introduction

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

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

This law was passed in 2005 and came into effect on January 1, 2006. Following the November 2006 General Election, the first post-election audit was conducted in the State of Wisconsin. Wisconsin has required 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” since April 2004. Wis. Stat. § 5.91(18).

The State of Wisconsin specifically distinguishes the post-election audit requirement as separate from the required pre-election tests of electronic voting systems. The pre-election test of electronic voting system,

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

*Wisconsin Elections Commissioners*

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

Administrator  
Meagan Wolfe

defined by Wis. Stat. § 5.84, uses a pre-determined set of ballots to ensure that the voting system is properly programmed prior to Election Day. The post-election audit, on the other hand, is designed to assess how the electronic voting system performed on Election Day using a review of the actual votes cast by electors to verify the accuracy of programming and tabulation.

With the goal of confirming, to a high level of confidence, that a complete manual recount would not change the outcome of a race, the Wisconsin Elections Commission has established detailed procedures for meeting the post-election audit requirement. The voting equipment audit serves as an important tool to deter voting system fraud and detect any large-scale systemic errors. Most importantly, the post-election voting equipment audit ensures that voting systems previously certified for use in Wisconsin elections are performing up to required standards for continued certification. Information obtained in the audit provides crucial feedback that allows jurisdictions to help improve election administration in future elections.

When determining which municipalities will be selected to participate in the post-election voting equipment audit, Wisconsin Elections Commission staff use a completely transparent and random process that ensures a minimum number of reporting units for each model of equipment is represented in the total of all audited reporting units. The selection process also is designed to ensure that each county is also represented in the sample. To bolster the effectiveness of the audit process, all ballots tabulated on Election Day, including absentee ballots, are audited using counting methods that account for overvotes and undervotes, as well as blank or spoiled ballots. Through post-election audit procedures, randomized selection process, and thoroughness of the audit process, staff aims to not only meet statutory requirements, but to increase the confidence voters have in the results of Wisconsin elections.

Beginning in 2006, the Wisconsin State Elections Board conducted audits on voting equipment within the state. In 2008, staff of the former Government Accountability Board (“G.A.B.” or “Board”) reconfigured the audit program to address the unsustainably high personnel and financial expenses associated with the decision to have Board staff conduct the post-election voting equipment audit onsite in selected municipalities. Board staff then began asking municipal clerks to conduct audits at the municipal and county level, with the resulting materials to be mailed to Board offices for staff to analyze and complete. In 2010, the Board continued requiring municipalities to conduct audits at the municipal level with assistance from G.A.B. staff. In 2012, Board staff again reformed the audit program, including a decision to double the amount of reporting units selected for participation. This change meant auditing a minimum of one hundred (100) reporting units. Municipalities continued to perform voting equipment audits at the municipal level, with assistance from G.A.B. staff.

The same procedures and protocol were applied to the 2014 audit process. Municipalities were again required to perform audits at the municipal level and many municipalities worked with their respective county clerks to conduct the required voting equipment audits. G.A.B. staff provided assistance to municipalities concerning audit planning, auditing procedures, and suggested ideas and methods for resolving potential discrepancies. Staff also reviewed initial audit results to ensure audits were conducted in an appropriate manner. In limited circumstances, staff conducted an additional audit of the ballots to verify the Election Day results against the hand count audit results.

For the 2016 audit selection process, a selection limit of two reporting units per municipality was proposed by WEC staff and approved by the Commission during its October 14, 2016 meeting. The Commission later determined that reporting units selected for the audit whose ballots were hand-counted during the statewide recount for the Office of President would no longer be required to conduct the audit. Reporting units where ballots were recounted using optical scan tabulators would still be subject to the post-election voting equipment audit. In total, 42 total reporting units in 34 municipalities were ultimately audited after the 2016 Presidential and General Election.

To conduct the 2018 Voting Equipment audit, staff proposed, and the Commission approved several changes to the process. This included changes to the completion timeline of the audit, the selection process, and municipal reimbursement. Prior to 2018 the audit was primarily conducted after the results of the election had been certified. In 2018, the completion timeline was shortened significantly, requiring that all municipalities with reporting units selected complete the audit on or before November 28, 2020, allowing Commissioners to be presented with the initial findings of the audit before certifying the 2018 General Election results.

Additionally, in the 2018 audit, the sample size of reporting units was increased to 5% of all reporting units throughout the state. This totaled 186 reporting units selected. In previous audits, a total of 100 reporting units, roughly 3% of those statewide, had been selected. Finally, in 2018, the municipal reimbursement scheme was altered slightly. A \$300 max reimbursement was left in place, but municipalities were allowed for the first time to submit documentation requesting reimbursement for costs over the maximum allowed. For the 2018 audit, the hourly rate maximum of \$10 per hour was also removed, giving auditors the opportunity to submit actual cost data for reimbursement.

For the 2020 voting equipment audit, staff are recommending a change to the reporting unit selection process regarding and the method of municipal reimbursement while leaving in place several procedures approved by the Commission for the 2018 audit. Historically, there has been a maximum selection cap of two reporting units per municipality. Staff are currently exploring options that may increase the maximum number of reporting units with the goal of a more directly proportional selection process based on the number of registered voters, while leaving the statewide total of reporting units selected unchanged at 5%. This may have a more of an impact on the election officials of larger municipalities, where the bulk of Wisconsin's voters are concentrated, in that they will most likely be selected multiple times. Staff is also recommending an adjustment to the method of municipal reimbursement by introducing a flat amount for audit set up and per ballot compensation for the conducting of the audit. A summary of recommendations can be found at the end of this memo.

### **Reporting Unit Selection Process**

For the post-election audits to be conducted in 2020, staff is recommending that the sample size be maintained at five percent of the total reporting units statewide. Staff also recommends that controlling for one reporting unit per county and five reporting units per piece of equipment remain in effect. The 2018 voting equipment audit, using these three methods, provided a sample pool of roughly 140,000 ballots.

The Wisconsin Elections Commission randomly selects a pre-determined number of reporting units across Wisconsin for audits, including a minimum of five (5) reporting units for each voting system used in Wisconsin. If fewer than five (5) reporting units for any voting system are selected through the random selection process, then additional reporting units are randomly selected for the voting system until five reporting units per voting system have been selected. Any reporting unit selected for audit that is subject to a recount is replaced by another reporting unit selected at random by the WEC. For good cause, the WEC may identify other reporting units to be audited.

To conduct audits on the municipal level, WEC chooses for audit a selected number of reporting units. The total number of reporting units selected during this process totals five percent (5%) of the reporting units in the state. As part of the five percent of reporting units selected, WEC staff also ensures that a minimum of one (1) reporting unit from each county and at least five (5) reporting units for each piece of equipment.

Selection process summary:

1. Maintain the audit sample at 5% of all reporting units statewide.
2. Ensure that at least one (1) piece of voting equipment is selected for audit in each of the 72 Wisconsin counties.
3. Ensure that a minimum of five (5) reporting units are selected for each piece of equipment certified for use in Wisconsin that records and tabulates votes.

**Audit Completion Timeline**

Prior to 2012, audits were required to be conducted no later than two weeks after the State certified the election results. For the 2012 post-election voting equipment audit, the G.A.B. determined that audits could be conducted prior to the recount deadline, a decision which revised prior requirements that no audits take place until after the period for filing a challenge to a recount of any contest on the ballot had expired. These guidelines remained in place for both the 2014 and 2016 audits. In 2016, records indicate that 20 of the audits, or 19 percent, were conducted prior to the state certification of election results and several other municipalities were scheduled to conduct audits prior to certification but rescheduled when it became apparent that a statewide recount was imminent. In 2018, the voting equipment audit was required to be completed pre-certification.

For the 2020 post-election voting equipment audit, staff is recommending that all post-election audits be conducted prior to the state deadline to certify election results on December 1, 2020. This recommendation is based on the increased willingness of municipalities to conduct the audit promptly after Election Day. Staff recognizes that this timeline may increase the workload of local election officials who have just finished administering a high-profile, high-turnout General Election. Therefore, staff is also recommending that any selected municipality may request a waiver for this requirement if they show cause that they will not be able to meet this deadline.

To facilitate this timeline and ensure that selected municipalities have the largest possible window to schedule, coordinate, conduct and report audit results to the WEC, staff is committed to scheduling the public meeting for the random selection of reporting units subject to audit on Wednesday, November 4, 2020. Selected municipalities will be timely notified and provided with reference and resource materials and a pre-recorded training webinar will be offered that will outline audit and results reporting procedures.

**Pre-Audit Preparations**

The audit must be open to the public, and the time and location of the audit must be posted at least 48 hours prior to the audit. Members of the public can observe the audit proceedings but may not interfere with the orderly conducting of the audit.

Upon notification by the Wisconsin Elections Commission that a reporting unit in their municipality was selected for audit, the municipal clerk shall make arrangements with the county clerk to preserve and retain the election materials including voter lists, the Inspectors' Statement (EL-104), Tally Sheets (EL-105), reports and results tapes printed or generated by the voting system, ballots and any other required materials that will be used during the audit. All materials subject to audit must be retained in a secure location by either the municipal or county clerk. The use of a chain of custody log to document who has had access to election materials and where they have been stored is highly recommended.

Upon agreement by a municipality and county, the county clerk or county board of canvassers may perform the audit of the selected reporting unit(s) in lieu of the municipality. In this instance, the county would be entitled to any reimbursement provided by the Wisconsin Elections Commission.

### General Audit Procedures

1. The municipality shall acknowledge receipt of its selection for the post-election voting system audit and confirm with the WEC the following information for each reporting unit selected:
  - a. Voting System Type
  - b. Voting Equipment Model
  - c. Accessible Voting Equipment Model
2. The clerk shall publicly post notice of the time and location for the voting system audit at least 48 hours prior to the scheduled audit. Clerks must notify the WEC of the time and location of the audit by sending an email to [wecaudits@wi.gov](mailto:wecaudits@wi.gov).
3. Four (4) contests shall be audited, including the top contest on the ballot, the presidential or gubernatorial contest. The other audited contests shall be selected randomly by WEC staff from the other state-level contests that appear on the ballot.
4. A minimum of two individuals shall participate in the audit. Votes shall be tallied by hand for the contests included in the audit. For some voting systems, this will require counting the votes listed on the voter-verified paper audit trail generated by the voting system on Election Day. At least two auditors shall determine an independent total for each selected contest. These totals shall then be compared to each other. If the auditors' totals concur, the totals are then compared to the results generated by the voting system. Any discrepancies should be recorded and explained in the minutes of the audit and itemized on the results reporting form provided by the WEC.
5. Detailed minutes should be kept by those conducting the audit and discrepancies in vote totals should be itemized and summarized in the minutes. This information should be used when filling out the reporting forms that must be submitted to the WEC after the completion of the audit.
6. If any offices contain an overvote, no vote is counted for that office, and it is considered an undervote.
7. All write-in votes and scattering should be tallied on the combined line listed for those votes. The individual write-in candidate totals do not have to be listed as the voting equipment only produces a subtotal of the write-in votes for each contest and does not tally votes for each individual candidate.
8. Auditors should only count votes as the equipment would have counted them.

Example 1: A voter circled candidate name Jane Doe on an optical scan ballot where they should have filled in the oval next to the candidate name. No vote for this office should be counted as the voting equipment would not have counted a vote cast for a candidate in this manner.

Example 2: A voter wrote in a candidate name on an optical scan ballot and did not fill in the oval next to the write-in line. The voting equipment would not have identified this as a write-in vote on the results tape, so it should not be included in the write-in totals for purposes of the audit.

9. In some cases, it may not be clear exactly how the ballot would have been counted by the voting equipment or there may be ballots where a hand count would have determined a different outcome for individual ballots. Auditors should document in the minutes any ballots where it is unclear how the voting system would count the ballot. The auditors should include in the minutes how they counted the ballot as well as all reasonable alternatives on how the machine may have counted the ballot.

Example: Ballot 93, voter marked both Jane Doe and John Smith and attempted to erase the mark for John Smith. We counted it as a vote for Jane Doe, but the machine may have read this as an overvote in this contest. This may result in our tally having one more vote for Jane Doe and one less undervote in this contest.

10. The audit results should be compared to the results report from the voting equipment and both sets of results should be reported to the WEC. It may be possible that the auditors' totals do not match the voting equipment results report, but the auditors should be able to reasonably explain any discrepancy in the totals by reference to specific ballots and situations as notated in the minutes and reporting forms.

### Recommended Audit Procedures

Staff are currently in the process of refining the specific procedures that auditors will be utilizing this year. Following the 2018 post-election voting equipment audit, a number of purported issues identified on the reporting forms submitted by participating municipalities were ultimately found to be the result of auditor error, either in the mis-tallying of ballots or in unclear documentation of the process. Staff also gained experience by conducting audits of two reporting units in the WEC offices during the 2108 audit and will incorporate information gained through that process to the updated procedures.

As such, staff are working to redesign the tally sheets and general procedures to make them more intuitive and user-friendly. Different mockups are currently being finalized but the versions that will be disseminated to selected municipalities will be those found to produce the soundest results in a controlled usability test in which staff will conduct a "mock" audit using different material prototypes.

### Post-Audit Procedures

Each municipality conducting an audit must submit the designated reporting forms and supporting documents from the audit, including tally sheets. This submission serves as confirmation that the audit has been completed and must also detail and describe any discrepancies encountered in the process. Clerks should email these findings to [wecaudits@wi.gov](mailto:wecaudits@wi.gov).

WEC staff may, at its sole discretion, request that the municipality submit all audit materials, including the source documents (ballots, poll lists, etc.) to the WEC for further review. In such a case, the WEC will reimburse the municipality for the associated postage/shipping costs.

In the event that a discrepancy between the machine tally and the paper record tally cannot be reasonably explained, WEC staff will request that the voting equipment manufacturer investigate and explain the reasons for any differences between the machine tally and the paper record tally. Should the vendor fail to provide a sufficient written explanation, including recommendations for preventing future occurrences, within 30 days of notification, the WEC may suspend approval of the affected voting system in Wisconsin. This suspension will

be implemented immediately, pending an appeal by the vendor to the Commission, which must be filed within 30 days of the suspension.

Based upon the results of the audit, the Wisconsin Elections Commission may, at its sole discretion, choose to re-test the voting system per Wis. Adm. Code EL Chapter 7. Such test would be a condition of continuing approval of said voting system.

**Municipal Reimbursement**

To conduct the 2018 audit, the Wisconsin Elections Commission reimbursed municipalities for actual costs incurred, up to \$300 per reporting unit, for conducting each audit. Staff recommended, and the Commission approved the removal of the restriction limiting reimbursement of personnel costs to a rate of \$10 per hour. Each municipality seeking reimbursement submitted an itemized request that included the names of the auditors, the pay rate at which they were compensated, and the total sum requested for reimbursement. Audit costs exceeding \$300 per reporting unit were submitted to the WEC and full reimbursement for those costs were considered. A total of 14 municipalities submitted overage requests with 12 being granted. Approval for overage requests required staff to consult with both Administrator Wolfe and then Chair Knudson, providing them with relevant documentation submitted by the municipalities.

For the 2020 voting equipment audit, staff is recommending a change to the municipal reimbursement procedure. Instead of a flat reimbursement rate, staff recommends a base reimbursement for the cost of setup of \$50 per reporting unit and then further reimbursement at the rate of thirty-five cents (\$.35) per ballot. Staff also recommends removing the \$300 maximum reimbursement. This method of reimbursement is more equitable than those used in the past. Previously, the per ballot reimbursement rate varied wildly. With a flat rate per ballot, the municipalities that audit 100 ballots and the municipalities that audit 5,000 ballots will be eligible for the same per-ballot rate of reimbursement. There will be no further procedural hurdles for the municipalities with a higher ballot count. The change in the reimbursement structure will lead to higher costs for the agency than using the \$300 per reporting unit standard, but staff projects the estimated cost for the program to be similar to the final reimbursement cost for the 2018 audit after the overage payments are considered.

*Reimbursement Examples*

		Base Reimbursement	Ballots Counted	Subtotal	Total Reimbursement
Municipality 1	Reporting Unit 1	\$50.00	250	\$137.50	<b>\$298.13</b>
Municipality 2	Reporting Unit 1	\$50.00	1,750	\$662.50	<b>\$1,850.00</b>
	Reporting Unit 2	\$50.00	3,250	\$1,187.50	

**2. Voluntary Post-Election County Canvass Audits**

Following successful experiences in 2018, staff are also taking this opportunity to present an outline of the optional post-election audits conducted by counties as part of their canvass process. Multiple counties utilized this type of audit following the 2018 General Election and have already inquired as to whether the program will continue this November.

Unlike the post-election voting equipment audit, participation in county-level canvass audits is voluntary. Additionally, as these audits are not tied to voting equipment, they can be conducted in jurisdictions that utilize hand-count paper ballots, electronic voting equipment, or a combination of the two. Procedures for the canvass

audit should follow the same full hand tally procedures employed in 2018. Staff are recommending that reimbursement for participation in these voluntary audits follow the same rubric as outlined for the post-election voting equipment audit. Specifically, each participating reporting unit will be eligible for a flat reimbursement of \$50 per reporting unit with further reimbursement at \$.35 per ballot audited. As in the 2018 voluntary audits, there will be a limit of two reporting units per participating county.

### **Summary of Recommendations**

1. Maintain the audit sample at 5% of all reporting units statewide.
2. Ensure that at least one (1) piece of voting equipment is selected for audit in each of the 72 Wisconsin counties.
3. Ensure that a minimum of five (5) reporting units are selected for each piece of equipment certified for use in Wisconsin that records and tabulates votes.
4. Continue to require audit completion prior to the certification of General Election results.
5. Reimburse municipalities with a \$50 base rate per reporting unit plus \$.35 per ballot audited.
6. Offer counties the option to participate in voluntary post-election audits to be conducted concurrently with the county-level canvass and to have the reimbursement structure of this voluntary audit mirror the same reimbursement structure detailed above.

### **Recommended Motion:**

The Commission adopts the 2020 post-election audit parameters and procedures outlined above, including the selection criteria, timeline for completion, and reimbursement.

## **Appendix A: Voting Equipment Descriptions**

### **Accessible Equipment**

#### 1. *Sequoia Edge*

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

#### 2. *ES&S iVotronic*

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

#### 3. *AccuVote TSX*

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

#### 4. *Populex*

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

#### 5. *ClearBallot Group Clear Access*

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

### **Optical Scan Tabulators**

#### 1. *Dominion ImageCast Evolution*

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

#### 2. *ES&S M100*

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

3. *ES&S DS200*

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

4. *ES&S DS850*

DS850 central count digital scanner, version 1.0, was last approved by the Elections Commission on June 20, 2017.

5. *Optech Insight*

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

6. *Diebold/Premier-AccuVote-OS*

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

7. *ClearBallot Group ClearCast*

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



# Wisconsin Elections Commission

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

## MEMORANDUM

**DATE:** For the September 1, 2020 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Administrator

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

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

Municipal clerks typically provide reports of suspected election fraud or irregularities to the Commission by email or letter, and in most cases the report is a copy of the referral they have made to the District Attorney under Wis. Stat. § 7.15(1)(g). Attached to this memorandum is the proposed cover letter and report to be submitted to the Legislature which summarizes the information received from local election officials. This report is limited in that it only reports District Attorney referrals made by municipal clerks that the Commission has been made aware of and it is possible that other suspected election frauds, irregularities or violations have been referred without the Commission’s knowledge. It is also possible that citizens or organizations may have filed complaints directly with a District Attorney which the Commission is not aware of and has no way of tracking.

The Commission has directed staff to compile this report to be submitted for review in the spring of each year. The report was delayed this year until September partially due to unexpected shifts in staff work priorities in March and April when this information has typically been compiled and presented to the Commission. The timeframe for this report is February 16, 2019 through August 21, 2020.

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

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

*Wisconsin Elections Commissioners*

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

*Administrator*  
Meagan Wolfe

**Recommended Motion:**

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



# Wisconsin Elections Commission

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)

September \_\_, 2020

Sent Via Email Only

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

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

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

Chief Clerks Fuller and Renk:

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

### Report Notes

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

This report includes notices of referrals received February 16, 2019 through August 21, 2020 and is limited in that it only reports referrals to District Attorneys made by municipal clerks that the Commission has been made aware of, and it is possible that other suspected election frauds, irregularities or violations have been referred without the Commission's knowledge. It is also possible that citizens or organizations have filed complaints directly with a District Attorney which the Commission has no way of knowing or tracking. For most types of referrals, the Commission has no information about whether the District Attorney found enough evidence to file charges or whether any charges resulted in a conviction.

*Wisconsin Elections Commissioners*

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

Administrator  
Meagan Wolfe

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

Sincerely,

**WISCONSIN ELECTIONS COMMISSION**

A handwritten signature in black ink that reads "Meagan H.M. Wolfe". The signature is written in a cursive style with a large initial 'M'.

Meagan Wolfe  
Administrator

Cc: Wisconsin Elections Commission

Enclosure



# Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984  
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## Report of Suspected Election Fraud, Irregularities or Violations

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

The timeframe for this report is information the WEC received from February 16, 2019 through August 21, 2020. Please see the transmittal letter to the chief clerks which accompanies this report that describes the contents and limitations of this report.

Date	County	Suspected Election Fraud, Irregularity or Violation	Related Election
2/26/19	Racine	Voting twice in same election (two different municipalities)	2018 General Election
2/26/19	Racine	Voting twice in same election (two different municipalities)	2018 General Election
2/26/19	Racine	Voting twice in same election (two different municipalities)	2018 General Election
4/26/20	Eau Claire	Incorrect Voter Registration Address	2019 Spring Election
4/26/20	Eau Claire	Incorrect Voter Registration Address	2019 Spring Election
4/26/19	Eau Claire	Voting twice in same election (two different municipalities)	2019 Spring Election
5/15/19	Milwaukee	Undeliverable Election Day Registration Confirmation Postcard	2019 Spring Election
6/18/19	Rock	Voting twice in same election (absentee and at polls)	2018 General Election
1/29/20	Kenosha	Incorrect Voter Registration Address	Not applicable
2/17/20	Ozaukee	Ineligible Voter Registration – Felony	Not applicable
2/25/20	Wood	Incorrect Voter Registration Information	2020 Spring Primary
4/21/20	Brown	Voting twice in same election (in-person absentee and absentee by mail)	2020 Spring Election
5/12/20	Milwaukee	Undeliverable Election Day Registration Confirmation Postcard	2020 Spring Election
6/1/20	Milwaukee	Undeliverable Election Day Registration Confirmation Postcard (5 instances)	2020 Spring Election
8/21/20	Waukesha	Voting twice in same election (absentee and at polls)	2020 Partisan Primary

*Wisconsin Elections Commissioners*

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

*Administrator*  
 Meagan Wolfe





# Wisconsin Elections Commission

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

(608) 266-8005 | elections@wi.gov | elections.wi.gov

## MEMORANDUM

**DATE:** For the September 1, 2020 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared by:

Jodi Kitts, Senior WisVote Specialist  
Ann Oberle, Lead Business Analyst

**SUBJECT:** Voter Felon Audit Update

The Voter Felon Audit is a required post-election comparison of voters who cast a ballot at an election with the list of persons who were under Department of Corrections (DOC) supervision for a felony conviction at the time the vote was cast. Wis. Stat. §6.56(3m). 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 a referral is made 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 earlier 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 February 18, 2020 election ran on August 3, 2020 and the initial comparison identified 15 potential matches. Of the 15 matches, 6 have been closed because DOC staff determined the individual identified was either not a felon at the time of the election, or that their conviction was for misdemeanor. The remaining referrals have been sent to clerks for the Stage 2 review.

The Voter Felon Audit for both the April 7, 2020 election and the May 12, 2020 special election have not been run because there is still outstanding participation that has not been recorded in WisVote.

*Wisconsin Elections Commissioners*

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

*Administrator*  
Meagan Wolfe

Outreach has been conducted by staff for those remaining municipalities who still have outstanding participation left to be recorded in the voter registration system for these elections.

Staff is also providing its bi-yearly comprehensive update on the status of the past Voter Felon Audits and District Attorney response information. Attachment G1 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.

ELECTION	Number of voters matched with felons per Election	Number of matches referred to district attorneys	Number of referrals closed by DA without charges	Number of referrals resulting in a conviction	Number of remaining referrals with current charges filed status	Number of matches or cases referred remaining open or under investigation	Number of matches closed	All matches have reached final disposition	Total number of voters	Referrals as a percentage of total number of voters
2020 Spring Primary	15	0	0	0	0	9	6		729,307	0.00000
2019 Representative to the Assembly District 64	0	0	0	0	0	0	0	yes	6,581	0.00000
2019 Spring Election	10	4	0	0	1	3	6		1,225,087	0.000327%
2019 Spring Primary	2	2	0	0	0	0	0		8,295	0.024111%
2018 General Election	79	53	2	0	0	1	28		2,688,879	0.001971%
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	11	4	2	64	45		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	5	3	1	13	20		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>96</b>	<b>44</b>	<b>3</b>	<b>132</b>	<b>566</b>	14		

## DA Tracker - 2010 GENERAL ELECTION

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

## DA Tracker - 2011 SPRING ELECTION

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

## DA Tracker - 2012 PRES. PREFERENCE & SPRING

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

## DA Tracker - 2012 JUNE 5 RECALL ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
DANE - 13	5 – Referred to DA	11/18/2014	2/13/2018	Under investigation.
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
LA CROSSE - 32	5 – Referred to DA	4/9/2014		
MILWAUKEE - 41	5 – Referred to DA	5/30/2014	8/25/2017	Under investigation.

OUTAGAMIE - 45	5 - Referred to DA	4/12/2014	4/12/2014	Under investigation.
RACINE - 52	5 – Referred to DA	4/9/2014		
RACINE - 52	5 – Referred to DA	4/9/2014		
RACINE - 52	5 – Referred to DA	4/9/2014		
RACINE - 52	5 – Referred to DA	4/9/2014		

## DA Tracker - 2014 SPRING ELECTION

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

## DA Tracker - 2014 GENERAL ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
ASHLAND - 02	5 – Referred to DA	3/31/2015		
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
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	8/9/2016	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	8/9/2016	7/13/2017	Charges Filed.
OUTAGAMIE - 45	5 - Referred to DA	8/9/2016		
RACINE - 52	5 - Referred to DA	8/9/2016		
SHEBOYGAN - 60	5 - Referred to DA	8/9/2016	8/8/2017	Under Investigation.
WALWORTH - 65	5 - Referred to DA	8/9/2016		
WINNEBAGO - 71	5 - Referred to DA	8/9/2016	7/26/2018	Under Investigation.
WINNEBAGO - 71	5 - Referred to DA	8/9/2016	7/26/2018	Under Investigation.

## DA Tracker - 2016 PARTISAN PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
DANE - 13	5 - Referred to DA	11/21/2016	2/13/2018	Under Investigation.

## DA Tracker - 2016 PRESIDENTIAL AND GENERAL ELECTION

County	Stage	Date Notice Sent	DA REPORT	Status
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ADAMS - 01	5 - Referred to DA	7/17/2017		
BROWN - 05	5 - Referred to DA	7/14/2017		
BROWN - 05	5 - Referred to DA	7/18/2017		
BUFFALO - 06	5 - Referred to DA	7/19/2017		
DANE - 13	5 - Referred to DA	7/14/2017	2/13/2018	Under investigation.
DANE - 13	5 - Referred to DA	7/14/2017	2/13/2018	Under investigation.
DANE - 13	5 - Referred to DA	7/14/2017	2/13/2018	Under investigation.
DANE - 13	5 - Referred to DA	7/18/2017	2/13/2018	Under investigation.
DANE - 13	5 - Referred to DA	7/14/2017	2/13/2018	Under investigation.
DANE - 13	5 - Referred to DA	7/14/2017	2/13/2018	Under investigation.
DANE - 13	5 - Referred to DA	7/19/2017	2/13/2018	Under investigation.
DANE - 13	5 - Referred to DA	7/14/2017	2/13/2018	Under investigation.
DODGE - 14	5 - Referred to DA	7/13/2017	10/25/2017	Charges Filed.
DODGE - 14	5 - Referred to DA	7/14/2017		
DOOR - 15	5 - Referred to DA	7/17/2017		
DOUGLAS - 16	5 - Referred to DA	7/17/2017	8/19/2016	Under Investigation.
EAU CLAIRE - 18	5 - Referred to DA	7/18/2017	11/21/2017	Charges Filed.
JEFFERSON - 28	5 - Referred to DA	7/14/2017	10/10/2017	Under Investigation.
MENOMINEE - 40	5 - Referred to DA	7/19/2017		
MILWAUKEE - 41	5 - Referred to DA	7/14/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/14/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/17/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/14/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/14/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/14/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/14/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/14/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/14/2014	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/17/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/17/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/17/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/17/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/17/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/17/2017	8/25/2017	Under Investigation
MILWAUKEE - 41	5 - Referred to DA	7/17/2017	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	7/14/2017	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
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	9/13/2019	Declined. Closed.
JACKSON - 27	5 - Referred to DA	9/9/2019	9/16/2019	Investigating
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	3/23/2020	closed. Misdemeanors.
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	6/4/2019		
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		
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	9/19/2019	11/14/2019	Charges Filed.
MILWAUKEE - 41	5 - Referred to DA	9/19/2019		
WAUKESHA - 68	5 - Referred to DA	9/19/2019		

### DA Tracker - 2020 SPRING PRIMARY

County	Stage	Date Notice Sent	DA REPORT	Status
KENOSHA - 30	3 - Assigned to Clerk			
MANITOWOC - 36	4 - Assigned to Clerk			





# Wisconsin Elections Commission

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

**DATE:** For the September 1, 2020 Commission Meeting

**TO:** Members, Elections Commission

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

Prepared and Presented by:  
Sharrie Hauge, Chief Administrative Officer

**SUBJECT:** 2021-23 Biennial Budget Process Update/Request

Commission staff is in the midst of preparing the agency's 2021-23 Biennial Budget submission, which is due on September 15, 2020. The biennial budget process is designed to maintain the agency's general program revenue (GPR) funded operations and federal spending authority for the biennium. The 2021-23 biennium begins on July 1, 2021 and runs through June 30, 2023. This memorandum provides an overview of the budget process and outlines the staff's recommendations for submitting the budget request.

## Overview and Budget Process

On June 5, 2020, the Department of Administration issued its Major Budget Policies and Budget instructions for preparing agency 2021-23 biennial budget requests. The instructions stated that all agencies should assume there will be zero growth in overall GPR appropriations in each fiscal year during the 2021-23 biennium, meaning that agencies are required to hold their overall GPR expenditures to the level of fiscal year 2021, the current fiscal year.

On August 11, 2020, the Department of Administration issued its Technical Budget instructions. In preparation, before the development of individual budget decision item requests can be made, several technical budget tasks need to be completed. Staff has completed the base year reconciliation which ensures that agency program and appropriation structures that are defined in the budget system correctly reflect current law. The goal of the base reconciliation is to obtain a level of funding and positions for each current law appropriation program which is approximated by what is available as of July 1 at the start of the second year of the biennium (July 1, 2020). All agency spending requests are built on (or are changes to) the adjusted base funding level.

The WEC's total base budget for fiscal year 2021 after completion of the base year reconciliation is \$5,701,700. The total adjusted base budget consists of the following spending authority:

General Purpose Revenue (GPR) funds	\$4,705,700
Federal HAVA funds (SEG-F)	\$ 995,000
Program Revenue (PR) funds	<u>\$ 1,000</u>
Total Spending Authority	\$5,701,700

*Wisconsin Elections Commissioners*

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

*Administrator*  
Meagan Wolfe

The WEC's program revenue primarily results from federal aid for the Wisconsin Elections Security grant and includes a small amount of funds collected for providing other agency records under the Public Records Law.

Currently, staff is working on completing a full salary and fringe benefit funding calculation under standard budget adjustments to determine salary and wage levels. After the reconciliation process is complete the agency budget request decision items can be developed in more specific detail.

### **Summary of Recommended Decision Items**

The State's budget process requires agencies to identify Decision Items reflecting any proposed change from the base budget as determined by the Department of Administration. In addition to the primary Decision Item related to continuing the agency's base operations, staff is recommending two new Decision Items, which are 1) A statutory language change and new alpha and numeric appropriation for Elections Security and maintenance along with expenditure authority and 2) Convert 6.0 Federal Project Positions to 6.0 Permanent Positions.

#### 1. Statutory Language Change and New Alpha Numeric Program Revenue (PR) Continuing Appropriation

**Background:** Currently, the revenue from the sale of voter lists is being deposited into the agency's s.20.510 (1)(x), federal aid, election administration fund appropriation (180) per 25.425 Wis. Stats. This statute requires the agency put all moneys received from the sale of copies of the official registration list into this appropriation. At the time this appropriation was created the revenue needed to be put in this appropriation until the HAVA federal grant was fully expended as it has been in previous budget years. The H251 grant was fully expended on April 9, 2019.

**Current situation:** Annually, the agency receives revenue from the sale of voter lists created from the WisVote system, but currently does not have the ability to expend the funds, nor is it in the correct appropriation at this time since the federal grant has been fully expended. As of August 21, 2020, the agency has a cash balance of approximately \$907,615 from revenue generated in this appropriation.

**Decision Item:** In order to access and expend the funds, the agency needs to request to create a new continuing program revenue (PR) alpha and numeric appropriation, adjust the statutory language in 25.425 to allow future revenues to go directly into the new appropriation and request a non-statutory provision to allow the previously-collected revenues to be transferred from the old appropriation to the newly created one. On average the agency has collected approximately \$750,000 over the past two biennia. The new appropriation will use the revenue generated from the sale of voter lists for Election Security and maintenance of our voter registration system, which includes: 3.0 Full Time Employees (FTE), servers, storage, and processing fees. We will also be requesting spending authority in FY22 of \$350,000 and in FY23 of \$350,000 to continue covering these costs.

While changes regarding conversion of federal positions will need to be detailed in a separate decision item, asking for a change to this appropriation will allow WEC to convert three of our six federally funded security positions to permanent state positions, using our revenue appropriation. The budget instructions for the 2021-2023 biennium prohibit agencies from requesting additional GPR positions, but positions can be requested using revenue funds. This would not be a request to add new positions to the agency, but rather to convert three federally funded project positions to permanent, sustainable positions using our agency's revenue funds.

#### 2. Convert 6.0 Federal Project Positions to 6.0 Permanent Positions

**Background:** In March 2018, the Wisconsin Elections Commission received a \$6,798,318 grant award to improve the administration of elections for Federal office, including to enhance technology and make

election security improvements to its systems, equipment and processes used in federal elections. On May 8, 2018, the Commission submitted a 16.54 request to the Department of Administration requesting 6.0 FTE federal four-year project positions pursuant to s.16.54(8). These positions were requested to support the Commission's elections security and cybersecurity initiatives and to comply with the congressional intent of new federal Help America Vote Act Election Security grant funding. The positions were budgeted in the appropriation under s.20.510 (1)(x) and were authorized from June 1, 2018 – June 1, 2022.

Current Situation: The current 6.0 project positions sunset on June 1, 2022; the last month of the first year of the biennium. Project positions cannot be extended for an additional term beyond four years, they must be converted from project positions to permanent positions. Therefore, in order to remain fully staffed, we will need to request to convert the expiring project positions to permanent positions; three of which would be federally funded using remaining HAVA grant funds, and three of which would be funded by agency program revenue. These positions will continue to serve in the same capacity as their project positions, except they would attain permanent status. Current budget authority for the 6.0 project position salaries and fringe benefits for FY21 is \$425,000. For FY22, the first 11 months of the position salaries and fringe are already budgeted, but the Commission will need to approve the conversion of positions, salaries and fringe for the last month of FY22 and the second year of the biennium. Please note while these positions have not been budgeted for in the state budget system, they were already approved by the Commission for the 2018 Election Security grant budget through March 22, 2023.

HAVA Election Security Grant: The agency currently has approximately \$2,744,124 in Elections Security funds unallotted. Again, state budget instructions for 2021-2023 budget prohibit asking for additional positions; however, this request would not be for additional positions it would be to convert existing positions to permanent. Having unallocated HAVA security funds will allow us to make a convincing argument to convert three of the positions to permanent-federally funded positions as the remaining grant funds will allow us to keep these important positions for the foreseeable future. The unallocated federal funds will also allow us to allocate appropriate security related staffing costs for the agency into the future. Given that the state budget is expected to be impacted and reduced as we continue to feel the impacts of COVID-19, these funds offer an important safety net for our agency. Election security is going to continue to be a major priority and concern for elections. There may not be additional state or federal funds made available to support these critical functions. Maintaining an unallocated fund balance to address staffing costs and unanticipated security costs will be critical in the 2021-2023 biennium.

Decision Item: Convert 6.0 federal project positions to 3.0 federal permanent positions and 3.0 program revenue permanent positions. In the standard budget adjustments, the agency is required to delete the positions and budget authority, then create a separate decision item requesting to create 6.0 permanent positions and to restore the funding for those positions in the budget request. Even though the agency will continue to have federal funds available for these positions beyond FY23, statutory authority for the positions will expire on June 1, 2022 (the first year of the biennium). These positions are crucial to the success of the agency. It is mission critical that we permanently plan for elections security support and other crisis' that may arise in the future. We believe that elections security and COVID has become a big part of our daily focus and will continue long into the future. We will need to safeguard our valuable federal funds to ensure adequate position authority and to sustain other unanticipated GPR programs into the future. It should also be noted that the agency has struggled with staff turnover due to the uncertainty regarding the continuation of continued position authority. Vacancies have a significant impact on sustaining the agency's mission and program activities due to the small size of the agency's staff.

Finally, as part of the budget process, agencies are also required by Act 201 to include a plan for how the agency will meet the zero-growth target for each fiscal year of the 2021-23 biennium, and how to reduce the agency's state operations budget by 5 percent from its fiscal year 2020-21 adjusted base in each fiscal year of the 2021-23 biennium. Agencies are also required to report on performance measures from previous biennial budgets. For the 2021-23 budget agencies are required to report actual outcome measures through fiscal year 2018-19 and fiscal year 2019-20. Planned outcome measures should be listed for fiscal years 2021, 2022 and 2023.

Pursuant to s. 16.423, Wis. Stats, all state agencies were also required to submit a base budget review report no later than May 15, 2020. The report includes: a description of each agency appropriation (WEC currently has 13); an accounting of all expenditures in every quarter in each of the previous 3 fiscal years; an analysis of where the appropriations contribute to the mission of the agency and whether the objectives of the appropriation justify our expenditures; a determination of the minimum level of funding needed to achieve the appropriation's funding and not to exceed the prior fiscal year's adjusted base and an accounting of the appropriation's current funding; and a description of our agency mission or guiding principles.

**Recommended Motions:**

- 1) Approve the overall approach of submitting a budget request for 2021-23 which continues current agency operations.
- 2) The Commission directs staff to request a statutory language change and new alpha and numeric appropriation for the Sale of Voter Lists along with expenditure authority.
- 3) The Commission directs staff to request to convert 6.0 Federal Project positions to 3.0 Federal Permanent positions and 3.0 Program Revenue Permanent positions.



# Wisconsin Elections Commission

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## MEMORANDUM

**DATE:** For the September 1, 2020 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared by Elections Commission Financial Staff

**SUBJECT:** Fiscal Year 2021 Budget Lapse

### 1. Background

On July 22, 2020, Joel Brennan, Secretary of the Department of Administration, provided state agencies with the directive to lapse funds at the end of the 2020-21 fiscal year. The Wisconsin Elections Commission was tasked with a target reduction of \$578,750.00. The WEC needs to identify reductions that will allow our agency to lapse that amount on June 30, 2021, the end of fiscal year 2021.

### 2. Proposed Budget Lapse Plan

The WEC financial staff has identified a plan to lapse \$578,750.00 at the end of FY21.

At the close of FY20, WEC had accumulated cost reductions of \$403,443.80 in our general program operations/revenue (GPR) appropriation. Because the agency received an Elections Security grant in 2018, we were able to offset several previous GPR coded expenditures to this grant program in order to realize these savings. At the time the budget was created we did not have federal funds to absorb these federally funded expenditures such as the IT developers and maintenance and server support of our WisVote system. In FY20, our agency obtained a state GPR cost reduction of approximately \$330,000 by utilizing the election security federal funds for partial payment of this IT developer time. Also, upon receipt of federal CARES Act grant funds, the Commission approved agency staff to allocate \$400,000 towards the development of absentee by-mail improvements such as Intelligent Mail Barcodes (IMB's), so further cost savings are projected and attainable. With the focus in 2020 toward preparing for federal elections during the pandemic, staff is able to allocate this additional development time and other COVID related time to the CARES Act grant. Furthermore, CARES Act grant funds must be expended by the end of 2020, meaning with the re-focus of staff time this year toward preparing for the federal elections during the pandemic, staff will code all appropriate CARES Act expenditures to this grant that may remain after the distribution to municipalities through the subgrant or if there are remaining funds from the voter informational mailer.

We also have four other appropriations that can be considered for the lapse. Annually, we receive spending authority for \$25,000 in our Investigations appropriation of which we have lapsed all of those funds in

*Wisconsin Elections Commissioners*

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

*Administrator*  
Meagan Wolfe

previous years. We also have our Voter ID training annual appropriation of \$82,600 and based on spending trends over the past biennium are confident we will be able to lapse some of those funds. Another revenue source we could lapse from is our materials and services appropriation and our election administration appropriation. If the FY20 spend trends in each of those appropriations will continue into FY21, we might expect an additional \$73,661 we could apply towards the lapse.

However, if our agency, instead, increases spend this coming fiscal year as compared to this past fiscal year for initiatives unidentified at this time, the revenue our agency has been receiving and saving from the sale of voter lists will allow for increased budget that would absorb the increased spend and still allow for the full target lapse. However, we currently do not have spending authority under this appropriation and would like to request the Commission approve a statutory language change for this appropriation along with budget authority to utilize those funds for voter registration list maintenance and elections security initiatives and funding 3.0 elections security FTE. The accumulated revenue for the sale of voter lists is \$907,615 as of August 21, 2020.

The proposed plan is somewhat fluid since we are not sure what the rest of this fiscal year will bring, but we have attempted to identify possible options for meeting the required agency lapse.

The below plan outlines a moderate scenario. The following is assumed:

- WEC expends our full GPR budget in FY21, an additional \$277,689 more than in FY20.
- WEC expends the same amount as in FY20 in the other four state appropriations.
- WEC uses the revenue from the sale of voter lists to reach the balance and meet our target reduction.

**Plan to Lapse \$578,750.00 in FY21**

FY20 Data as of 8/21/2020

7/27/2020 by Julia Billingham, revised 8/21/2020 with current data

**FY2020 LAPSE**

Approp	Budget	FY20 Expends	FY20 Lapse
10100 GPR	4,637,999.50	4,234,555.70	403,443.80
10500 Investigations	25,000.00	-	-
10900 Voter ID Training	82,600.00	34,576.18	-
12100 Materials & Services	1,000.00	461.99	-
16000 Election Administration	100.00	-	-
	4,746,699.50	4,269,593.87	403,443.80

**FY2021 PROJECTED LAPSE**

Approp	Budget	FY20 Expends	Projected Lapse
10100 GPR	4,522,400.00	4,522,400.00	-
10500 Investigations	25,000.00	-	25,000.00
10900 Voter ID Training	82,600.00	34,576.18	48,023.82
12100 Materials & Services	1,000.00	461.99	538.01
16000 Election Administration	100.00	-	100.00
	4,631,100.00	4,557,438.17	73,661.83

FY21 Lapse Requirement	578,750.00
Total Lapse	477,105.63
Diff	<b>101,644.37</b>

\$102,000 can likely be lapsed in FY21 from Supplies & Services (line 4).

\$374,000 was lapsed in FY20 from Supplies & Services (line 4).

Fall back plan: can use Voter Data revenue (from May 2019 to date, \$907,615 revenue accumulated) to supplement GPR in order to lapse the additional \$102,000.

Will need to revise approp 18000 statute language to enable use of Voter Data funds.

**MOTION:** Approve the staff's lapse plan to use the FY20 lapse of \$403,443.80 and proceed with the FY21 Projected lapse plan first, using realized savings from our GPR, Investigations, Voter ID Training, Materials & Services Training and Election Administration appropriations to meet its required \$578,750.00 lapse in FY21.