
Wisconsin Elections Commission

Meeting of the Commission
Tuesday, September 25, 2018
10:00 A.M.

Agenda
Open and Closed Session

Wisconsin State Capitol
Room 413 North – GAR Hall
Madison, Wisconsin

| | |
|---|-----------|
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M. Closed Session

1. Wis. Stat. § 5.05 Complaints

2. Litigation Update

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

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

N. Adjourn

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

WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
ELECTIONS@WI.GOV
ELECTIONS.WI.GOV



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DEAN KNUDSON, CHAIR
BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
JODI JENSEN
MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

Wisconsin Elections Commission
Joint Committee on Finance Hearing Room, 412 East
State Capitol
Madison, Wisconsin
10:00 a.m. June 11, 2018

Open Session Minutes

Present: Commissioner Dean Knudson, Commissioner Beverly Gill, Commissioner Julie Glancey, Commissioner Ann Jacobs (by telephone), Commissioner Jodi Jensen and Commissioner Mark Thomsen

Staff present: Meagan Wolfe (by telephone), Richard Rydecki, Michael Haas, Sharrie Hauge, Reid Magney, Nathan Judnic and Diane Lowe

A. Call to Order

Commission Chair Dean Knudson called the meeting to order at 10:00 a.m. and called the roll. All Commissioners were present. Chair Knudson thanked Commissioner Thomsen for his service and leadership as the Commission's first chair.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Minutes of the May 24, 2018 Meeting

MOTION: Approve open session minutes of Wisconsin Elections Commission meeting of May 24, 2018. Moved by Commissioner Thomsen, seconded by Commissioner Glancey. Motion carried unanimously.

D. Ballot Access Challenges and Issues

Staff Counsel Michael Haas made a presentation based on a memorandum regarding the nomination paper challenge process, which was included in the June 2018 Commission Meeting materials. Twelve challenges were filed and three were withdrawn, leaving nine for the Commission to consider.

For each of the following cases, Mr. Haas or Senior Elections Specialist Nathan Judnic reviewed the complaints filed as challenges to ballot access for the candidates and presented recommendations based upon the staff's analysis of the complaints and the responses. Each matter was considered and decided separately by the Commission after providing an opportunity for the parties to make oral presentations and reviewing the staff's recommendations. If the complainant or respondent appeared before the Commission, it is noted; otherwise, there was no appearance.

1. WEC Case No. EL 18-13 – Cynthia Werner Complaint against Timothy L. Rogers, Republican Party Candidate for Representative in Congress, District 4

MOTION:

- 1) Sustain challenges to 20 of the 217 signatures which originally contained dates after the date of the circulator's certification and which were not successfully rehabilitated through a correcting affidavit but do not reduce the verified total because staff had already struck those signatures.
- 2) Reject the remaining challenges related to the date of the circulator's certification because the correcting affidavits rehabilitated those signatures, and increase the total valid signatures by 9 due to the staff's review of the correcting affidavits and signatures which were previously struck.
- 3) Sustain challenges to 30 signatures due to incomplete circulator addresses and reduce the verified number of signatures by 8 because the remaining signatures were previously struck by staff.
- 4) Sustain challenges to 12 signatures because the signers reside outside the 1st Congressional District and reduce the verified number of signatures by 12.
- 5) Increase the number of verified signatures by 35 due to the supplemental signatures submitted by Candidate Rogers.
- 6) Verify a total of 1,033 valid signatures, grant ballot access to Candidate Rogers, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Thomsen, seconded by Commissioner Gill. Motion carried unanimously.

2. WEC Case No. EL 18-14 – Jenny Toftness Complaint against Charisse Daniels, Democratic Party Candidate for Representative to the Assembly, District 37

Charles Nichols of the Republican Assembly Campaign Committee appeared on behalf of Ms. Toftness. Ms. Daniels did not appear.

MOTION:

- 1) Sustain challenges to 15 signatures on Page 5, Lines 1, 3-6 and 10; Page 8, Lines 2-4, 8; Page 11, Lines 1-2, 5, 10; Page 14, Line 10.

- 2) Sustain challenges to 12 signatures on Page 5, Lines 2, 7, 8, 9; Page 8, Lines 5, 6, 10; Page 11, Line 4; Page 14, Lines 2-4, 6. Reject challenges to 3 signatures contained on Page 11, Lines 3 and 6; Page 14, Line 7.
- 3) Reject challenges to 10 signatures contained on Page 8, Lines 1, 7, 8; Page 11, Lines 7-9; Page 14, Lines 1, 5, 8, 9.
- 4) Sustain challenges to 3 duplicate signatures on Page 4, Line 7; Page 10, Line 5; Page 20, Line 2.
- 5) Verify a total of 193 valid signatures, deny ballot access to Candidate Daniels, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Thomsen, seconded by Commissioner Jensen. Motion carried unanimously.

Commissioner Thomsen discussed referring the matter to the appropriate District Attorney. Chair Knudson asked that the matter wait until closed session.

3. Case No. EL 18-15 – Douglas Hyant Complaint against Jim Duncan, Republican Party Candidate for Representative to the Assembly, District 57

Mr. Hyant appeared in person.

MOTION: Sustain the challenge to 68 signatures due to signers residing outside the 57th State Assembly District and reject one such challenge; sustain the challenge to 2 signatures due to the signers serving felony sentences and reject 5 such challenges, and reject the challenge alleging that one signature identified an individual who was deceased. Verify a total of 173 valid signatures, deny ballot access to Candidate Duncan, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Glancey, seconded by Commissioner Jensen. Motion carried unanimously.

4. WEC Case No. EL 18-16 – Douglas Hyant Complaint against Loren Oldenburg, Republican Party Candidate for Representative to the Assembly, District 96

This complaint has been withdrawn by the Complainant.

5. WEC Case No. EL 18-17 – Douglas Hyant Complaint against Maria Villareal, Democratic Party Candidate for Representative to the Assembly, District 8

Mr. Hyant appeared in person.

MOTION: Sustain challenges to 51 signatures which are outside the 8th State Assembly District; sustain one challenge due to an incorrect signature; sustain two challenges due to incomplete addresses; and reject one challenge related to the validity of a date. Due to duplicate challenges and staff previously striking challenged signatures, strike two additional signatures for a total of 53 successful challenges. Verify a total of 185 valid signatures, deny

ballot access to Candidate Villarreal, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Gill, seconded by Commissioner Glancey. Motion carried unanimously.

6. WEC Case No. EL 18-18 – Douglas Hyant Complaint against Thomas C. Leager, Libertarian Party Candidate for Representative to the Assembly, District 76

Mr. Hyant appeared in person.

MOTION: Sustain challenges to 34 signatures at: Page 1, Line 7; Page 2, Lines 6, 7, 10; Page 3, Lines 1, 3, 9; Page 5, Line 3; Page 7, Lines 6, 9 10; Page 8, Line 9; Page 9, Line 6; Page 11, Line 8; Page 13, Lines 4, 5; Page 14, Lines 6, 7, 10; Page 19, Lines 4, 6, 7, 8; Page 20, Lines 1, 3, 5; Page 21, Lines 1, 2, 4, 7, 8, 9; Page 22, Lines 2, 6 for signers residing outside of the 76th State Assembly District. Sustain challenges to 2 signatures on Page 12, Lines 2 and 3 for containing improper dates of signing. Sustain the challenge to 1 signature on Page 10, Line 4 for failure to include a complete residential address. Verify a total of 168 valid signatures, deny ballot access to Candidate Leager, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Jensen, seconded by Commissioner Thomsen. Motion carried unanimously.

7. WEC Case No. EL 18-19 – Mark Morgan Complaint against Dana Wachs, Democratic Party Candidate for Governor

Attorney Jeremy Levinson appeared by telephone on behalf of Mr. Wachs.

MOTION: Sustain challenges to 2 signatures at: Page 1, Line 5 (illegible address) and Page 43, Line 6 (signer's first name illegible and last name unable to discern) and reject the remaining challenges to signatures as described above. Verify a total 2,252 signatures, grant ballot access to Candidate Wachs, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Jensen, seconded by Commissioner Glancey. Motion carried. Commissioner Thomsen abstained because Mr. Wachs is his law partner.

Chair Knudson called a brief recess at 11:53 a.m. The Commission reconvened at 11:58 a.m.

8. WEC Case No. EL 18-20 – Mark Morgan Complaint against Richard Pulcher, Democratic Party Candidate for State Senator, District 29

George Gillis of the Democratic Party of Wisconsin appeared on Mr. Pulcher's behalf.

MOTION: Sustain challenges to 11 signatures at: Page 27, Line 7; Page 36, Line 7; Page 47, Line 7; Page 5, Lines 7 and 8; Page 15, Line 8; Page 36, Line 8; Page 43, Line 4; Page 6, Lines 1 and 10; page 38, Line 2 and reject the remaining challenges to signatures as described above. Verify a total of 424 signatures, grant ballot access to Candidate Pulcher, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Thomsen, seconded by Commissioner Gill. Motion carried unanimously.

9. WEC Case No. EL 18-21 – Douglas Hyant Complaint against Ahna Key, Republican Party Candidate for Representative to the Assembly, District 96

This complaint has been withdrawn.

10. WEC Case No. EL 18-22 – Mark Morgan Complaint against Andy Gronik, Democratic Party Candidate for Governor

Attorney David Anstaett appeared on behalf of Mr. Gronik.

MOTION: Reject all challenges included in the complaint. Verify 3,602 valid signatures as originally verified by Commission staff. Grant ballot access to Candidate Gronik and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Knudson, seconded by Commissioner Jensen. Motion carried unanimously.

11. WEC Case No. EL 18-23 – Douglas Hyant Complaint against Gabriel Szerlong, Republican Party Candidate for Representative to the Assembly, District 43

This complaint has been withdrawn.

12. Case No. EL 18-24 – Richard Strohm Complaint against Kevin Nicholson, Republican Party Candidate for United States Senator

Adam Chuting appeared on behalf of the Nicholson campaign.

MOTION: Sustain challenges to 50 signatures due to invalid circulator dates but do not reduce the number of verified signatures because staff had previously struck them; reject all challenges to signatures based on the allegation that circulators are not qualified electors of the State of Wisconsin. Verify 3,906 signatures as originally verified by Commission staff, grant ballot access to Candidate Nicholson, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Thomsen, seconded by Commissioner Jensen. Motion carried unanimously.

Chair Knudson suggested taking the closed session agenda items out of order to coincide with lunch.

H. Closed Session

Adjourn to closed session as required by statutes to discuss violations of election law and to confer with counsel concerning potential litigation and to discuss a personnel matter.

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 potential litigation. Moved by Commissioner Thomsen, seconded by Commissioner Glancey.

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

Motion carried unanimously. The Commission convened in closed session at 12:44 p.m.

The Commission reconvened in open session at 1:13 p.m.

E. Possible Challenges of Staff Ballot Access Decisions

Mr. Haas made a presentation based on a memorandum contained in supplemental materials for the June 11 Commission meeting regarding a candidate's request to withdraw his nomination papers after they were filed. Staff recommends denying the request.

MOTION: Based upon the statutory language of Wis. Stat. 8.35(1), the Commission denies Timothy Comer's request to withdraw his nomination papers and to remove his name from the list of qualified candidates for the 2018 Partisan Primary. Moved by Commissioner Thomsen, seconded by Commissioner Gill. Motion carried unanimously.

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

Lead Elections Specialist Diane Lowe made a presentation based on a memorandum titled "Ballot Access for the 2018 General Election" starting on page 36 of the June 11 Commission meeting materials containing a summary of important and noteworthy information regarding candidates requesting ballot access for the 2018 General Election.

MOTION: Approve staff recommendation that the 296 candidates representing ballot-status parties marked "approved" on the "Candidates Tracking by Office" report be approved for ballot access for the August 14, 2018 Partisan Primary. Moved by Commissioner Thomsen, seconded by Commissioner Glancey. Motion carried unanimously.

MOTION: Approve staff recommendation that the 11 independent candidates marked "approved" on the "Candidates Tracking by Office" report be approved for ballot access for the

November 6, 2018 General Election. Moved by Commissioner Glancey, seconded by Commissioner Jensen. Motion carried unanimously.

G. Administrator Report

Ms. Wolfe said she had nothing else to report.

H. Adjourn

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

The Commission adjourned at 1:33 p.m.

####

The next meeting of the Wisconsin Elections Commission is scheduled for Tuesday, September 25, 2018, at the State Capitol in Madison, Wisconsin beginning at 10:00 a.m.

June 11, 2018 Wisconsin Elections Commission meeting minutes prepared by:

Reid Magney, Public Information Officer

September 14, 2018

June 11, 2018 Wisconsin Elections Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

September 25, 2018

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212 EAST WASHINGTON AVENUE, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
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ELECTIONS.WI.GOV



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INTERIM ADMINISTRATOR MEAGAN WOLFE

Wisconsin Elections Commission
Commission Offices, Third Floor
212 East Washington Avenue
Madison, Wisconsin
10:30 a.m. August 22, 2018

Open Session Minutes

Present: Commissioner Dean Knudson, Commissioner Beverly Gill, Commissioner Julie Glancey, Commissioner Ann Jacobs, Commissioner Jodi Jensen and Commissioner Mark Thomsen (all by telephone)

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

A. Call to Order

Commission Chair Dean Knudson called the meeting to order at 10:30 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Trempealeau County District Attorney Recall Election

Staff Counsel Michael Haas made a presentation based on a memorandum starting on page 2 of the August 22, 2018 Commission meeting materials regarding a recall petition offered for filing with the Commission against Trempealeau County District Attorney Taavi McMahon. Commission staff reviewed the petition and found it has a sufficient number of signatures. Staff recommends scheduling the recall election for October 2, 2018, and if that becomes a primary election, holding the recall election on November 6 to coincide with the General Election.

Trempealeau County Clerk Paul Severson appeared in person to discuss the cost of conducting a recall election and supported the idea of holding the recall election in conjunction with the General Election on November 6, 2018.

MOTION: The Commission finds that the recall petition filed against Trempealeau County District Attorney Taavi McMahon contains 3,149 valid signatures and certifies the petition as sufficient. The Commission orders that a recall election be held in the municipalities of Trempealeau County on October 2, 2018 and that nomination papers for all candidates other than the incumbent must be filed in the office of the Wisconsin Elections Commission no later than 5 p.m. on September 4, 2018. The Commission further orders that if a recall primary is required for any ballot access party, the recall election shall be held on November 6, 2018, concurrent with the 2018 General Election. The Commission directs the Administrator to file and attach to the petition the Certificate of Sufficiency and Order attached to this Memorandum in accordance with Wis. Stat. § 9.10(3).

Moved by Commissioner Thomsen, seconded by Commissioner Glancey. Motion carried unanimously.

D. Update on Agency Budget

Ms. Wolfe and Chief Administrative Officer Sharrie Hauge made a presentation based on a memorandum starting on page 10 of the August 22, 2018 Commission meeting materials regarding preparations of the WEC's FY 2019-21 Biennial Budget request. The budget request is due to the Governor's Office on September 17, which is before the Commission's next regular meeting.

Commissioners and staff discussed several issues, including:

- The new requirement that agencies submit budget alternatives containing no growth and a 5 percent reduction, and areas where the WEC might cut in order to prioritize areas such as election security.
- WEC efforts to educate the public about misinformation and disinformation on social media websites such as Facebook.
- One-time costs for updating the statewide voter registration system for photo ID.
- WEC authority and funding for post-election audits.

Ms. Wolfe said the Commissioners will have another opportunity to discuss the budget at a special meeting in early September to certify candidates for the recall election.

MOTION: Approve the overall approach of submitting a budget request for 2019-21 which continues current agency operations; direct staff to request funding for Electronic Registration Information Center (ERIC) membership dues, required mailings and WisVote modifications. \$278,200 GPR in FY20 and \$174,400 GPR in FY21; and, direct staff to request additional funding for the Four-Year Voter Maintenance process. Moved by Commissioner Jacobs, seconded by Commissioner Gill. Motion carried unanimously.

E. Closed Session

Adjourn to closed session as required by statutes to discuss violations of election law and to confer with counsel concerning potential litigation.

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 potential litigation. Moved by Commissioner Thomsen, seconded by Commissioner Glancey.

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

Motion carried unanimously. The Commission convened in closed session at 10:57 a.m.

The Commission adjourned in closed session at 11:24 a.m.

####

The next meeting of the Wisconsin Elections Commission is scheduled for Tuesday, September 25, 2018, at the State Capitol in Madison, Wisconsin beginning at 10:00 a.m.

August 22, 2018 Wisconsin Elections Commission meeting minutes prepared by:

Reid Magney, Public Information Officer

September 14, 2018

August 22, 2018 Wisconsin Elections Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

September 25, 2018

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the Meeting of September 25, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

Prepared by:
Jodi Kitts Sarah Whitt
Elections Specialist WisVote IT Lead

SUBJECT: Update on ERIC Supplemental Poll List Process

This memo provides updates on the ERIC Supplemental Poll List process that was used for the 2018 Spring Election and 2018 Partisan Primary, recommendations for using the same process at the 2018 General Election, and information regarding the 2018 Eligible but Unregistered mailing.

Background

Wisconsin is a member of the Electronic Registration Information Center (ERIC), an interstate data sharing consortium. As a requirement of ERIC membership, the Wisconsin Elections Commission must contact voters who may be eligible to vote and are not registered as well as registered voters who may have moved.

In June of 2018, WEC staff mailed postcards to approximately 384,000 voters that were identified as eligible, but unregistered. This was the second time staff conducted outreach to eligible but unregistered voters with the first mailing taking place in 2016.

In late 2017, WEC staff mailed postcards to approximately 340,000 voters identified by ERIC as having potentially moved. Voters who did not respond to the mailing or re-register at their new address had their voter registration records inactivated. At the 2018 Spring Primary, a relatively small number of voters appeared at the polls who believed they were registered but were not listed in the poll book. An investigation determined that some voters who were sent a postcard had not moved. To ensure that voters who were deactivated in error were not adversely impacted by this process, the WEC directed staff to develop supplemental lists of these voters for the 2018 Spring Election and the 2018 Partisan Primary for use at the polling place.

ERIC Supplemental Poll Lists - 2018 Partisan Primary

Clerks were instructed to print the ERIC Supplemental Poll List along with their poll books in a memo posted on July 26, 2018. Reminders about this requirement were also included in the Pre-Election Checklist (issued June 15, 2018), as well as the Post-Election Checklist (issued July 26, 2018), which were posted on the WEC website.

Clerks were encouraged to scan any pages of the ERIC Supplemental Poll List that were used to record voters and email them to the WEC Help Desk after Election Day. WisVote staff handled the processing for the majority of these ERIC supplemental voters, reactivating the voter records and recording the election participation in WisVote on behalf of the clerks.

The use of the ERIC Supplemental Poll Lists for the 2018 Partisan Primary went smoothly. WEC staff did not take any ERIC-related phone calls from either voters or clerks on Election Day. Some clerks in smaller municipalities with only a few voters on the supplemental list contacted the voters before the Spring Election or Partisan Primary to confirm whether the voter had moved. In those cases, it was not necessary to print the supplemental list for use on Election Day.

Statistics

As of September 17, 2018, WEC staff has heard from 1,571 of the 1,852 Wisconsin municipalities regarding use of the ERIC Supplemental Poll List for the 2018 Partisan Primary. From these municipalities 1,059 individual voters used the ERIC Supplemental Poll List. In comparison, there were more than 1.4 million votes cast in the Partisan Primary. These voter records were reactivated in WisVote, so they will now appear on the regular poll book for future elections. 1,250 municipalities reported they had no voters use the list. WEC staff has not received replies from 281 municipalities regarding whether or not any voters used the list.

Clerk Feedback

The ERIC Movers List Maintenance postcard mailing had some administrative challenges, but it ultimately cleaned up voter lists by identifying hundreds of thousands of voters who had moved. Clerk feedback on the use of the ERIC Supplemental Poll List has been mixed. Some clerks have suggested activating all of the voter registrations that were made inactive due to the mailing, and others have recommended not using the list any longer because voters have had ample time to respond to the mailing. Some clerks have argued that the list is an additional process for election workers to be trained on and to maintain, while others would like to continue to use the list through the 2018 General Election. Clerks also continue to provide examples of voters who were mistakenly allowed to use the ERIC Supplemental Poll List even though they had, in fact, moved. In general, clerks recognize the utility of the ERIC Supplemental Poll List and appreciate that voters who appear on this list and who did not move can vote without having to re-register.

Recommendations for Upcoming Elections

The ERIC Supplemental Poll Lists worked well for the 2018 Spring Election and again in the 2018 Partisan Primary. WEC staff believes the same process should be put in place for the upcoming 2018 General Election, especially due to the expected higher voter turnout. Continuing the same process

allows eligible voters to vote without having to re-register, while minimizing additional training of election workers.

In addition, some municipalities have asked to use their discretion to reactivate voters within their jurisdiction. Considering that some voters on the ERIC Supplemental Poll Lists indicated they had not moved and had not received the ERIC postcard, and given concerns some clerks have expressed regarding the reliability of the postcard delivery, Staff recommends that municipal clerks be allowed to determine whether they consider the ERIC Supplemental Poll List to be reliable information that each voter listed has changed their address. As outlined for the Commission at its March 2018 meeting, Wis. Stat. § 6.50(3) permits municipal clerks the discretion to change the registration status of a voter or contact the voter to confirm their address if the clerk has received reliable information that the voter has moved. If the clerk has a basis for determining that the list does not constitute reliable information related to each individual voter, staff recommends that the clerk be allowed to reactivate the registrations of voters on the list without requiring the list to be used at the polling place. This is consistent with the guidance issued to clerks following the Commission's March 2018 meeting.

Please see the recommended motion at the end of this memorandum.

2018 Mailing to Eligible but Unregistered Voters

In June of 2018, WEC staff sent a mailing to approximately 384,000 Wisconsin residents who were identified by ERIC as being eligible to register to vote, but who were not yet registered. ERIC will be able to provide updated statistics on how many of the voters registered to vote at a new address after receiving a postcard once WEC staff submits its data in September. These statistics will be provided to the Commission at a future meeting.

Milwaukee Supplemental Mailing Request

The City of Milwaukee Election Commission is seeking reimbursement for a mailing that it sent after the February 2018 Primary to Milwaukee voters who had been sent an ERIC movers postcard. The mailing was developed by the City of Milwaukee Election Commission to notify their voters of opportunities to re-register to vote in Milwaukee such as at library registration kiosks. After the mailing was sent, the City of Milwaukee Election Commission requested that the WEC reimburse it \$6,000 for the cost of the mailing. The WEC does not have precedent for reimbursing local election costs without prior approval, and WEC staff requests that the Commission consider this request.

Conclusion and Recommended Motions

The ERIC Supplemental Poll List process has proven to be an effective method to allow those voters who were removed through the ERIC Movers process, but did not move, to vote without unnecessary burdens. It also effectively identifies voters who need to re-register and requires them to do so.

Recommended Motions:

- The Elections Commission approves the staff plan described above to continue use of the ERIC Supplemental Poll List process at the 2018 General Election but permits municipal clerks to reactivate registrations of voters on the List if the clerk determines that it does not constitute reliable information that the voter has changed their residence.
- The Elections Commission approves reimbursement to the City of Milwaukee Elections Commission in the amount of \$6,000 for the cost of its mailing to Milwaukee voters which supplemented the WEC's mailing to voters who appeared to have moved based on the ERIC matching process.

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MARK L. THOMSEN, CHAIR

INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the September 25, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

Prepared and Presented by:
Tony Bridges, WisVote Specialist
Michelle R. Hawley, Training Officer
Riley Willman, Election Administration Specialist

SUBJECT: Elections Security Staff Update

I. Introduction

In March 2018, the Wisconsin Elections Commission (WEC) received a \$6,978,318 grant award to improve the administration of elections for Federal office, which includes technology enhancements and election security improvements to its systems, equipment, and processes used in federal elections. State law required compliance with the §16.54 process for our state agency to accept federal funds. The Department of Administration provided confirmation for approval of the grant award.

The Wisconsin Elections Commission recognizes that election security is a moving target, and the methods for keeping Wisconsin's elections safe will change over time. WEC staff has planned for this continued reassessment of security needs by utilizing HAVA funds in two phases. The first phase focuses on immediate implementation of security needs before the November 2018 General Election, followed by a second phase consisting of preparations for future elections in 2019 and 2020.

The first phase of implementing security measures using HAVA security funds is already underway. The Wisconsin Elections Commission recruited for six federally-funded positions and the onboarding process has already begun in anticipation of the November General Election. In addition to increased staffing, WEC staff has also made progress in implementing multifactor authentication programs for the WisVote system, updating the WisVote Access Policy which includes completion of cybersecurity focused electronic training modules, and the creation and roll out of a robust election security tabletop exercise (TTX) program for local election officials.

In preparation for implementing the second phase to utilizing HAVA security funds, WEC staff has been actively soliciting feedback from local election officials, election security partners, and the general

public through an official survey in addition to recommendations received via mail, email, social media, and in-person election security trainings.

It is important that WEC staff work with local election officials and key election security partners to ensure that security needs are being met at all levels of election administration and that WEC-led initiatives are as resonant and productive as possible. Keeping Wisconsin secure for all future elections will require high levels of cooperation between WEC staff and key election security partners and local election officials.

II. Request for Six Federally-Funded Positions

The Wisconsin Elections Commission granted staff authority to request the creation of six federally-funded positions (at a cost not to exceed \$600,000 annually). Position authority may be granted through the §16.54 process and the hiring of the six project program positions will allow the WEC to implement and achieve the grant's goals and objectives, and to comply with the terms and conditions of this grant. The WEC's §16.54 request was approved by DOA and the recruitment status is as follows for the positions:

1. Information Technology Project Manager. Hired. Start Date 09/17/2018
2. Elections Security Trainer. Hired. Start Date 09/17/2018
3. Elections Data Specialist. Hired. Start Date 9/4/2018
4. Information Services Technical Services Professional. Hired. Start Date 09/17/2018
5. Voting Systems Specialist. Hired. Start Date 09/17/2018
6. Grants Accountant- Recruitment Underway. Currently utilizing an accounting contractor for this position.

III. Technical Implementations

In addition to the ongoing support that the WEC provides local election officials, staff is also pursuing several different options to improve technical controls that secure access to WisVote and other critical systems. These are combinations of software and hardware that make it more difficult for malicious or simply careless actions to jeopardize the security of WEC systems and data. Earlier this year, WEC staff presented to the Commission a two-phase approach to utilizing the HAVA security grant funds to continue making improvements to elections security in Wisconsin. The first phase focused on immediate technological and training needs at the state level. The Commission approved expenditures on the phase-one immediate needs. An update on the phase-one projects is provided below.

A. Multi-Factor Authentication

Multi-Factor Authentication (MFA) is an important technology for preventing malicious access to user accounts. Proper implementation of MFA can prevent an attacker from gaining access to a user account, even after one has stolen the user's password. The WEC has completed the first stages of deploying MFA for the WisVote system and expects to have it implemented by the November election. Due to the large number of WisVote users and the wide variety in the technology available

to them, implementing MFA in Wisconsin is more challenging and complicated than in many other states.

At launch, three multifactor options will be available to clerks: a Windows 10 application, a FIDO token, or an automated voice call back. These selections were chosen to provide the greatest flexibility for users with different resources and setups while also accommodating our ambitious implementation timeline. Currently WEC staff is in the process of testing each of the multifactor options and developing training materials and resources. The WEC also intends to roll out a pilot program to include a variety of municipal, county, and state election officials to test the functionality and proactively identify any potential issues. WEC staff expects to implement MFA in phases with the first being self-identification of Windows 10 users, and then rolling out the FIDO key option. Finally, if users are unable to utilize the first two options, WEC staff will work with them to establish the voice call-back option.

B. Active Directory Federated Services

The WEC uses an industry-standard authentication technology called Active Directory to manage user accounts and passwords that allow access to WisVote. Active Directory works seamlessly within a network for server access, but to provide access to a website like WisVote, it requires an intermediary service called Active Directory Federated Service (AD FS). Currently, WisVote uses an AD FS server operated by DET. This setup allowed WisVote to launch in accordance with the 2016 deployment schedule, and currently relieves WEC of some development and maintenance requirements. However, it also ties the authentication of WisVote users to the authentication of several other State of Wisconsin systems. This configuration makes it harder for WEC developers to make any changes to the log-in process for WisVote. WEC staff is investigating separating these systems to better meet WEC business needs. However, changes in this system would have significantly delayed the implementation of Multifactor Authentication. MFA was determined to be a higher priority, and this project will resume after that implementation is complete.

C. Centralization of Web Applications

The WEC provides access to several web applications for clerks and for the general public. Several of these systems have previously been designated as high-security systems and are maintained within the state network on virtual servers provided by DET. This setup affords them a high degree of initial security, including strong perimeter security, protection against bandwidth attacks (DDOS), top-tier endpoint security, third-party penetration testing, and more. However, some sites that had not previously been designated high security have been hosted by a third-party vendor. Based on a number of factors, including a reassessment of the impact of malicious modification of those sites, WEC staff has decided that those sites should be hosted on the state network as well. At this time, staff has nearly completed a test transition of the BringIt informational website. Now that the initial challenges have been overcome, the remaining websites should transfer relatively easily.

D. Vulnerability Scanning

Agency servers exposed to the internet are regularly scanned by the Department of Homeland Security for known vulnerabilities, and servers within the state network are regularly scanned by DET. However, DHS does not do internal scanning, and DET does not currently provide the agency with comprehensive reports regarding the results of scanning efforts. Staff has made arrangements with DET and now has detailed internal scans run monthly. These scans provide useful action items and ensure that new vulnerabilities are addressed in a timely manner. Also, as part of the agency's ongoing relationship with DHS, staff participated in an on-site risk vulnerability assessment which tested agency security in detail. Valuable action items were generated by that assessment that will significantly improve agency security. Further assessments are scheduled for the future, to ensure that any issues have been appropriately addressed and that no new vulnerabilities are found.

IV. Local Election Official Security Training and Communications Update

Staff planned and implemented a new, robust security election security training program on May 31, 2018. After requesting a partnership with our county clerks to serve as regional trainers, WEC staff conducted seven train-the-trainer events with participation from a total of 85 county representatives. Since that time, county clerks have led this training for approximately 491 election officials statewide. WEC staff continues to work with county clerks to aid in the facilitation of this training, with both staffing and materials resources.

A. Local Election Official Security Training (Background)

In March 2018, Wisconsin Elections Commission staff attended an election security training and tabletop exercise hosted by the Defending Digital Democracy project at Harvard Kennedy School of Government's Belfer Center in Boston, Massachusetts. At the event, WEC staff worked with election officials from across the United States to learn about election security best practices, as well as to participate in a tabletop exercise (TTX) that simulated potential real-life security-related events that could occur leading up to and including Election Day. The purpose of the TTX was to provide participants experience in election official roles different from their own and to make participants aware of the various types of potential incidents that could arise related to Election Day. These incidents were scripted and encompassed a wide variety of topics and severity, ranging from weather-related issues that could potentially impact polling places, to larger cybersecurity incidents that would require the assistance of IT professionals.

WEC staff saw value in participating in the tabletop exercise and concluded that Wisconsin county and municipal election officials would benefit from both the training and simulation exercise. WEC staff created an elections security train-the-trainer program, in partnership with Wisconsin county clerks, to reach our local election officials. The train-the-trainer program was designed to provide training and experience with election security materials to the county clerks who would then train their municipalities using materials and staffing resources provided by the WEC. The ultimate goal was to provide a safe, low-stress environment for participating election officials to test their election day emergency response plans against the incident injects to 1) test the effectiveness of existing knowledge, policies, and practices as they relate to election security (operational, physical, cyber), 2) provide an increased awareness and preparedness, and 3) adapt and implement the training and lessons learned. The training

was developed to encourage participants to work through the scenarios, to practice their communication plans, and to take action, without the risks or potential repercussions they may face in real life.

This election security training initiative continues to move forward. All training materials are now posted and easily accessible to clerks on the WEC Learning Center website. In addition, we developed a survey as a mechanism to obtain feedback from the regional trainers. We have requested they complete the survey after conducting a training session to help aid the WEC in future development and improvements.

In addition, WEC staff was invited to help facilitate a statewide tabletop exercise in the State of Colorado on September 5-6. We appreciated the opportunity to participate, and came away with great ideas to improve and enhance our own future training initiatives. The event also provided an amazing opportunity to interact and network with other state and federal election partners, and the participants received a briefing from Secretary of Homeland Security Kirstjen Nielsen about the importance of election security and overall emergency preparedness.

B. WisVote Access Policy

As part of our continuing efforts to keep WisVote safe and recognizing that we have approximately 2,500 voter registration users with varying degrees of computer skills and knowledge, the WEC implemented a new WisVote Access Policy effective July 23, 2018. The new policy consists of three main requirements:

1. Completing the Securing WisVote Series, a collection of six electronic learning modules available on the agency's electronic Learning Center platform. These modules were created by WEC staff and the content includes basic cyber hygiene best practices in courses titled:
 - a. Security Awareness
 - b. WisVote Access Policy
 - c. Phishing Facts
 - d. Password Protocols
 - e. Browsing Safely
 - f. Computer Safeguards
2. Electronically (via WisVote) acknowledging and accepting the terms and conditions of our new WisVote Access Agreement; and
3. Electronically (via WisVote) acknowledging and accepting the terms and conditions of our updated WisVote Confidentiality Agreement.

Prior to assigning WisVote credentials to new users, all new requirements must be completed. Existing WisVote users were provided instructions to complete these new requirements prior to the General Election in November.

The learning modules are also available to municipal clerks who may not access WisVote, yet are interested in the election security training opportunity. While maintaining and securing the personally identifiable information of countless electors is important to election security, even if clerks do not have access to WisVote, these modules provide important cybersecurity best practices that may be applicable to their other official duties, and the manner in which they keep their own personal data secure. As a

result, we also recommended to clerks to consider including these modules as part of their election inspector training, for example, showing videos as part of group training and providing opportunities for discussion. Election officials receive training credit for their participation and are responsible for submitting their training hours to the WEC. As of Friday, September 14, 2018, 810 individuals have completed the entire Securing WisVote security training series.

C. Communications Plan

Maintaining communication with key election security officials and the public during an election security incident presents many challenges. Frequently, incident details evolve as more information is learned, and it is vital that local election officials keep key officials and the public updated on developments. WEC staff understands that time is of the essence when handling an election security incident and has developed a plan to assist local election officials in communicating effectively and quickly in the event of a potential incident.

WEC staff had sent an election security survey to county clerks earlier in 2018 to gauge what materials would best help prepare clerks for an election security incident, and received feedback indicating that WEC-produced templates and step-by-step guides would be helpful and efficient resources. With this feedback in mind, WEC staff has prepared a communication plan and contingency plan templates that have been published to county and municipal clerks throughout Wisconsin and may be easily accessed via the WEC Learning Center.

The communication plan details how clerks can best structure their offices and election plans to allow for quick and efficient communication should there be an election security incident in the days preceding and on Election Day. The communications plan is broken down into various sections covering communications process workflow guidance, response checklists that broadly outline steps that could be taken during the several days surrounding an incident, and a best practices guide that coaches clerks on how to handle press inquiries and communicating with other key elections stakeholders and the general public. Sample flowcharts and mock press releases were also created by WEC staff to quickly and efficiently help clerks see outlined communication information and general best practices when creating a public statement.

The goal of these guides and templates are to help local election officials have a high-level of understanding of best practices when communicating during an incident, as well as to reinforce that WEC staff are a resource for clerks to contact if they have questions or need assistance in resolving an incident.

D. Monitoring and Distributing Security Alert Information

WEC staff has been partaking in cyber defense webinars from the Multi-State Information Sharing and Analysis Center (MS-ISAC) and the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC). These organizations have been identified as a key cyber security resource by the Department of Homeland Security for their ability to bring together election security officials from various states. The updates and information in the MS-ISAC and EI-ISAC webinars assume a large knowledge about information technology and cybersecurity practices. WEC staff has made the decision that the MS-ISAC and EI-ISAC updates will be monitored by staff who will then send pertinent

information to the local election officials to ensure that information is getting to all involved officials in a timely and productive manner.

V. Collecting Feedback from Key Election Security Partners

Keeping Wisconsin elections secure requires a high level of collaboration between WEC staff and key election security partners to ensure needs are being met. The WEC recognizes the importance of soliciting and obtaining feedback from elections partners and the public as it relates to election security.

In March, WEC staff sent a survey to county clerks to ask for information about their current election security programs before planning a statewide training program. A similar approach was taken after WEC staff conducted regional security trainings and tabletop exercises around the state to improve training and to maximize the effectiveness of future elections security communications and events. We continue to solicit feedback from regional trainers after they conduct training to assess the success of the event, who participated, the effectiveness of the WEC training materials, and the level of difficulty in accessing the materials.

WEC staff has also been soliciting and collecting feedback regarding election security during county and municipal clerk conferences and training, via written correspondence, and at public meetings. Additionally, WEC staff created and disseminated a public survey as a mechanism to collect feedback from key election security partners such as DHS, DET, county clerks, municipal clerks, and members of the public to provide feedback on how the HAVA security funds should be spent, which was disseminated via press release.

Feedback regarding a post-election audit program has already been received and processed by WEC staff. Members of the public concerned with post-election audits in Wisconsin have contacted WEC staff, which staff has considered while creating an optional post-election audit process that county clerks can perform during their county canvass if they so choose. The WEC does not have the legal ability to mandate counties to perform a post-election audit. WEC staff has made a recommendation to be discussed by the Commission at the September 25th meeting to allow for county clerks to be reimbursed from the 2017 HAVA Election Security Funds for their expenses incurred during their optional post-election audits to encourage more counties to pursue this optional program.

The WEC continues to receive many calls and emails from the public expressing concern about election security and providing input related to how the HAVA grant should be spent, all of which are being recorded and archived for review and consideration. Once feedback has been received from the public survey, WEC staff will review survey responses and previously collected feedback, and make determinations on how proposed ideas and initiatives can be incorporated into future election security planning for 2019 and 2020. WEC staff will bring these proposals to the Commission for its consideration at future meetings.

VI. Coordination with State and Federal Partner Agencies

In addition to the interactions outlined above, Commission staff is hosting meetings with federal and state law enforcement officials and DET to discuss Election Day preparations and responding to various

polling place or cybersecurity incidents. In the past these meetings have helped to confirm current contact information and to define and coordinate roles for various agencies ahead of Election Day.

Commission staff also plans to continue its practice of coordinating with the Wisconsin Department of Justice to present webinar training regarding election and voting laws to state prosecutors and local law enforcement. Topics covered in the webinar include observer rules, maintaining order at the polls, voter fraud investigations, and contingency planning.

Finally, WEC staff is scheduled to discuss election security topics and preparations at a conference of the Wisconsin County Clerks Association on September 24, 2018, and in a special hearing of the Assembly Committee on Campaigns and Elections on September 26, 2018. Representatives of the Department of Homeland Security and the Elections Assistance Commission will participate in both events and will also attend the Commission's meeting on September 25, 2018 to provide a national perspective on election security preparations for the 2018 General Election.

WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
 POST OFFICE BOX 7984
 MADISON, WI 53707-7984
 (608) 261-2028
 ELECTIONS@WI.GOV
 ELECTIONS.WI.GOV



COMMISSIONERS

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 JULIE M. GLANCEY
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 JODI JENSEN
 MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the September 25, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
 Interim Administrator

Prepared and presented by:
 Richard Rydecki
 Assistant Administrator

SUBJECT: Post-Election Audit Overview

The purpose of this memorandum is to outline the two different post-election audit processes on which the staff is requesting feedback from the Commission in advance of the 2018 November General Election. First, the staff has outlined recommended procedures for the post-election voting equipment audit required in Wisconsin after each General Election (Wis. Stat. § 7.08(6)) and is requesting feedback and approval of those procedures. The voting equipment audit is designed to ensure that all voting systems approved for use in Wisconsin are performing up to certification standards and are accurately tabulating votes. These audits have been conducted in Wisconsin since 2006.

Second, the staff has prepared an informational memorandum on risk-limiting audits that outlines these procedures and provides analysis of the potential for implementing risk-limiting audits, or similar procedures, in Wisconsin. Staff is also requesting feedback on voluntary post-election audits that can be done as part of the county canvass process. Voluntary audits were presented to county clerks in advance of the 2018 Partisan Primary as an optional post-election process to publicly verify election results.

The below chart outlines the two different audits and provides a comparison of the processes:

| Audit Type | Required under WI law? | When conducted? | Who conducts? | Purpose |
|------------------------|------------------------|--|----------------------------------|---|
| Voting Equipment Audit | Yes | Before or after election results are certified by the state | Randomly selected municipalities | Audit the performance of the voting equipment |
| Post-election Audit | No | During or after county canvass, but prior to state certification | County Boards of Canvassers | Confirm the validity of election results |

Audits are an integral aspect of ensuring public confidence in the election process and can serve several different purposes. The post-election voting equipment audit has served as a valuable check on voting equipment used in Wisconsin elections and is a tool for understanding how voting equipment interacts with voted ballots. Results from the post-election voting equipment audit have been used to improve election administration in Wisconsin and identify areas where administrative procedures were necessary to ensure that voting equipment technology was meeting performance standards. Risk-limiting audits have been recommended on the federal level as a best practice and several states have passed legislation requiring these audits, while many others are exploring post-election audit options.

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the September 25, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

Prepared and presented by:

Richard Rydecki
Assistant Administrator

Robert Williams
Elections Specialist

SUBJECT: 2018 Post-Election Audit of Electronic Voting Equipment

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.¹ Each county and municipality shall comply with any order received under this subsection.

This law was passed in 2005 and became effective 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).

¹ 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.

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, 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 post-election 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. 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 began asking municipal clerks to conduct audits at the municipal and county level, and mail audit materials to Board offices for staff to complete, instead of staff completing the audits onsite. 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 whose 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.

Reporting Unit Selection Process

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.

In addition to audits conducted on the municipal level, the WEC may choose to audit a selected number of reporting units at the state level. The total number of reporting units selected during this process may not exceed one percent (1%) of the reporting units in the state. The reporting units included in the audit will be selected by the WEC. In the event that the WEC chooses to conduct audits, staff will identify different reporting units than those identified for audit on the municipal level.

For the post-election audits to be conducted in 2018, staff is recommending an increase to the sample size. The last three audits have been conducted using a sample of a minimum of 100 reporting units statewide. Staff is recommending that the number of reporting units selected for audit be increased to five percent (5%) of the statewide total. This increase would result in a minimum of 183 reporting units selected for the 2018 audit. Staff also recommend that at least one reporting unit from each county is included in the sample selected for audit.

In summary:

1. Increase the audit sample to 5% of all reporting units statewide for a minimum of 183 total audits.
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. Limit to two (2) the number of reporting units selected from the same municipality.

Audit Completion Timeline

Prior to 2012, audits were required to be conducted no later than two (2) 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.

For the 2018 post-election voting equipment, staff is recommending that all post-election audits be conducted prior to the state deadline to certify election results on December 1, 2018. This recommendation is based on the increased willingness of municipalities to conduct the audit promptly after Election Day. Staff recognizes that shortening this timeline by two weeks 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 7, 2018. Selected municipalities will be timely notified and provided with reference and resource materials and a 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.
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. 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

Overview

1. Two people review each ballot.
2. Auditors should rotate the stacks between them – i.e Person A works on Stack 1-100 while Person B works on Stack 101-200, etc...then they switch. Person A and Person B will each individually go through all the ballots.
3. Keeping the stacks in order allows the auditors to narrow down and locate where there are discrepancies between the two independent counts instead of needing to recount all the ballots multiple times.

Set-Up

1. Count out ballots into sets of 100.
2. Label stacks (1-100, 101-200, 201-300, etc.)

Each Auditor Individually

1. Separate ballots into subgroups of 20. Keep separated in subgroups of 20 while tallying – it is helpful to keep the group of 100 in one stack but to alternate the directions of the subgroups of 20 ballots.
2. Tally contests from ballots that have been separated into groups of 20 – the goal is to be able to narrow discrepancies between individual tallies down to the smaller groups of 20.
 - a. Record the number of votes for each candidate on the tally sheet under the appropriate column for the group of ballots you are working on.
 - b. List the total votes for each office by counting down the column for the stack of 20 you are working on. Be sure to include any scattering/write-in votes or undervotes in

your total. The total for each group of ballots should always be equal to the total number of ballots in the group (i.e. a group of 20 ballots should have a total of 20 votes, scattering/write-in votes and undervotes, and a group of 17 ballots would have 17 total votes, scattering and undervotes).

3. Add subtotals after each stack of 100 ballots is complete and note that number in the ‘ST’ column of the Tally section.
4. Complete the ‘Totals’ section of the tally sheet by listing the hand-count subtotals in the ‘Audit’ column, the totals from the voting equipment results tape in the ‘EVM’ column and noting any difference between those totals in the ‘Variance’ column.
5. Repeat 1-4 in sets of 100 until all ballots are counted.

Auditors Jointly

1. Compare individual tallies for each contest audited.
 - a. Circle any discrepancies between the two tallies.
 - b. If tallies do not match, recount the sub-group of 20 to determine which tally is correct. You should use a new tally sheet labeled “Recount [insert Stack Number/Subgroup]”.
2. After any discrepancies are reconciled, add the stack totals together to determine the total vote in each contest audited.
3. Compare to the electronic voting machine (EVM) total.
 - a. If the totals match, note that they match on the reporting form.
 - b. If the hand tally and voting equipment tally do not match for a contest, the auditors should review the minutes for ballots that were ambiguously marked that could explain the discrepancy. If the discrepancy can be reasonably explained by specific reference to these ballots, record that explanation on the reporting form.
 - c. If the minutes do not provide a reasonable explanation for the discrepancy, calculate the error rate and note the actual difference in votes and the error rate on the reporting form.

Post-Audit Procedures

Each municipality conducting an audit must submit the designated reporting forms and supporting documents from the audit, including tally sheets, to WEC staff to indicate the audit was completed and describe any discrepancies that were found. Clerks should email these findings to 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

The Wisconsin Elections Commission will reimburse municipalities for actual costs incurred, up to \$300 per reporting unit, for conducting each audit. Staff is recommending removal of the restriction limiting reimbursement of personnel costs to a rate of \$10 per hour. Each municipality seeking reimbursement shall submit an itemized request that includes the names of the auditors, the pay rate at which they were compensated, the total sum requested for reimbursement, and information on where the WEC can transmit any approved reimbursement amount. Audit costs exceeding \$300 per reporting unit should still be submitted to the WEC and full reimbursement for those costs will be considered, if funds are available.

Recommended Motion:

The Commission adopts the 2018 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.

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. *Optech Eagle*

The Optech IIP Eagle originally made by Business Records Corporation and later (as a result of merger and an antitrust decision, by both Sequoia Voting Systems and Election Systems and Software). It has been in use in Wisconsin for over 20 years in some jurisdictions. As of December 31, 2018, the Optech Eagle will have its approval certification revoked. As a result, these machines will no longer be approved for use in elections throughout the state of Wisconsin. Currently, WEC records indicate that only one municipality will have an Optech Eagle in use of the November General Election.

7. *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.

8. *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, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
ELECTIONS@WI.GOV
ELECTIONS.WI.GOV



COMMISSIONERS

DEAN KNUDSON, CHAIR
BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
JODI JENSEN
MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the September 25, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

Prepared and presented by:

Bill Wirkus
Elections Specialist

Riley Willman
Elections Specialist

SUBJECT: Report and Recommendation Regarding Risk Limiting Audits and Post-Election Audits

I. PURPOSE

The purpose of this report is to provide a brief overview of the concept known as a “Risk Limiting Audit” as it applies to verifying election results. It includes an overview of the process, a discussion of other states which have implemented it, the feasibility of implementing such audits in Wisconsin, and whether current Wisconsin law allows for the administration of Risk Limiting Audits. Finally, this report will identify alternative election-result audit techniques which have been proposed or implemented in other jurisdictions.

II. OVERVIEW

A. What is a Risk Limiting Audit?

A risk limiting audit is a manual review of selected election results to ensure that voting equipment and counting procedures indicate the actual winner of an election¹. The process is used to ensure that vote totals are not inaccurate due to voter marking errors, equipment malfunctions, programming errors, or fraud. A risk limiting audit is essentially a hand recount and comparison of randomly selected ballots to verify that results are accurate within a pre-determined margin of error. During an audit, results that closely match the reported results will require fewer hand-counted ballots. The audit concludes when a sufficient level of confidence in the results is achieved. Audited contests with wide margins are

¹ Lindeman, Mark, and Philip B. Stark. "A Gentle Introduction to Risk-Limiting Audits." *IEEE Security & Privacy* 10, no. 5 (2012): 42-49. doi:10.1109/msp.2012.56.

expected to require a smaller ballot sampling to verify the winner of the contest was correctly identified. Conversely, contests with smaller margins of victory should result in a larger sampling of ballots for the audit and may require a full hand recount of ballots in some scenarios. An audit is successfully completed when the sampled ballots confirm the original results. Unless the audit proceeds to a full hand recount, a risk limiting audit does not confirm the vote totals or vote margin, as it is designed only to produce a confidence level that the winning candidate was properly determined by the vote tally.

B. How Does a Risk Limiting Audit Work?

There are two forms of risk-limiting audit, the ballot-polling audit and the comparison audit.

1. Ballot-Polling Audit

A. Method Explained

The ballot-polling audit requires less sophisticated voting equipment programming, but generally requires more manual examination of ballots. Due to the lack of a uniform electronic voting system across the state, this method may be more applicable to the Wisconsin election system as it is not as reliant on output from voting machines when the audit is conducted. This form of audit entails examining a random sample of ballots and, when the reported winner's share of the votes gives sufficiently strong evidence to confirm their victory, the audit is complete. The closer the margin, the more ballots need to be counted manually, considering a larger sample is required to ensure the accuracy of a close race (only a small error in the reported results could change who the winner should have been).²

To complete the audit calculation for a two-person race, one randomly selected ballot is examined at a time. It is then applied to a formula. If the ballot indicates the winning candidate, one version or portion of the formula is used. If the ballot indicates the losing candidate, a different version or portion of the formula is used. This formula is applied to each ballot examined and the results of each formula are combined or compared to create a value.³ This calculated value will indicate that either the audit has not achieved the confidence level and should continue or has confirmed the result and may stop. Ballot selection continues until an indication to stop is reached. At the most basic level, a successful audit reveals that random ballot selection has identified more ballots for the winning candidate than losing candidate, thus confirming the results. If the opposite occurs and more ballots are being pulled showing the losing candidate winning, either the wrong result was reported or the sample is still too small and the audit must continue.

There are different approaches to the ballot-polling audit. Drs. Lindeman and Stark have developed one method and formula nicknamed BRAVO, which they describe in "A Gentle Introduction to Risk-limiting Audits."⁴ We attempted to simulate an audit using their formula but were unsuccessful due to its complexity and lack of advanced statistical expertise. Another formula was developed by Dr. Ronald Rivest, called the ClipAudit, a slightly simpler method.⁵ An even more basic ballot-polling method was

² Lindeman, 2.

³ The manual calculations can be substituted by entry into an online calculator. For example, <https://www.stat.berkeley.edu/~stark/Vote/ballotPollTools.htm>

⁴ Lindeman, 2

⁵ Rivest, Ronald L. "ClipAudit: A Simple Risk-Limiting Post-Election Audit." January 31, 2017. <https://arxiv.org/pdf/1701.08312.pdf>.

developed by Dr. Rivest called the DiffSum risk limiting audit.⁶ The DiffSum method checks to make sure the number of sampled ballots for the reported winner is greater than the number for the reported loser.

The “risk limit” is the largest chance that the audit will fail to correct an incorrect outcome by not progressing to a full hand tally. The DiffSum method uses the following formula: $(a - b)^2 > c(a + b)$, where:

A = number of votes for winning candidate in the sample,
B = number of votes for losing candidate in the sample,
C = 1 + number of digits in the total number of votes cast in that reporting unit (if there were 100 votes cast, C=4, because there are three digits in the total number of votes cast).⁷ The value for C comes from Dr. Rivest’s formula as set forth in “DiffSum – A Simple Post-Election Risk-Limiting Audit.”

Let’s assume a race for mayor in a city with 100 votes cast was selected for audit, and there are 55 votes for candidate A and 45 for candidate B.

Let’s assume 15 ballots are drawn for candidate A and 5 ballots are drawn for candidate B and we choose of risk limit of 15% (and therefore we use 4 as the factor C because $1+3=4$). Risk limit values range anywhere from 0% (a full hand tally) to 20% depending on the type of audit conducted and the desired risk. For the ballot polling method selected, we recommend a risk limit of 15%, as described above.

Again, the equation is $(a - b)^2 > c(a + b)$.

Substituting the actual results, we determine whether $(15 - 5)^2 > 4(15 + 5)$?

The result is $100 > 80$ and the number on the left side of the formula is larger than the one on the right. Accordingly, the reported results of the election are confirmed with a 15% margin of error (risk limit). If a smaller risk limit is desired, the formula result will be different and may not confirm the reported election results (see footnote 7, below).

B. Is Ballot Polling Feasible in Wisconsin?

This DiffSum formula and procedures are relatively simple to use and can save time in the event of a large number of ballots cast. In fact, Commission staff proposed this method as an optional pilot program to county clerks for the August 14, 2018 Partisan Primary. As part of the county canvass, the canvass would randomly select two reporting units within the county and audit one or more top-of-the-ballot races. Staff recommended that they then poll the ballots in the selected reporting unit. With a high degree of confidence, this “poll” would confirm that the candidate who originally received the highest number of the votes in that reporting unit did in fact receive the highest number of votes. If it did not confirm the candidate’s totals in that reporting unit, additional rounds of ballot polling or a full hand tally would follow.

⁶ Rivest, Ronald L. "DiffSum – A Simple Post-Election Risk-Limiting Audit." November 17, 2017. <https://arxiv.org/abs/1509.00127>.

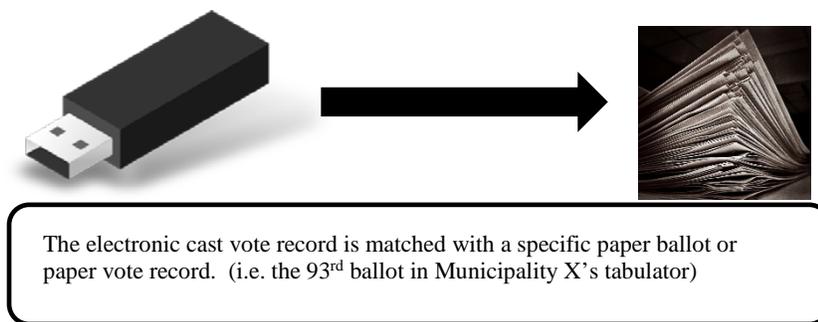
⁷ The 1 is the number used in this calculation if you want a 15% risk limit/margin of error. Use 2 for a risk limit of 10% or 3 for 6%.

Unfortunately, none of the counties that piloted post-election audits during their canvass chose to use this option for the Partisan Primary (opting for a full hand tally of selected reporting units instead). In addition, Dr. Philip Stark, an expert in Risk Limiting Audits, has indicated that an audit of a specific reporting unit may confirm the count in a specific reporting unit, but does little to confirm the results of a contest as a whole. He recommended that ballot polling would be more useful if it sampled ballots from the entire universe of ballots cast in a particular race. For example, a Governor’s race would require that ballots be sampled across the entire state. At this time, sampling ballots on such a large scale is not feasible (or within the Commission’s authority to mandate, as discussed below). However, we believe further study of ballot polling audits would be useful and could be implemented on a smaller scale.

2. Comparison Audit

A. Method Explained

A comparison audit uses batches of randomly sampled ballots and compares the machine tabulation to a manual interpretation of the ballots. If the manual interpretation either confirms or increases the winner’s margin (called an “overstatement”), it suggests the electronic equipment has accurately identified the winner. If the winning candidate’s margin decreases as a result of the comparison (“understatement”), it suggests an error in the voting equipment’s tabulation. To conduct a comparison audit, the voting equipment must have the ability to provide a cast vote record (CVR), that is, an electronic record of how a machine recorded votes for a particular ballot. The comparison audit method further requires that equipment have the ability to match a specific CVR to a specific ballot in a voting equipment’s ballot storage bin and it is suggested that each ballot be imprinted with a serial number at the time of tabulation or be kept in order throughout the whole process. Pre-determined random numbers determine which specific ballots from ballot manifests in various jurisdictions should be pulled and examined.



Colorado uses a form of comparison audit and the step-by-step process is instructive. Slightly condensed, the process includes:

- a) Defining the batch size;
- b) Selecting Contests to be Audited and defining the risk limit;
- c) County required to maintain ballots in same order in which they are scanned or imprints ballots with a unique serial number;
- d) County creates a ballot manifest (batch number, number of ballots in batch);

- e) County exports the cast vote record (CVR) and sends to the Secretary of State (SOS) along with ballot manifest;
- f) Secretary of State uses RLA software to randomly select ballots statewide and sends selections to counties;
- g) County Audit boards retrieve the selected ballots and compares to the CVR;
- h) County reports results to the Secretary of State;
- i) Secretary of State determines whether additional auditing is needed and, if so, sends list of additional ballots to retrieve;
- j) County reports results and pertinent data to the Secretary of State at the end of the audit.⁸

B. Is Comparison Auditing Feasible in Wisconsin?

There are multiple obstacles that prevent Commission staff from recommending or pursuing comparison audits at this time. First, as discussed below, the Commission lacks authority to mandate them on a statewide scale. Second, due to the varying types of voting equipment in use it would be highly challenging to issue uniform guidance to the local election officials. In addition, some of the voting equipment may have technical limitations that prevents production of a “cast vote record” or ensuring voter anonymity during the process. Third, because of the multitude of municipalities that use hand-count paper ballots, many of Wisconsin’s municipalities would be left out of a comparison audit altogether. For these reasons, Commission staff does not recommend pursuing comparison audits at this time.

III. OTHER STATES WITH POST-ELECTION AUDITS

While traditional post-election audits have existed to varying degrees for decades, relatively newer risk-limiting audits have been implemented in a handful of states since 2009, when Colorado became the first to pass legislation requiring a risk-limiting audit statewide for future elections. Currently, 35 states and the District of Columbia require a post-election audit of some sort, including Wisconsin. Some states that do not require a post-election audit may have some procedural audit as a part of the post-election process.⁹

1. Colorado

In 2009, the Colorado Legislature passed House Bill 09-1335 requiring all counties to begin using risk-limiting audits (RLAs) following each primary, general, and special election. At the time of passage, risk-limiting audits were to be in place for the 2014 General Election. In 2013, the Colorado Legislature delayed the full implementation of a statewide risk-limiting audit until 2017. The delay came at the request of the counties over “concerns regarding the cost and time restraints of performing a pilot project in their county, along with concerns regarding ballot anonymity during the process.”¹⁰ With the full

⁸ Colorado Secretary of State’s Office. “Comparison Risk-Limiting Audit: Step-By-Step.” March 17, 2017. <https://www.sos.state.co.us/pubs/elections/VotingSystems/riskAuditFiles/ComparisonRLAStepByStep.pdf>

⁹ National Conference of State Legislatures. “Post-Election Audits.” September 4, 2018. <http://www.ncsl.org/research/elections-and-campaigns/post-election-audits635926066.aspx>

¹⁰ Election Assistance Commission. “State of Colorado, Risk-Limiting Audit – Final Report.” <https://www.eac.gov/assets/1/28/Risk-Limiting%20Audit%20Report%20-%20Final%20.CO.pdf>

implementation delayed, Arapaho County and the Colorado Secretary of State decided to continue with a pilot program for the 2013 General Election with a modified scope.

Through this trial in Arapaho County, the Colorado Secretary of State identified issues with the lack of technology throughout the state that would allow for local election officials to create a CVR for every ballot. They also recognized that a risk-limiting audit was a new concept and could be a difficult concept to fully understand even for election officials.¹¹

Colorado has continued to work closely with the U.S. Election Assistance Commission (EAC) and Dr. Stark to roll out risk-limiting audit trials until the 2017 Fall General Election with 50 of the 56 counties in Colorado certifying the accuracy of their election after the first round of audits in a combination of both ballot-level comparison audits and ballot-polling audits.¹² Colorado has also updated its voting equipment statewide in the time between passage of the original bill in 2009, which has allowed for all but two “legacy counties” to have CVRs for all ballots for the 2018 elections. Colorado’s canvass is conducted pre-canvass.

At Colorado’s invitation, Commission staff attended a demonstration of Colorado’s Risk Limiting Audit for its 2018 Partisan Primary. A brief overview of that site visit can be found attached to this report as **Appendix A**.

2. Rhode Island

Prior to the 2016 General Election, members from the voter advocacy group Common Cause raised issues with Rhode Island’s lack of a post-election audit process. Calls for a post-election audit increased after the 2016 General Election due to allegations of foreign interference nationwide, as well as technical issues in local races that led to ballots being misread by the optical scan voting equipment.¹³ The Rhode Island Legislature passed H5704, which granted the Rhode Island Board of Elections the ability to conduct risk-limiting audits on the races of its choosing for all primary, general and special elections starting in 2018. The bill was proposed by the majority party, but received bipartisan support. The passage and signing of H5704 made Rhode Island the second state in the U.S. to require a risk-limiting audit statewide.

Rhode Island will be piloting an RLA for the General Election and is evaluating different types of audits: a ballot polling audit, a comparison audit, or a hybrid of the two systems to best fit the current limitations of their voting equipment. Rhode Island uses the ES&S DS200 scanner and tabulator in its polling places statewide and employs the DS850 high-speed scanner and tabulator to process the absentee ballots that are returned directly to the Board of Elections. The DS200 randomizes the cast voter record, which prohibits the ability for a true comparison audit. (The DS200 is widely used in Wisconsin and has the same limitation). The randomization was put into place by ES&S for voter privacy protection but is purely a result of machine programming. The DS850 does create a sequential cast voter record, which would allow for Rhode Island to conduct a comparison audit. Currently the Board of Elections only uses the DS850 for processing absentee ballots.

¹¹ NCSL, “Post Election Audits.”

¹² Colorado Secretary of State. “Risk Limiting Audits.” https://www.youtube.com/watch?v=2VQd8_cPk78&t=1s&index=84&list=WL

¹³ Rhode Island Dept. of State Elections Task Force. “Elections Administration Recommendations Report.” April 27, 2017 <http://sos.ri.gov/assets/downloads/documents/ETFRRecommendationsReport4-27-17.pdf>

The Board of Elections has been in contact with ES&S to explore potential software developments that would allow for a sequential cast voter record, thus allowing the potential use of a comparison risk-limiting audit.¹⁴ Currently, the Board of Elections has recruited statisticians from the University of Rhode Island, the Massachusetts Institute of Technology, and Worcester Polytechnic Institute to develop a system that allows output from the current DS200 version to be used to complete a comparison risk-limiting audit, and would also allow for the absentee ballots processed using the DS850 to be used for a comparison audit. Rhode Island's statute authorizing RLAs directs the audit to be conducted pre-certification

3. Virginia

In 2017, Virginia passed S 1254, requiring a risk-limiting post-election audit of all ballots cast with a ballot scanner machine. Currently, the law in Virginia requires that a post-election risk-limiting audit occur after the results have been certified. It went into effect on July 1, 2018.¹⁵ Virginia's audit is conducted after certification and has no effect on election results.

4. California

California has had post-election audit laws on the books since the 1960s. Under current California statutes, all county elections officials are required to randomly select 1% of all precincts after each election and hand count all the votes on all of the ballots for those precincts.¹⁶ In high turnout elections, this can result in the hand counting of tens of thousands of ballots, all without confirming with a high level of confidence that the unofficial outcome of the election is correct.

In 2011, the California Legislature passed AB 2023, which authorized the California Secretary of State to conduct the Post-Election Risk-Limiting Audit Pilot Program. The California Secretary of State had previously received a \$230,000 grant from the EAC to conduct this two-year election audit program during 2011 and 2012. A mix of both primarily urban and rural counties were selected to participate in the pilot program. The pilot program was run alongside the development of risk-limiting audit software that would help localities complete the audit with ease.

Delays in software development led to some localities not continuing with the pilot program for the November 2012 election, and required the California Secretary of State to request an extension of the program, which the EAC granted for 12 months to the end of 2013.¹⁷ There were no statewide nor countywide elections held in California during 2013, but local election officials in Marin County were able to audit a contest from 2012 to test out newly developed software. California's traditional post-election audit is historically conducted during the canvass.

California has been piloting risk-limiting audits and is currently preparing additional test audits after the 2018 General Election.

¹⁴ Teleconference with Miguel Nunez [Telephone interview]. (2018, March).

¹⁵ Virginia General Assembly. "2017 Session, Chapter 367 § 24.2 -671.1." <http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+CHAP0367>

¹⁶ California Secretary of State. "Post-Election Risk-Limiting Audit Pilot Program 2011-2013." <http://votingsystems.cdn.sos.ca.gov/oversight/risk-pilot/final-report-073014.pdf>

¹⁷ CA SOS, "Post-Election Risk-Limiting Audit Pilot Program 2011-2013."

5. Maryland

In 2016, the State of Maryland replaced its direct-recording electronic voting machines with ES&S products to ensure that voters were casting their ballot with an auditable paper ballot. In addition to bringing in new voting equipment, the Maryland State Board of Elections also piloted its first post-election audit programs. Starting with the 2016 spring primary in Carroll and Montgomery counties, the State Board of Elections conducted a ballot polling audit with risk-limiting principles, a fixed-percentage audit, and an independent automated audit to compare which system would best fit the state's election procedures and affirm election results in a timely fashion.

The ES&S voting equipment used statewide in Maryland creates some obstacles for many types of post-election audits, but especially for a risk-limiting audit.

A fixed-percentage audit requires that votes be audited manually, which was not possible before Maryland transitioned over to the ES&S equipment. The State Board of Elections determined that it would randomly select 1% of precincts in each county, and then manually recount 100% of all ballot images cast in those precincts. One precinct was selected in both counties due to staffing constraints. The fixed-percentage audit confirmed the primary voting system's results, but did not provide the same level of confidence in the total results that the ballot level audit with risk-limiting principles could provide.

The third audit the State Board of Elections performed was an independent automated audit using Clear Ballot Group's ClearAudit software. Since the ES&S equipment does retain a copy of the ballot image, an independent automated audit is a possibility. The State Board of Elections was responsible for transmitting PDFs of all printer-ready primary ballots, the election result reports generated by the primary voting system, and unencrypted images of all voted ballots from the primaries. Clear Ballot Group then processed this information into files to create a file of the ballot images that could be run through the ClearAudit software and produce a total based off of how the voting equipment would have read the ballot. Clear Ballot Group then conducted an independent audit by comparing the reported vote totals from the State Board of Elections against the totals generated from the ballot images from Clear Ballot Group and confirm their accuracy. The results of Clear Ballot Group's independent automated audit confirmed all of the results reported by the primary voting system.¹⁸

In order to fulfill the requirements for all three audits, the counties were told to export the cast vote record broken downs by party, export and sort the ballot images by precinct and party, and also have a computer workstation ready for the independent automated audit.

After conducting all three audit types on the three selected contests, the State Board of Elections determined that it took approximately 4 hours for election officials to conduct a ballot polling audit using risk-limiting principles, 1.5 hours to complete a fixed percentage audit, and 11.16 hours for an independent automated audit.¹⁹

¹⁸ Maryland State Board of Elections. "Post-Election Tabulation Audit Pilot Program Report."

http://www.elections.state.md.us/press_room/documents/Post%20Election%20Tabulation%20Audit%20Pilot%20Program%20Report.pdf

¹⁹ Maryland State Board of Elections. "Post-Election Tabulation Audit Pilot Program Report."

http://www.elections.state.md.us/press_room/documents/Post%20Election%20Tabulation%20Audit%20Pilot%20Program%20Report.pdf

After comparing the time and cost associated with the three audits, the Maryland State Board of Elections determined that an independent automated audit through Clear Ballot Group's ClearAudit was the best option for the statewide audit in the 2016 General Election. Although the longest and most expensive option, Maryland officials chose ClearAudit because it provided an audit entirely independent of the primary voting system, and it eliminated any potential for human error. ClearAudit provided a full audit of every ballot cast in the primary in two business days.

The chief drawbacks of a fixed percentage audit, although straightforward, was that it failed to produce a level of confidence in the outcome of the election on a contest-wide scale. In a state with a large difference in population county-by-county, having an equal chance of selecting a precinct with a small number of voters as compared to a precinct in a larger county with a larger number of voters means that it is difficult to plan resources for the audit.

Maryland decided against a ballot polling audit with risk-limiting principles due to the unknown qualities that come with a risk limiting audit. Depending on the margin of the contests being audited, a ballot polling audit with risk-limiting principles could result in a full hand recount. In addition to the potential for a full manual re-tabulation, the State Board of Elections determined that election officials could not begin the planning process for an audit. While cost effective in many situations, Maryland viewed the potential for a full manual re-tabulation as a disqualifying disadvantage. Maryland conducts a procedural audit pre-certification and then a manual audit after certification that has no effect on election results.

IV. LEGAL AUTHORITY FOR AUDIT IN WISCONSIN

A. Current Audit Statutes and Protocol in Wisconsin

The following is a brief re-cap of Wisconsin's statewide post-election voting equipment audit, its limitations, and staff's recommendation that counties perform separate canvass-level audits. Wisconsin statutes require that a voting equipment audit take place to evaluate the performance of each type of voting system after each General Election:

7.08 (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. Each county and municipality shall comply with any order received under this subsection.

The Wisconsin Elections Commission appears to have broad authority to administer a post-election voting equipment audit which is reflected in the evolution of the audit since it was first put in place in 2006. In 2006, the audit was conducted by staff of the former State Elections Board.²⁰ In 2008, due to the high cost of sending staff to municipalities, the audit program was reformed so that municipal clerks

²⁰ Wisconsin Government Accountability Board. "Voting Equipment Audit Report." March 2015.
http://elections.wi.gov/sites/default/files/page/2014_voting_equipment_audit_board_report_pdf_13206.pdf.

would conduct the audit locally with assistance from the G.A.B. staff. In 2012, the G.A.B. further reformed the program to double the amount of reporting units to be audited to 100.

Current practice involves the random selection of reporting units of Wisconsin until a minimum of five reporting units is selected for each type of voting system used. Voting system audits previously have been conducted with adequate public notice and occurred no later than two weeks after certification of election results. Auditors manually count votes according to how the machine would have counted votes if programmed properly. Voter intent is not the standard used to evaluate voting equipment performance during the audit. Results are reported to the WEC. For the 2016 Audit, the WEC reimbursed up to \$300 per reporting unit for costs associated with the audit.²¹ For 2018, WEC staff will be recommending increasing the number of reporting units that are sampled. This voting equipment audit is aimed at evaluating the error rate of electronic voting equipment in use throughout Wisconsin and does not have, as its primary goal, the verification of results or the correction of incorrect election results. While municipalities may choose to complete the voting equipment audit prior to certification of official results, this audit is not statutorily required to be completed prior to certification.

B. Limited Scope of WEC Authority

The WEC has the authority to restructure the scope of the voting equipment audit. However, it would be limited to the once-every-other-year General Elections. The G.A.B. had already extended its audit by doubling the number of reporting units which were subject to the audit in 2014. Conceivably, an audit could be extended statewide as the statute has no upper limit on the number of ballots or machines audited. Furthermore, the voting equipment audit previously has been conducted up to two weeks after certification of election results. However, there is no statutory provision that would prevent the audit from being conducted earlier, such as before or in conjunction with the canvass.

The statute further states that the Commission shall take and order remedial action to ensure compliance with federal voting standards. Among those standards are the requirements that equipment “record each vote precisely as indicated by the voter and produce an accurate report of all votes cast.”²² Remediation of machine errors might include re-programming or repairing the equipment so that it gives an accurate count. If there is a problem with the equipment, this could potentially correct an issue before results are verified to the WEC. While this process is aimed at improving the voting equipment count, the statute does not appear to provide explicit authority for the audit to progress to a full hand-recount, such as is a possibility with risk-limiting audits described above.

C. Providing Guidance to Counties on Post-Election Audits with Ability to Correct Results

While current law allows for a form of post-election voting equipment audit that requires local participation, a change in law will likely be required in order to fully implement a risk limiting audit at the state level. Legislation would also be necessary in order to require that any such audit that proceeds to a full hand recount shall alter the official results.

²¹ Wisconsin Elections Commission. “2016 Voting System Audit Requirements.”
http://elections.wi.gov/sites/default/files/memo/20/2016_audit_procedures_pdf_15417.pdf

²² U.S. Election Assistance Commission. “Voluntary Voting System Guidelines Overview (1.1).” 2015, 16. <https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines/>.

Despite the limitation of implementation on a statewide scale, Commission staff does believe that counties have the ability to voluntarily implement forms of post-election audits as part of their county canvass in fulfilling their mandate to examine and ensure election results are free of defects:

Wis. Stat. § 7.60

(3) CANVASSING. Not later than 9 a.m. on the Tuesday after each election the county board of canvassers shall open and publicly examine the returns. If returns have not been received from any election district or ward in the county, they shall dispatch a messenger and the person having them shall deliver the returns to the messenger. If, on examination, any of the returns received are so informal or defective that the board cannot intelligently canvass them, they shall dispatch a messenger to deliver the returns back to the municipal board of canvassers with written specifications of the informalities or defects and command them to immediately complete the returns or remedy the defects in the manner required and deliver them to the messenger. Every messenger shall safely keep all returns, show them to no one but the municipal clerk and board of canvassers and deliver them to the county clerk with all possible dispatch. To acquire the necessary full returns and remedy any informalities or defects the county board of canvassers may adjourn not longer than one day at a time nor more than 2 days in all.

As a result of the determination that the county canvasses have the authority to conduct such audits as an optional part of their canvass, WEC staff provided guidance to clerks prior to the Partisan Primary with respect to randomly sampling reporting units, and procedures for conducting audits. We have prepared revised draft guidance to clerks for conducting post-election audits as part of the county canvass, and attached it to this Report as **Appendix B**. The guidance we prepared before the Partisan Primary included an option for auditing two randomly selected reporting units within a county either by completing a full-hand tally or by conducting ballot polling within that reporting unit, similar to a Ballot Polling RLA. We have removed the ballot polling option for the upcoming election from the guidance in order to study the method further and solicit feedback from stakeholders.

V. COULD RLA WORK IN WISCONSIN?

A key part of a prompt risk-limiting audit is the ability to manually interpret the ballots, and, in the case of a comparison audit, in their original positions in the audit trail. This requires some sort of paper vote record that details how the voter decided to cast their ballot. In the State of Wisconsin, a majority of voters cast a traditional paper ballot, either as a hand-count ballot or on an optical scan-capable ballot. Voters who use accessible touchscreen voting machines are provided with a voter verified paper record (sometimes called a Voter Verifiable Paper Audit Trail, or VVPAT) that they that they are able to use to verify their selections before submitting their electronic ballot on the machine. When it comes to being able to manually interpret ballots cast in an election, examination of a paper ballot or VVPAT is possible in every municipality in Wisconsin. While a risk-limiting audit may be possible in Wisconsin, the coordination of such a project shortly after Election Day may not be practical due to the number of different voting systems used across the state and the decentralized nature of the Wisconsin election system.

A. Hand Count Ballots

As stated in Wisconsin Statutes § 5.40(1), every municipality in the state that has a population of over 7,500 people is required to use voting machines or an electronic voting system in every ward throughout

the municipality for every election.²³ Many municipalities fall below this population requirement, and therefore are not required to use an electronic tabulator to count their ballots.²⁴ In order for a comparison risk-limiting audit to happen statewide, non-electronic voting municipalities would need to either purchase an electronic voting system that creates a cast vote record or be exempted from a comparison audit altogether.

For non-electronic voting machine municipalities, a ballot polling audit would be possible. As detailed earlier in the report, a ballot polling audit does not require extensive technology, but it does require more manual examination of the ballots.

B. Voting Equipment

Before any voting system is used in the State of Wisconsin, it has to be approved by the Wisconsin Elections Commission.²⁵ As of March 2018, a majority of municipalities use only two manufacturers for their non-accessible voting equipment, both employing machines that create a randomized CVR. A comparison audit cannot be conducted when the CVR is randomized and no imprinting is done on the ballot. Therefore, comparison audits may not be possible in these municipalities. Eliminating the randomization feature of the voting equipment would require re-programming, testing, and re-certification on both the state and federal level.

C. County Reimbursement

Staff recommends that counties be reimbursed for reasonable costs associated with a voluntary post-election audit, similar to the reimbursement allowed for the voting equipment audit. Specifically, staff recommends reimbursing up to \$300 per county for actual costs incurred (above and beyond the costs of the county canvass). Many counties provide their canvass members and assisting personnel a flat rate for participating in the canvass and some have expressed an unwillingness to participate in an audit as it would extend the time and personnel costs associated with the canvass. The EAC and several other federal election partners have recommended audits as part of an effort to bolster election security. Therefore, staff believes that audit reimbursement to the counties would be an appropriate use of the 2018 HAVA Election Security Funds. While staff cannot guarantee that such funding will be available in future election cycles, reimbursement to counties in 2018 may encourage greater participation in conducting the voluntary post-election audit and generate useful feedback for developing future audit processes.

VI. CONCLUSION

The purpose of this report is to study the feasibility of Risk Limiting Audits in Wisconsin. Commission staff conducted research and examination of the practical realities inherent in Wisconsin's de-centralized elections system, including the varying types of voting systems and methods by which ballots are cast. We believe the Risk Limiting Audit – Comparison Audit method is not possible at this time. We believe the Risk Limiting Audit – Ballot Polling method, or a variation thereof may be appropriate for further study. Such a method could conceivably be employed across municipalities using any type of voting

²³ Wis. Stat. § 5.40

²⁴ As of September 2018, approximately 772 municipalities either offer or exclusively use hand-count paper ballots.

²⁵ Wisconsin Elections Commission. "Voting Equipment." <http://elections.wi.gov/elections-voting/voting-equipment>

equipment or hand-count paper ballots. However, to achieve the maximum utility of confirming a contest's overall result, ballots would need to be sampled from all ballots cast within a given contest. Given the limits of the Commission's legal authority to mandate audits, it would be difficult to employ these methods to effectively confirm the results of a statewide contest. Staff believes further piloting and experimentation of the Ballot Polling method may be appropriate for county canvasses for contests contained completely within a county or one of that county's municipalities.

For the November 6, 2018 General Election, staff wishes to again provide guidance to county clerks that post-election audits may be conducted as part of the county canvass as well as specific guidance related to conducting such audits via full hand tally of randomly selected reporting units. (See **Appendix B**). Staff also intends to continue to study RLAs and solicit feedback from clerks. Given the limitations of existing law and the time constraints involved in the county and state canvass certification, staff believes the Commission may encourage counties to conduct post-election audits and to do so prior to certifying official county results, but that the Commission lacks the authority to require such audits at this time.

Recommended Motions:

1. The Commission directs staff to issue guidance related to post-election audits for the 2018 General Election as described on Appendix B. The Commission encourages county boards of canvassers to consider performing such post-election audits after the General Election, and to do so prior to certifying official county canvass results, if county resources and certification deadlines permit.
2. The Commission authorizes reimbursement to the counties for conducting a post-election audit up to \$300 per county for actual costs incurred. Any actual costs incurred over \$300 may be submitted and considered, if funds are available.

APPENDIX A

Site Visit: Colorado Risk Limiting Audit Demonstration

July 6, 2018 and July 7, 2018

At the invitation of the Colorado Secretary of State's office, Interim Administrator Meagan Wolfe and Elections Specialist Bill Wirkus attended a demonstration of Colorado's Risk Limiting Audit following Colorado's primary election.

I. Pre-Visit: Preparations for the Risk Limiting Audit

Prior to the demonstration, Colorado counties and the Secretary of State's office made several preparations for the RLA. This includes selecting a bi-partisan county audit board – one representative of the Democratic Party and one from the Republican Party. In addition, the counties define a ballot batch size, such as groups of 25 or 100 ballots. The county will keep and store the ballots in the same order in which they were scanned or will imprint the ballots with a unique identifier. The county will also create and upload a ballot manifest, which is a list of the ballot group identifiers and the number of ballots in each group. Finally, the county will export the Cast Vote Record (CVR) to the Secretary of State. The Secretary of State's Office selects the state- or county-wide ballot contests for each county to be audited and selects a "risk limit" such as 5% or 10%.

II. July 7, 2018: Audit Begins Throughout the State

On the 9th day after the primary election, the Secretary of State's office held a public meeting to select random numbers to input in its RLA software to generate a seed and randomly select ballots to audit.

| Hand Count | County | Name |
|------------|-----------|----------------------------------|
| ↓ | Adams | Attorney General - DEM |
| ↓ | Adams | Governor - REP |
| ↓ | Alamosa | Attorney General - DEM |
| ↓ | Alamosa | Governor - REP |
| ↓ | Arapahoe | Attorney General - DEM |
| ↓ | Arapahoe | Governor - REP |
| ↓ | Archuleta | State Treasurer - DEM |
| ↓ | Archuleta | Archuleta County Treasurer - REP |
| ↓ | Baca | State Treasurer - DEM |

1: Contests to be audited



2: Participant rolls 10--sided die for random seed generation

III. Ballot Retrieval and Inspection Begins on County Level



3: 20 Participants total rolled 20 10-sided die to input into RLA software

The random seed established at the July 6th public meeting is:

| Roll | #1 | #2 | #3 | #4 | #5 | #6 | #7 | #8 | #9 | #10 |
|------|----|----|----|----|----|----|----|----|----|-----|
| Seed | 8 | 7 | 6 | 4 | 2 | 9 | 6 | 6 | 8 | 5 |

The Secretary of State will publish on the Audit Center of his official website (<http://www.sos.state.co.us/pubs/elections/auditCenter.html>) this record of the random process of die roll.

| Roll | #11 | #12 | #13 | #14 | #15 | #16 | #17 | #18 | #19 | #20 |
|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Seed | 7 | 7 | 5 | 2 | 1 | 2 | 3 | 3 | 6 | 2 |

4: Results of Die Roll

After the random number seed is generated, a list of random ballots from each county are created from which the county is to retrieve from their various batches. Depending on the margin of the contest selected, the number of ballots retrieved per county varied from as low as 66 ballots to a high of 387. Denver County, which we observed, was required to retrieve 222 unique ballots.

Ballot boxes with the selected ballots were retrieved and placed in a secure room where the boxes were divided up among several pairs of staff from the Denver Elections Division. Each pair opened a ballot box confirming tamper-evident seals and retrieving the ballot in question, replacing with a colored piece of paper purportedly containing a facsimile of the ballot.

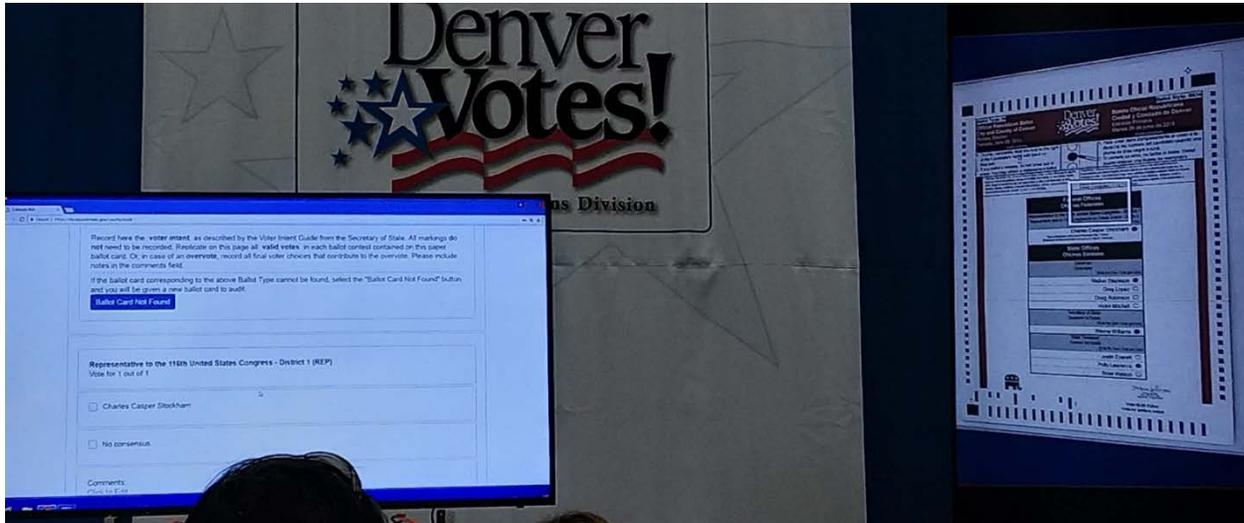
The ballots were imprinted with a serial number so they could be more easily identified in the batch.



5: Staff verify seals, open ballot boxes, and retrieve selected ballots



A short time after ballots were retrieved, the two members of the bi-partisan audit board began examining the selected ballots, manually interpreting the voter selections and inputting the selections into the computer software specially designed for the audit. This manual interpretation was done “blind,” meaning the audit board could not see the cast vote record during interpretation so as not to influence the way in which they interpreted the ballot.



On the above image, on the right-hand side, the ballot being examined by the board is simultaneously being projected on a screen for observers to follow along. On the left-hand side is a projection of the software screen in which the auditors input their interpretation of the ballot by selecting a multiple-choice button. The auditors must agree on the interpretation, or “disagreement” may be marked which could cause additional rounds of audit.

After the audit board has gone through all 222 selected ballots, the results are submitted and then automatically compared with the cast vote record (CVR). If no discrepancies are identified, then that county’s audit is complete. If there is a discrepancy, that county would need to complete another round of audit. In this case, Denver County had no discrepancies identified during the audit:

| County Info | |
|------------------------------------|----------------|
| County: | Denver |
| Status: | Audit complete |
| Current Round: | |
| Ballot cards remaining in round: | 0 |
| Ballot cards audited (all rounds): | 222 |
| Disagreements (all rounds): | 0 |
| Discrepancies (all rounds): | 0 |

Denver’s audit was complete. However, at least 1 county in Colorado did have a single discrepancy, which caused the SOS to send a list of additional ballots to retrieve and inspect by that county only. Colorado Secretary of State staff indicated that every discrepancy to date has been the result of human error (i.e. misinterpretation or inputting incorrect information during the process).

Note: The vast majority of Colorado counties, 58 counties, participated in the Comparison RLA. An additional 3 counties, which use older voting equipment incapable of capturing and exporting a ballot-level cast vote record, participated in a Ballot Polling RLA. Further, there are three counties that use exclusively hand-count paper ballots, which did not participate in the audit.

WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
ELECTIONS@WI.GOV
ELECTIONS.WI.GOV



COMMISSIONERS

DEAN KNUDSON, CHAIR
BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
JODI JENSEN
MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: September XX, 2018

TO: Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Meagan Wolfe
Interim Administrator

Prepared and presented by:

Riley Willman
Elections Specialist

Bill Wirkus
Elections Specialist

SUBJECT: County-Level Post-Election Audit Options following General Election

INTRODUCTION

The Wisconsin Elections Commission has received inquiries from various clerks and members of the public requesting permission and guidance with respect to conducting optional post-election audits of election results as part of the county canvass process. Commission staff has prepared the following memo confirming the counties' ability to conduct such optional audits and providing some suggested steps, methods and timelines for the upcoming General Election, if your time and resources allow.

With the use of electronic voting equipment becoming more common, and the recent attention given to efforts to interfere with elections in the United States, there has been increasing public demand to confirm that votes have been accurately counted. To that end, various calls have been made to implement safeguards against election hacking, tampering, and inconsistencies. A post-election audit is a tool that could be implemented to confirm that results have been tabulated accurately prior to certification. It is important to note that these optional audit procedures are separate from the mandatory voting equipment audit that is required to be conducted after each General Election.

Local election officials in Wisconsin take great effort to ensure that voting is carried out fairly, freely, and with integrity. Pre-election logic and accuracy testing (the "public test") is already conducted prior to the election by all municipalities, with an opportunity for the public to observe. Additionally, under Wisconsin law, all voters' selections are captured on either a paper ballot or a voter verified paper audit trail (VVPAT). See Wis. Stat. § 5.91(18). For those voters who cast their votes on electronic voting equipment, the equipment generates a complete permanent paper record showing all votes cast by the voter. This paper record is reviewable by the voter before they leave

the voting area. These efforts help to instill confidence in the integrity of the election both before Election Day and throughout the voting period. Post-election audits are another tool that could help increase voter confidence in the process.

Post-election audits may help the public to have the same level of confidence in local election officials and boards of canvass that the WEC has with respect to election results. Post-election audits help showcase the accuracy with which votes are counted in Wisconsin. In the unlikely event that the post-election audit reveals a discrepancy or error, mistakes in the tabulation/counting votes process can be identified and corrected prior to the certification of election results.

OPTIONAL AUDIT PROCEDURES

Interested counties may pilot a post-election audit for the November 6, 2018 General Election. Commission staff has determined that post-election audits of the election results may be conducted prior to certification of the canvass. If an optional post-election audit is conducted, the County Board of Canvass should take care to secure ballots and other election materials in the event of a recount and ensure that a detailed chain of custody log has been generated.

Staff recommends the full hand tally option found on the succeeding pages. (Staff previously provided a “ballot polling” option, which some counties may opt to use, but which staff has removed from the formal guidance in order to further study the methodology and solicit feedback). The following preparations and suggestions are recommended:

Preparation

1. The post-election audit should be **conducted as part of the county canvass** to identify any discrepancies.
2. The post-election audit may occur regardless of whether votes were cast with paper ballots, electronic voting equipment, or a combination of the two. If a reporting unit with a DRE was selected for audit, the VVPAT should be used for the audit of those results.
3. Prepare to carefully document each step of the audit and canvass in the minutes.
4. It is important to understand that the audit is based on voter intent. Wis. Stat. § 7.50(2) provides that “All ballots...shall be counted for the person or referendum question for whom or for which they were intended, so far as the electors’ intent can be ascertained...” The voter’s intent should be respected, even if there is failure to properly follow instructions. If the County Board of Canvass determines there is a discrepancy, it is to determine if the discrepancy is due to voting equipment interpretation. It may not be necessary for the municipal BOC to reconvene if the county can determine the source of discrepancy.

Selection

1. The county should randomly select at least two (2) municipalities by random means to be audited. For example, put all municipality names on equal size pieces of paper and draw from a hat. This selection can take place on the day of the canvass or before by staff (in the event the county wishes to include the selected municipalities on the canvass meeting notice or invite the municipal clerk to observe).

2. If the municipality has only one reporting unit, that entire municipality will be selected. If there are multiple reporting units, randomly select one of the reporting units (for example, by drawing numbers from a hat) and that individual reporting unit will be subject to audit. If fewer than 10 ballots were cast in that reporting unit, randomly select a different reporting unit, if possible (to preserve voter anonymity).
3. Randomly select a race from the pool of all contested races on the ballot.
4. Repeat step 3 for each reporting unit selected for audit.
5. The County Board of Canvass selects the type of audit to be conducted for each reporting unit, such as the one recommended in this guidance, or another method.
6. Once the two reporting units and contests have been determined for audit, proceed with auditing.

Finally, if your county has in the past or chooses to utilize post-election audits, we would love to hear from you. If you are considering conducting a post-election audit or are interested in audit training, please contact the Elections HelpDesk. After your audit, please provide feedback on the process, the recommended method below, and any suggestions for improvement. Please provide comments to the Elections HelpDesk at elections@wi.gov.

Counties will be reimbursed for reasonable costs associated with a post-election audit, similar to the reimbursement allowed for the voting equipment audit. Specifically, the Commission will be reimbursing up to \$300 per county for actual costs incurred (above and beyond the costs of the county canvass). The reimbursement will come from the 2018 HAVA Election Security Funds. Please submit requests for reimbursement to the HelpDesk.

We understand that the planning for an election can be demanding and stressful, however, we hope you will thoughtfully consider implementing or piloting a form of post-election audit as part of your county canvass, if you do not do so already. Thank you for your thoughtful consideration and your ongoing efforts to keep Wisconsin elections secure.

Recommended Method: Full-Hand Tally of Selected Reporting Unit

Pros: Most complete review of all ballots

Cons: More labor intensive

Brief Overview:

1. Identify the ballot box or bag containing the selected reporting unit's ballots.
2. Document the number on the tamper-evident seal in the audit minutes and then break the seal to open the bag.
3. The canvass board begins counting the ballots using the tally sheets provided by the WEC.
4. The final tally should match the election results provided by the municipality.
5. If it is possible for the board of canvass to resolve any discrepancy, it may. If not, under Wis. Stat. § 7.60(3) (returns that are informal or defective) those ballots can be sent back to the MBOC to remedy defects in the returns.
6. Repeat the above steps for each reporting unit selected.
7. The audit is complete.

Recommended Audit Procedures

Overview

1. At least two people review each ballot.
2. Auditors should review the stacks of ballots (1-100, 101-200, etc.) one stack at a time. The auditors may wish to review each ballot together to ensure consensus (or quickly identify any disagreement) on the interpretation of each ballot.
3. Keeping the stacks in order allows the auditors to narrow down and locate where there are discrepancies between the two independent counts instead of needing to tally all the ballots over and over again.

Set-Up

1. Count out ballots into sets of 100.
2. Label stacks (1-100, 101-200, 201-300, etc.)

Reviewing the Ballots

1. Tally contests from ballots that have been separated into groups of 20 – the goal is to be able to narrow discrepancies between individual tallies down to the smaller groups of 20.
 - a. Record the number of votes for each candidate on the tally sheet under the appropriate column for the group of ballots you are working on. (See Sample Post-Election Audit Tally Sheet, attached.)
 - b. List the total votes for each office by counting down the column for the stack of 20 you are working on. Be sure to include any scattering¹ or undervotes in your total. The total for each group of ballots should always be equal to the total number of ballots in the group (i.e. a group of 20 ballots should have a total of 20 votes, scattering and

¹ Scattering are any names written in on a write-in line that are not eligible for counting. To determine which write-in candidates are eligible for counting and which are not, please refer to the Counting Votes Manual.

undervotes, and a group of 17 ballots would have 17 total votes, scattering and undervotes)

2. Keep separated in subgroups of 20 while tallying – it is helpful to keep the group of 100 in one stack but to alternate the directions of the subgroups of 20 ballots.
3. Add subtotals after each stack of 100 ballots is complete and note that number in the ‘ST’ column of the Tally section.
4. Complete the ‘Totals’ section of the tally sheet by listing the hand-count subtotals in the ‘Audit’ column, the totals from the voting equipment results tape (or original hand count) in the “RR” column and noting any difference between those totals in the ‘Variance’ column.
5. Repeat 1-4 in sets of 100 until all ballots are counted.
6. After any discrepancies are reconciled, add the stack totals together to determine the total vote in each contest audited.
7. Return ballots to ballot bag/box, place new tamper-evident seal, and record the tamper evident seal serial number in minutes.

Audit Completion

1. If the tally is the same as the reported results from the municipality, proceed with the canvass as usual using the municipality’s reported results.
2. If a minor discrepancy is found in a county, state or federal office, the County Board of Canvass may adjust the results and proceed with the audit.
3. If “any of the returns received are so informal or defective that the board cannot intelligently canvass them, they shall dispatch a messenger to deliver the returns back to the municipal board of canvassers with written specifications of the informalities or defects and command them to immediately complete the returns or remedy the defects in the manner required and deliver them to the messenger. Every messenger shall safely keep all returns, show them to no one but the municipal clerk and board of canvassers and deliver them to the county clerk with all possible dispatch. To acquire the necessary full returns and remedy any informalities or defects the county board of canvassers may adjourn not longer than one day at a time nor more than 2 days in all.” *See Wis. Stat. § 7.60(3)*

WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
ELECTIONS@WI.GOV
ELECTIONS.WI.GOV



COMMISSIONERS

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JODI JENSEN
MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the September 25, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

Prepared by Elections Commission Staff

SUBJECT: Preparations for 2018 General Election

This memorandum summarizes the efforts of Elections Commission staff to prepare for the 2018 General Election and to ensure that local election officials and voters are also prepared. All Commission staff are focused on various aspects of election preparations while also working on other legislative and agency priorities and tasks. This summary is provided for the Commission's information only and no formal action is required.

1. Local Election Official Training and Support

Training, ongoing education, technical and outreach services provided by the Wisconsin Elections Commission are key to supporting local election partners, including county and municipal clerks, chief and regular election inspectors and other election officials, and ensuring that they acquire the knowledge necessary to perform their election duties accurately and problem-free. Commission staff are committed to exploring methods of providing education, training and outreach opportunities that provide up-to-date, uniform instruction and training across the state, incorporate continuous feedback and improvements and are cost-effective.

We continue to use technology to increase our training reach and provide local election officials with timely information and election law updates. The "Guidance for the August Partisan Primary" webinar was designed to provide basic instruction on counting votes for the partisan primary and review procedures unique to this election, while the "New Clerk Orientation" webinar introduced new clerks to Commission staff, outlined training requirements and opportunities and gave new clerks a virtual tour of the Commission's various web applications such as WisVote, WEC Learning Center, and Badger Voters.

Initial certification training for new municipal clerks and new chief inspectors will continue to be provided through in-person training classes conducted by Commission-certified clerk-trainers, composed of experienced and qualified county and municipal clerks, and Commission staff using

webinar distance education. The Commission now offers both initial certification training classes online in the WEC Learning Center. Municipal Clerk Core training is organized in 16 sections, and each section is followed by a short quiz. The Baseline Chief Inspector training presentation is organized in seven sections, followed by a 30-question multiple choice and true or false self-evaluation to gauge their comprehension of the materials.

Commission staff has updated several manuals during 2018. Staff previously issued stand-alone guidance about the changes required by the *One Wisconsin Institute* court decision. While this case is on appeal, staff is currently editing the Election Day Manual to reflect the court's actions and other more recent legislative changes and policy modifications. Staff expects to issue the updated version of this manual in early October 2018.

Commission staff also regularly attends a variety of clerk conferences and district meetings throughout the year to give presentations on the Photo ID Law, election administration updates, and WisVote status reports, and to solicit input from county and municipal clerks on current election and voting issues. Conference and district meeting attendance can range from 50 for a district meeting to 500 for an annual conference. As reflected on the calendar attachment, Commission staff is participating in a series of clerk conferences, election administration and WisVote training webinars and teleconferences prior to the November General Election.

Commission staff began a targeted series of clerk communications designed to provide county and municipal clerks with historical turnout information about the November election, critical election deadlines and timely reminders and tips for a successful election. Commission staff also plans to identify municipalities expected to have especially high turnout elections in November or which may anticipate special challenges, such as a lack of a sitting municipal clerk.

In addition, all Commission program staff are providing ongoing support to local election officials through phone calls, emails, and clerk communications posted to the agency website. Specific points of emphasis include various rules related to in-person absentee voting, military and overseas voters, the change to a 10-day residency requirement, voter photo ID and proof of residency documents, and the Division of Motor Vehicles' ID petition process.

The Elections Help Desk staff is supporting more than 3,000 active WisVote users, while also answering calls from the public and election officials. Staff is monitoring state enterprise network and data center changes and status, assisting with processing data requests, and processing voter verification postcards. Help Desk staff has been serving on and assisting various project teams including ongoing WisVote development, ERIC, and E-Poll Book teams. Staff continues to maintain and update Elections Commission, WisVote user and clerk listserv email lists. Voter cancellation notices from other states continue to be processed on a rolling basis in an effort to increase the accuracy of the voter rolls. Staff is coordinating and assisting with several upgrade projects such as migrating various Commission websites to new platforms, implementing Windows 10 on staff workstations, preparing for telecommunications upgrades (VoIP), various projects initiated by the Department of Administration (DOA) Data Center and administering Elections Commission's Exchange email system.

The Help Desk staff continues to create new clerk user credentials for the WisVote system and the WisVote Learning Center to ensure all users are properly trained in WisVote and WisVote security.

They also assist clerks with configuring and installing WisVote on municipal computers. The Help Desk continued to field a wide variety of calls and emails from voters and the public, candidates, political committees, and public officials.

| | <u>Elections Help Desk Call Volume</u> (608-261-2028) | <u>Front Desk Call Volume</u> (608-266-8005) | <u>Total Call Volume</u> |
|---|--|---|--------------------------|
| May 2018 | 851 | 414 | 1,265 |
| June 2018 | 746 | 460 | 1,206 |
| July 2018 | 1,344 | 628 | 1,972 |
| August 2018 | 1,965 | 1,093 | 3,058 |
| Up to September 12, 2018 | 538 | 248 | 786 |
| Total Calls for Reporting Period | 5,444 | 2,843 | 8,287 |

Commission staff will offer extended hours in support of the November election, starting the Friday before the election and each day through Election Day, excluding Sunday. Staff will be available for local election official questions and WisVote users and can assist with election administration questions, poll book printing issues, or WisVote questions. Commission staff also plans to hire temporary workers to help answer basic questions from voters trying to locate their polling places, polling place hours and other election information.

2. Ballot Review and Printing

County clerks are required to send a ballot proof to WEC staff for format approval before printing. Staff assessment of ballot format includes verification of the following:

- Ballot title and date
- Instructions for voters
- Navigational instructions (“continue voting at top of next column,” “ballot continues on other side,” etc.)
- Ballot endorsement section
- Ballot divisions (congressional, legislative, county, etc.)
- Offices titles within each division
- Party order of candidates

Counties that use paper, hand-count ballots and optical scan ballots submitted a proof of each type. As of the date of this memo, 62 counties have submitted ballots for approval. Staff reviewed all ballots submitted and responded to each county clerk within 24 hours. County clerks whose ballots did not meet staff approval received a detailed list of errors and omissions. Some clerks submitted corrected ballots for approval, although this is not required. The deadline for county clerks to deliver ballots to municipal clerks is September 19, 2018. Voters with active absentee ballot requests on file with the municipal clerk must be sent an absentee ballot no later than September 20, 2018.

Several jurisdictions will be conducting recall elections on the same date as the General Election. Staff has assisted local clerks with logistics related to the use of a separate ballot for the local recall elections.

3. WisVote Election Readiness

WEC WisVote staff created, posted and sent Checklist I for the 2018 General Election to all county and municipal clerks on September 11, 2018. Staff creates and distributes two checklists for each election for county and municipal clerks to use as resource to assist them in tracking their pre- and post-election duties of entering, processing and maintaining data related to voters, candidates, ballots, and polling places in WisVote.

Checklist I is a pre-election checklist and includes guidance on updating or adding candidate records; setting up and/or verifying Election Plans (which includes verification of Reporting Units and Polling Locations); entering, monitoring and tracking absentee ballots; adding or reviewing contests; reviewing and renaming ballot styles (if desired); printing the Ineligible Voter List; printing poll books and important data maintenance that needs to be reviewed or corrected prior to the election.

Checklist II is the post-election checklist and it will be posted and sent approximately two weeks prior to the election. Checklist II covers Election Night tasks and post-election activities including entering provisional ballot information to be displayed on the MyVote Wisconsin website; posting unofficial Election Night results; recording voter participation in WisVote; reconciling and reporting election statistics; correcting any typographical errors in poll books, and entry and completion of Election Day Registrations.

As part of poll book preparation, WisVote staff notifies clerks if any data quality issues are detected which could prevent a voter from appearing on the correct poll book, as well as voters who potentially should not be on the poll book, such as deceased voters and voters currently serving felony sentences. There are approximately 25 different types of data quality checks that staff has monitored since mid-September and will continue to monitor through Election Day. Some examples of the maintenance reports are those which identify and monitor jurisdictions that have not established reporting units in WisVote, contain reporting units which cross specific district lines (congressional, county, State Assembly, State Senate) or do not have associated polling places; list active voter addresses with an inactive address or which lack an associated district combination, list election contests without candidates, Registration List Alerts, address exceptions, and several absentee voting reports. WEC staff then conducts outreach to clerks to correct any problems or bring any identified issues to the clerk's attention, which is a meticulous and time-consuming process.

Staff provides clerk support for all WisVote users on a continual basis and it is not uncommon for individual staff to respond to many dozens of calls and emails daily. The IT team has also been making updates to the WisVote system to increase ease-of-use functionality. This also requires extensive testing of the changes, and updates to tutorials and Learning Center materials to align with any new updates that affect users in the system.

4. Voter Education and Outreach

To prepare for the 2018 General Election, Commission staff has developed tools and resources to educate voters and to support the municipal and county clerks who serve voters. With more than 4.4 million eligible electors in the State of Wisconsin, Commission staff continues to update and develop materials and resources that can be used by clerks and groups who work directly with voters. The Commission will also add several temporary staff to assist with handling telephone calls and emails from voters through Election Day. The Commission staff will continue to log phone calls from the public and local election officials in the days leading up to Election Day, on Election Day, and the days following Election Day to ensure that issues are resolved timely and the public continues to be provided exceptional customer service.

The Commission uses the following methods to prepare voters for Election Day:

- Promoting the Commission's websites and social media platforms to distribute voting information throughout the state
- Ensuring that military and overseas voters (UOCAVA voters) receive their ballots on time, and
- Preparing MyVote.wi.gov, which is the primary voter resource, to handle increased traffic and to connect voters to the information they need to participate in the General Election.

Distributing Voter Information

To prepare voters for the 2018 General Election, the agency's approach has been to build upon the materials developed during the last general election cycle and make those materials available to voters through the agency's websites and social media platforms.

The Voter Information Center on the agency's website provides comprehensive materials for voters on many topics, including finding a polling place, what forms of photo ID are acceptable, and how to request an absentee ballot. Links to the agency's Bring It to the Ballot website (bringit.wi.gov) provide voter focused information on the photo ID requirement and how to obtain a free photo ID from the Department of Motor Vehicles.

Election materials are also distributed to voters through the agency Facebook and Twitter pages. Social media has been an effective way to bring attention to the available voter resources. Commission staff continues to utilize an agency social media plan that ensures that resources available to voters are highlighted. Social media also provides the public with key reminders such as absentee ballot request deadlines and information on how to obtain a free photo ID from the Department of Motor Vehicles.

The agency will continue to promote the ID Petition Process (IDPP) which may be utilized by voters at a local Department of Motor Vehicles to obtain a free and acceptable photo ID that can be used as proof of identification when they appear at the polls on Election Day. Press releases, social media posts and a focused effort to publicize the IDPP also helps to get the word out to voters of the options they have to obtain a free photo ID for voting.

Ensuring that Military and Overseas Voters Receive Their Ballots

The Wisconsin Elections Commission is committed to ensuring that military and overseas voters receive their ballots and feel confident that their ballot will be counted. Commission staff will once again monitor compliance with the state and federal UOCAVA ballot deadlines for military and overseas voters in all 1,853 municipalities and 72 counties and also has provided resources and reminders to clerks leading up to the deadlines.

Wisconsin law requires that UOCAVA ballots be sent to voters with an absentee request on file at least 47 days prior to federal elections. Federal law requires that UOCAVA ballots be sent to voters with an absentee request on file at least 45 days prior to federal elections. The Elections Commission is required to provide a detailed report to the U.S. Department of Justice (US DOJ) regarding municipal compliance with the Federal deadline. The federal deadline is Saturday, September 22, 2018. The report includes data on every military or overseas ballot that has been requested and sent by the deadline. If a UOCAVA voter requested an absentee ballot on or before Saturday, September 22, 2018 it must be sent to the voter on or before September 22 or the ballot is considered late by US DOJ (exception: the DOJ allows requests received on Saturday to be responded to by Monday and still be considered timely, if the clerk does not usually hold office hours on Saturday). A second report, that details each late ballot, along with the reason the ballot was sent late, will also be submitted to US DOJ following the federal deadline.

The final compliance report for the 45-day federal deadline will be submitted to US DOJ within one week of the federal deadline. In preparation for the deadline, agency staff is taking extra steps to provide municipalities with tools and reminders. Commission staff will send daily reminders to clerks with outstanding UOCAVA ballots in the week leading up to the deadlines. Clerks with outstanding requests on Friday, September 21 will be contacted by phone.

There are unique challenges faced by clerks when sending ballots to UOCAVA voters. Many of Wisconsin's 1,853 municipal clerks have never received a federal form from a UOCAVA voter and may receive one for the first time in 2018. Federal forms are used by UOCAVA voters to register to vote, request absentee ballots, and may also be used as an emergency write-in ballot by some voters.

As part of the WEC's commitment to ensuring that UOCAVA voters receive their ballot, staff developed federal form resource guides for our clerks. The guides include tips for the following forms: the Federal Write-In Absentee Ballot (FWAB), the Federal Postcard Application (FPCA), and the National Voter Registration Application (NVRA). The guides are designed to help clerks understand federal forms when they are received and to ensure that the forms are processed properly and timely. Clerks have anecdotally indicated that these guides have been very helpful in responding to such requests.

Another resource that was provided to clerks to help them serve UOCAVA voters is the Guide to Emailing and Faxing Ballots. While military and overseas voters have been eligible to receive their absentee ballots by email, fax, or online in the past, recent court decisions permit many additional regular voters to request and receive a ballot by fax or email ballot. Many clerks are receiving an email request for the first time in 2018. Preparing clerks for these requests is an important aspect of voter services. Recently revised step-by-step guidance and tips on sending ballots by email and fax was posted to the agency website.

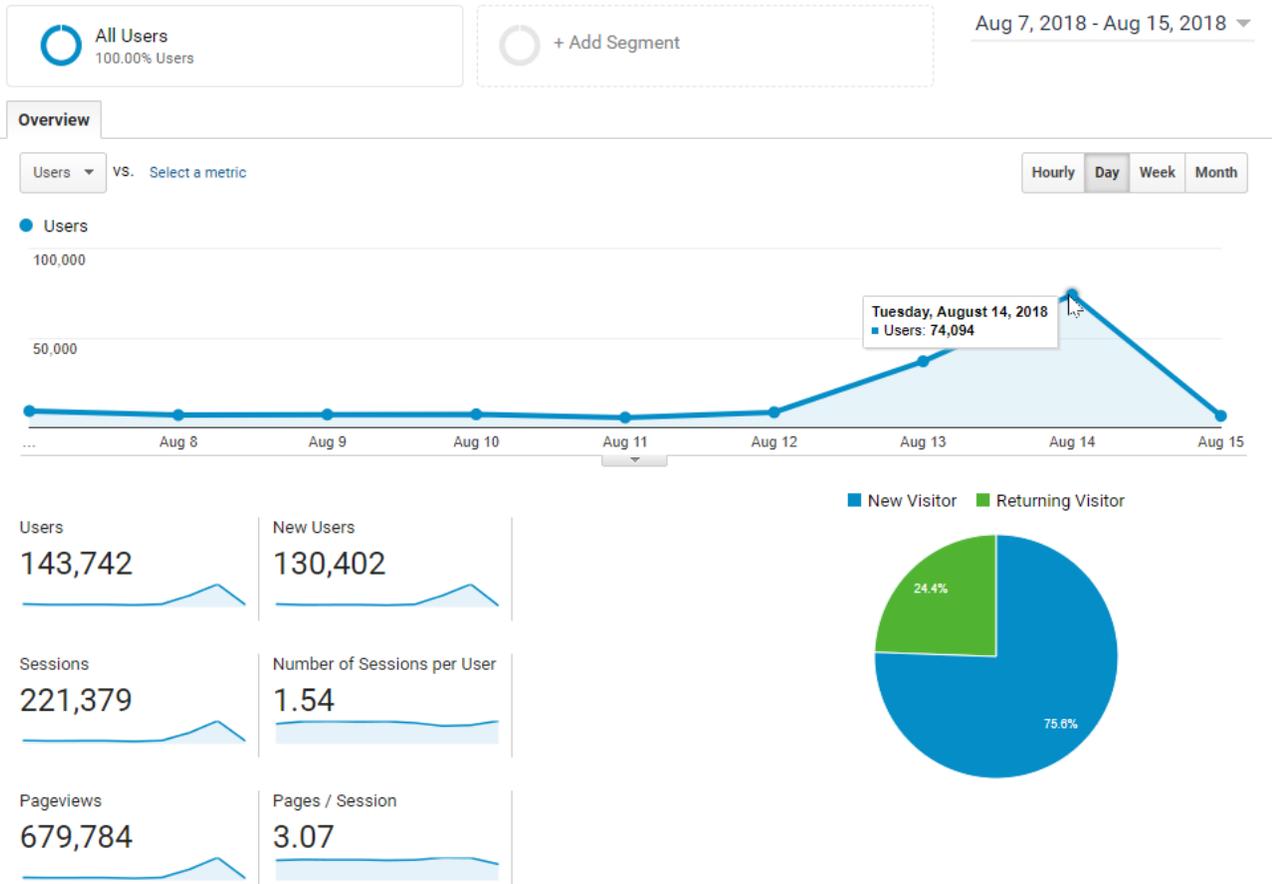
Preparing MyVote.wi.gov for Election Day

MyVote is the Wisconsin Elections Commission's main voter information tool. The website allows voters to register online during open registration, start the registration process during closed registration, request an absentee ballot, find their polling place, view a sample ballot, track their absentee and provisional ballots, and more. MyVote is a critical tool that both Wisconsin voters and clerks rely on. Because of this, we are preparing MyVote for the increased demand leading up to Election Day.

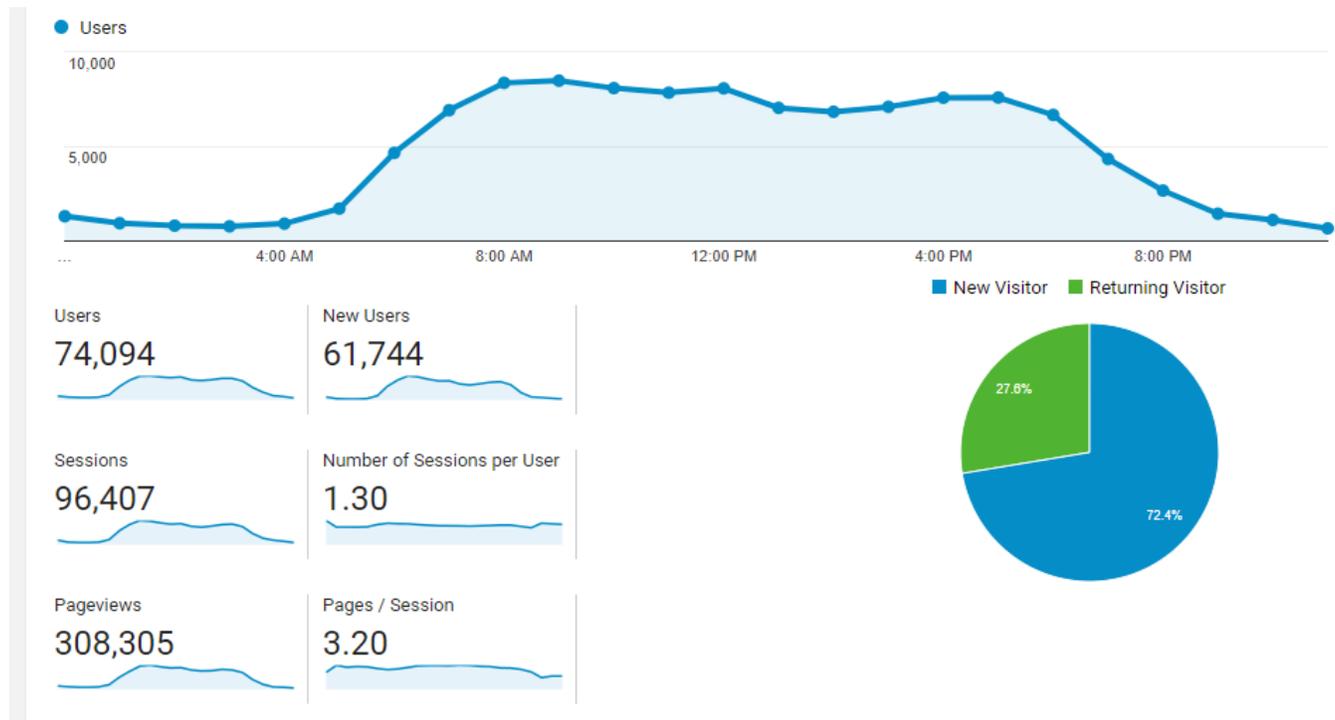
One of the most important aspects of the MyVote site is how it processes and recognizes voter addresses. Assigning a voter to a correct address ensures that voter registration or absentee applications generated through MyVote are sent to the correct municipality. A correct address also allows voters to access their sample ballot or to find their polling place information. Addresses are critically important to the site's functionality, and every step has been taken to optimize the way that MyVote and WisVote handle addresses. Clerks are responsible for address data quality for their municipality in WisVote. That address data determines the information that MyVote displays when an address is used to search for voting information. Staff and clerks work together to keep these addresses as accurate as possible, as well as making sure that the ward and school district boundaries are correct and precise.

Matching the voter's address to an existing address in the system is ideal. While the WisVote database houses more than 4 million addresses, there are new addresses created each day through residential development and boundary changes. In the past, only when a voter registered at an address would it show up in the WisVote system. As a result, there are some voters who try to use the MyVote site to find their election information even though they live at an address that is not currently in the WisVote system. In those instances, MyVote prompts the voter to call the Elections Commission so that the address can be entered into the database and the voter can access their information. While this means that some voters cannot immediately find their information, it ensures that only the best and most reliable data is used and that inaccurate information cannot be returned for the voter. However, staff is also focused on working with clerks before November to be more proactive with addressing so that new developments are properly added to WisVote before voters have the need to contact us.

With each election, MyVote sees more and more use as voters come to the site for registering, finding their polling places and looking at what will be on their ballots. The first graph below illustrates the number of MyVote sessions from a week before the August primary election. Note the increase in activity starting from August 12, and peaking on Election Day with 74,094 unique visitors. A little more than three-fourths of those visitors were new users. The second graph shows that on election day, the traffic was steady throughout the day between 7:00 a.m. and 6:00 p.m. with more than 5,000 users per hour during those times.



Election Day:



5. Outreach to Political Campaigns and Election Observers

Prior to major elections, agency staff has hosted meetings with representatives of the major political parties to discuss recent election law developments, possible Election Day issues, and primary contacts for Election Day communications. Commission staff is again offering to host such meetings with the political parties in upcoming weeks. Staff will also contact other organizations which sponsor election observers and provide a reminder of the rules for election observers.

6. Accessibility Initiatives

Polling Place Accessibility Audit Program

For the 2018 November General Election, staff plans to send auditors to conduct polling place accessibility surveys in selected municipalities throughout the state. The focus will be on conducting site visits at locations that have not previously been audited by the program and at early (in-person) absentee voting locations. The unvisited polling places are scattered across the state, and routes will be created that focus on specific geographic areas with a significant number of unvisited polling places.

Commission staff is in discussions to partner with Disability Rights Wisconsin and Access to Independence, member organizations of the agency's Accessibility Advisory Committee, to staff the project for this election. The two groups approached staff with an offer to provide volunteer auditors to assist agency efforts in ensuring that all Wisconsin polling places are accessible to all voters. Some of these individuals have significant experience and expertise in evaluating accessibility standards. All auditors will receive training, including a remote training designed to familiarize them with the survey used to conduct audits. Training consists of a review of the polling place accessibility survey and Americans with Disabilities Act standards, training on the tablet computers used to gather the survey data and a mock polling place exercise at a City of Madison polling place which will occur in person. The auditors will also be provided with a tutorial on accessible voting equipment and given training on all of the tools they need to conduct the site visits.

Accessibility Advisory Committee Meeting

In preparation for the 2018 November General Election, Commission staff met with members of the Accessibility Advisory Committee on August 29, 2018. Six different organizations were represented at the meeting and the agenda focused on the Disability Vote Coalition's outreach and education initiatives and follow ups from the Partisan Primary. Committee members decided they would like to pursue running the audit program in Fall 2018 at polling places before and on Election Day. Members agreed to assist the WEC with reaching out to voters using their established methods of communication, including posting voting information on their organization's social media accounts, conducting voter training presentations and distributing educational materials through their distribution lists. These efforts represent a significant leveraging of the agency's outreach efforts through cooperation with outside organizations.

7. Other Subjects (Elections Security, Post-Election Audits, Canvass, Badger Book)

Information about these subjects is included within the Commission Materials prepared for the September 25, 2018 meeting.

Conclusion

This summary of preparations describes dedicated individual and team efforts of Commission staff and local election partners, as well as the cooperation of other government agencies and public and private organizations. While the unexpected must always be anticipated, the Commission, elected officials, candidates, voters and the public can be assured that state and local election officials have been working meticulously to prepare for the November General Election, complete required tasks, and respond to any developments which arise, so that the outcome of the election will have the confidence of the voters of Wisconsin.

October 2018

| October 2018 | | | | | | | November 2018 | | | | | | |
|--------------|----|----|----|----|----|----|---------------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa |
| | 1 | 2 | 3 | 4 | 5 | 6 | | | 1 | 2 | 3 | | |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 28 | 29 | 30 | 31 | | | | 25 | 26 | 27 | 28 | 29 | 30 | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|--------|--|-----------|--|--------|--|
| Sep 30 | Oct 1 | 2 | 3 | 4 | 5 | 6 |
| Election Day Manual Update | | | | | | |
| Sprint 4 Testing | | | | | | |
| NSGIC Conference - Greg out | | | | | | |
| Partners in Giving | | | | | | |
| 9:00am WMCA District 5 Conference | | 10:00am EA Webinar: Special Voting | | | | |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| Sprint 4 Testing | | | | Pre-Election WisVote Freeze | | |
| Partners in Giving | | | | | | |
| Deadline for governing body of municipality | | County and municipal Municipal clerks publish | | Sprint 4 to PROD | | 9:00am WMCA District 2 Conference |
| Deadline for governing | | WMCA Materials | | | | |
| Deadling for governing | | WTA Materials Deadline | | | | |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| Partners in Giving | | | | | | |
| Pre-Election WisVote Freeze | | | | | | |
| First day for special voting deputies to conduct absentee voting for residents in | | 8:30am WTA Conference | | Deadline for electors to register by mail or | | Electors must register in-person starting this |
| | | | | 10:00am EA Webinar: Reminders for the | | 12:00pm WisVote Checklist II Posted - |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| Partners in Giving | | | | | | |
| Pre-Election WisVote Freeze | | | | | | |
| | | 12:00pm EA Webinar: Baseline CIT | | WASSA Materials Deadline | | 8:15am WASSA Conference |
| | | | | | | First day for municipal or county clerks to |
| | | | | | | Last day for electors to begin to acquire |
| 28 | 29 | 30 | 31 | Nov 1 | 2 | 3 |
| Partners in Giving | | | | | | |
| Pre-Election WisVote Freeze | | | | | | |
| Last day (5:00 p.m.) for special voting deputies to make arrangements for | | Emergency Last Minute Ward/DC Changes - | | | | |
| | | Last day for municipal clerk to post notice of | | | | |

November 2018

| November 2018 | | | | | | | December 2018 | | | | | | |
|---------------|----|----|----|----|----|----|---------------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa |
| | | | | 1 | 2 | 3 | | | | | | | 1 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 25 | 26 | 27 | 28 | 29 | 30 | | 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| | | | | | | | 30 | 31 | | | | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--|--|--|--------------------------|---|--|--------------------------|
| Oct 28 | 29 | 30 | 31 | Nov 1 | 2 | 3 |
| | | | | Partners in Giving | | |
| | | | | Pre-Election WisVote Freeze | | |
| | | | | Deadline (5:00 p.m.) for regular and permanent overseas electors to request | Deadline (12:00 p.m.) for write-in candidates to | |
| | | | | | | Deadline (5:00 p.m.) for |
| | | | | | | Deadline (5:00 p.m.) for |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | Partners in Giving | | |
| Pre-Election WisVote Freeze | | County clerks post all | | Post Election WisVote Freeze | | |
| Deadline (5:00 p.m.) for electors (except hospitalized electors and sequestered) | County clerks publish | | Deadline (5:00 p.m.) for | Municipal clerks deliver tally sheets, inspectors' statements, ballots | Deadline (4:00 p.m.) for electors who voted provisionally to provide missing | |
| | County clerks publish | | Deadline (5:00 p.m.) for | Municipal clerks (in municipalities that canvass absentee ballots at an alternate | | |
| | Last day (5:00 p.m.) for | | Deadline (5:00 p.m.) for | | | |
| | Municipal clerks publish | | Deadline (8:00 p.m.) for | | | |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| | | | | Partners in Giving | | |
| | | | | Post Election WisVote Freeze | | |
| | Deadline (4:00 p.m.) for the Municipal Board | Deadline (9:00 a.m.) for the County Board of Canvassers to convene for the | | WEC sends Type A Notice of Spring Primary and Spring Election | Last day for county clerks to deliver statement of county canvass of General | |
| | Deadline (9:00 a.m.) for the Municipal Board | | | | | |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| | | | | Partners in Giving | | |
| | | | | Post Election WisVote Freeze | | |
| | | | | | | |
| 25 | 26 | 27 | 28 | 29 | 30 | Dec 1 |
| | | | | Partners in Giving | | |
| | | | | Post Election WisVote Freeze | | |
| | | | | | | To Dec 31 -> |
| | | Clerks may clear memory devices for | | | | |
| | | County clerks publish | | | | |
| | | Municipal clerks publish | | | | |

December 2018

| December 2018 | | | | | | | January 2019 | | | | | | |
|---------------|----|----|----|----|----|----|--------------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa |
| | | | | | | 1 | | | 1 | 2 | 3 | 4 | 5 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 | 27 | 28 | 29 | 30 | 31 | | |
| 30 | 31 | | | | | | | | | | | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|------------------------------|--------|---|--|---|--|---|
| Nov 25 | 26 | 27 | 28 | 29 | 30 | Dec 1 <div style="border: 1px solid black; padding: 2px;">Post Election WisVote Freeze</div> <div style="border: 1px solid black; padding: 2px;">Deadline for electors of</div> <div style="border: 1px solid black; padding: 2px;">First day for candidates</div> <div style="border: 1px solid black; padding: 2px;">First day for town or</div> |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Post Election WisVote Freeze | | | | | | |
| | | | | <div style="border: 1px solid black; padding: 2px;">Deadline for municipal clerk to complete Election</div> | | |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Post Election WisVote Freeze | | | | | | |
| | | <div style="border: 1px solid black; padding: 2px;">Deadline for filing office to receive referendum questions or petitions</div> | <div style="border: 1px solid black; padding: 2px;">Deadline for filing office to file a copy of the referendum question</div> | | | |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| Post Election WisVote Freeze | | | | | | |
| | | | | | <div style="border: 1px solid black; padding: 2px;">Deadline (5:00 p.m.) for incumbents not seeing reelection to</div> | |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| Post Election WisVote Freeze | | | | | | |
| | | | | | | |
| 30 | 31 | Jan 1, 19 | 2 | 3 | 4 | 5 |
| Post Election WisVote Freeze | | | | | | |

WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
ELECTIONS@WI.GOV
ELECTIONS.WI.GOV



COMMISSIONERS

DEAN KNUDSON, CHAIR
BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
JODI JENSEN
MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the September 25, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

Prepared and Presented by:
Nathan Judnic
Senior Elections Specialist

SUBJECT: Proof of Residence – Wis. Stat. § 6.34(3)(a)9. “Bank Statement”

Introduction

Commission staff seeks direction from the Commission on what constitutes a “bank statement” for purposes of proof of residence under Wis. Stat. § 6.34(3)(a)9. Commission staff receives many questions on this identifying document and seeks direction as to what guidance should be provided to local election officials registering voters who present a bank statement as his or her proof of residence.

Statutory Language

With few exceptions (presidential electors, military electors, permanent overseas electors), all individuals are required to register to vote prior to casting a ballot in an election. “Each elector shall register under this chapter before voting in any election, except as authorized under ss. 6.15, 6.18, and 6.22.” Wis. Stat. § 6.27. To accomplish registration, individuals are required to “provide an identifying document that establishes proof of residence.” Wis. Stat. § 6.34(2).

Wis. Stat. § 6.34(3)(a) provides the list of identifying documents that may be presented and accepted as proof of residence:

1. A current and valid operator's license issued under ch. [343](#).
2. A current and valid identification card issued under s. [343.50](#).
3. Subject to s. [66.0438](#), any other official identification card or license issued by a Wisconsin governmental body or unit.

4. An official identification card or license issued by an employer in the normal course of business that contains a photograph of the cardholder or license holder, but not including a business card.
5. A real property tax bill or receipt for the current year or the year preceding the date of the election.
6. Except as provided in sub. (2), a residential lease.
7. Any of the following documents without the address specified in par. (b):
 - a. A university, college, or technical college identification card that contains a photograph of the cardholder together with a fee payment receipt issued to the cardholder by the university, college, or technical college dated no earlier than 9 months before the date of the election at which the receipt is presented.
 - b. An identification card issued by a university, college, or technical college that contains a photograph of the cardholder if the university, college, or technical college that issued the card provides a certified and current list of students who reside in housing sponsored by the university, college, or technical college and who are U.S. citizens to the municipal clerk prior to the election showing the current address of the students and if the municipal clerk, election registration official, or inspector verifies that the student presenting the card is included on the list.¹
8. A utility bill for the period commencing not earlier than 90 days before the day registration is made.
9. **A bank statement. (Emphasis added.)**
10. A paycheck.
11. A check or other document issued by a unit of government.
12. For an occupant of a residential care facility, as defined in s. 6.875 (1) (bm), for the purpose of registering at the facility, a contract or intake document prepared by the residential care facility that specifies that the occupant currently resides in the facility. The contract or intake document may also identify the room or unit in which the occupant resides.

¹ NOTE: In *One Wisconsin Now et al. v. Thomsen et al.*, 15-cv-324, [198 F. Supp. 3d 896](#), the United States District Court, Western District of Wisconsin ordered that “the requirement that “dorm lists” to be used as proof of residence include citizenship information is unconstitutional.”

13. An identification card issued by a federally recognized Indian tribe in this state.

Except for student identification cards, the identifying documents must contain the elector's current and complete name (including both the given and family name) and the current and complete residential address, including numbered street address, if any, and the name of a municipality. Wis. Stat. § 6.34(3)(b). Finally, all identifying documents which are valid for use during a specified period must be valid on the day that an elector makes application for registration. Wis. Stat. § 6.34(3)(c).

Discussion

At first glance, the term “bank statement” seems fairly straightforward and most people would be able to identify what one looks like if presented at a voter registration table or in the clerk's office. There would likely be the name and/or logo of the bank or credit union near the top; the name and address of the individual would appear near the top, and a listing of the person's checking and/or savings account with transactions in or out of that account (deposits and withdrawals) would follow. The date of the issuance and the dates of activity would also appear somewhere on the statement as well. This traditional bank statement does not generate questions as to whether it qualifies as proof of residence as it is apparent that it does, but there are other scenarios for which staff seeks the Commission's direction.

There are two aspects of proof of residence policy that are related to this issue, but Commission staff believes are settled -- the acceptance of electronic proof of residence documents, and equating credit union statements to bank statements.

Previous and Current Advice

Electors sometimes present documents as a bank statement that may not fit neatly into the parameters of what most people would consider a traditional bank statement, and because the term is not defined within Wis. Stat. § 6.34, clerks and voters frequently ask what a document being presented as a “bank statement” must contain for it to be considered valid proof of residence for registration purposes.

The advice of the former Government Accountability Board staff and Commission staff has evolved over time, partially in response to specific questions, but also because banking practices and the banking industry, in general, have evolved to the point where traditional printed bank statements showing a voter's checking and savings account are not as common as they once were. Online banking and the increased use of electronic statements and banking applications on smart devices have simply changed the landscape.

The Commission's two major election administration manuals (Election Administration and Election Day) currently advise that a bank statement “should reflect an account where funds are deposited” and that “credit card statements are NOT acceptable, even if issued by a bank.” [Election Administration Manual](#), pg. 87, (October 2016); [Election Day Manual](#), pg. 51 (July 2016).

This advice is based mostly on the common dictionary definitions² of “bank statement,” but Commission staff and some clerks are concerned that continuing to base the advice loosely on the dictionary definitions may be an application that is hyper technical, which could lead to different treatment of voters across the State. The common thread of the dictionary definitions seems to be that the statement should show money either being deposited into or withdrawn from a banking customer’s account.

One of the issues for the Commission’s consideration is whether the contents of a statement matter, if that statement has been issued by a bank or credit union. For instance, may a person use their mortgage or home equity line of credit statement if they are serviced through a bank or credit union? Based on the staff’s current advice, if the statement was only a mortgage statement, clerks have advised that it could not be accepted because the statement did not show an account that permits the individual to make deposits or withdrawals. But this interpretation may favor form over substance, as the type of financial activity reflected on the statement does not affect its reliability for proof of residence purposes.

Whether a credit card statement qualifies as a bank statement is the other common question the Commission staff receives from clerks and voters. Again, based on the dictionary definitions of bank statement, the current advice is that such a statement could not be used as proof of residence, even if the credit card is issued by the voter’s bank or credit union. The statement would show charges and payments on a credit account but would not show money being deposited or withdrawn from an account held at the bank. Additionally, an argument could be made that if the Legislature wanted credit card statements to be specifically allowed as proof of residence, they could have added that document to the list.

However, as confirmed by counsel for the Department of Financial Institutions, all credit cards are issued and backed by banks or credit unions, even if they list a merchant or organization on the front and are issued by Visa, Mastercard or American Express. It is also possible that the Legislature believed credit card statements would qualify as proof of residence under the general umbrella term “bank statement” and therefore found it duplicative to include credit card statements separately. One option the Commission may want to consider is allowing a credit card statement to be accepted if it is clear on its face that the statement has been issued by or supported by a bank or credit union – meaning the statement has the name or logo of the bank printed or displayed.

Purpose of Proof of Residence Requirement

Commission staff also believes the purpose of the proof of residence requirement should be factored into any direction provided by the Commission on this issue. The purpose of the requirement is to ensure that an individual registering to vote can provide some assurance or

² A bank statement is “a printed document showing all the money paid into and taken out of a bank account...usually sent by a bank to a customer at regular intervals.” *Collins*. A bank statement is “a document that shows all the money that went into or out of your bank account during a particular period of time. *Macmillan*. A bank statement is “a record of money put into an removed from a bank account.” *Cambridge*. A bank statement is “a printed record of all the money paid into and out of a customer’s bank account within a particular period.” *Oxford*. A bank statement is “a statement showing the condition of bank; a statement by a bank customer’s account.” *Merriam-Webster*.

proof that they reside at the location from which they are registering to vote. The Legislature has determined that if a voter can produce one of the types of documents in the Wis. Stat. § 6.34(3)(a) list, that is enough proof of a connection to the address to allow them to register.

In that sense the type of account the voter has with the bank (ie. mortgage, checking, savings, money market) does not seem to provide any more, or any less proof or confidence that the person resides at the address listed on the document. Commission staff finds it difficult to believe that the confidence level in the proof is diminished if the statement is for a mortgage and not a statement for a checking or savings account. Voters registering are also still required to sign the voter registration form and certify that they reside at the address they are using and are subject to “fine or imprisonment” if they falsify any information on the form.

Election Official Considerations

Any advice provided by the Commission on bank statements used for proof of residence needs to be as clear and concise as possible. Especially on Election Day, election registration officials benefit from guidance that is as black and white as possible, even though this issue has historically proven to have some gray areas. Too technical an interpretation, could require officials to delve into the intricacies of accounts held at various financial institutions, and whether a certain kind of account allows for deposits and withdrawals. On the other hand, staff does not believe the term “bank statement” allows any document or correspondence sent to a voter from a bank or credit union with their name and address on it to qualify as proof of residence. While there are always unique situations, any advice should try to draw a clear line between what is acceptable proof and what is not, to reduce confusion among both voters and election inspectors.

Recommendations

Commission staff believes the current advice on bank statements used for proof of residence should be modified to focus more on the entity that issues the statement and remove the requirement that the statement must include an account for which money can be deposited or withdrawn. For example, if someone presents a statement issued from U.S. Bank and it contains the voter’s current name and address, an election official does not need to scrutinize the statement to determine if the statement is showing a checking or saving account, or mortgage or home equity line of credit for it to be valid proof of residence. Clerks and election inspectors would still be required to verify that the document presented is in fact an account statement issued by a bank or credit union and that the voter’s name and address appear, but they would not have to decide what type of account the statement is reflecting.

This advice could extend to credit card statements. As discussed above, all credit cards are issued by a banking institution, even if the credit card displays Visa, Mastercard or American Express. Credit card statements list the individual’s name and may show the voter’s residential address. Additionally, many banks issue credit cards and the credit card statement could be issued directly from the individual’s bank, showing activity on their account, either combined with a checking account statement or as a separate document. If the clerk or election inspector

does not need to be focused on the type of account listed (as recommended above), a credit card statement from a bank would fit within the same recommended advice.

At a minimum, Commission staff believes the Commission should issue guidance that credit card statements issued by a bank qualify as a bank statement for proof of residence. To maintain clarity in the Commission’s advice regarding valid proof of residence, the Commission could extend the advice to allow credit card statements, regardless of whether on its face the statement indicates it has been issued or is backed by a bank or credit union.

Recommended Motions:

- 1) The Commission concludes that the term “bank statement” in Wis. Stat. § 6.34(3)(a)9. includes any account statement from a bank or credit union, regardless of the type of account listed, including, but not limited to a checking, savings, mortgage loan or home equity line of credit.
- 2) The Commission further concludes that a credit card statement qualifies as a “bank statement” under Wis. Stat. s. 6.34(3)(a)9. and may be used as a valid form of proof of residence when registering to vote.
- 3) The Commission directs staff to update its proof of residence guidance documents to be consistent with the discussion and guidance approved by the Commission on “bank statements.”

WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
ELECTIONS@WI.GOV
ELECTIONS.WI.GOV



COMMISSIONERS

DEAN KNUDSON, CHAIR
BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
JODI JENSEN
MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the September 25, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

SUBJECT: 2019 Commission Meeting Schedule

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

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

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

Attached is a proposed meeting schedule for the 2019 calendar year and the first meeting of 2020. It lists proposed meeting dates in bold type. The list includes six suggested meetings, including two teleconferences, which are placed in the context of other events on the agency calendar. There is flexibility to schedule special meetings if required.

The meeting schedule is constructed keeping in mind election events and deadlines, major holidays, and deadlines for preparing meeting materials. Please note that, because the first Tuesday in January 2019 is a holiday, the deadline for candidates to file nomination papers for the Spring Election will be January 2, 2019. Given the deadlines related to nomination paper challenges, this makes it impossible for the Commission to meet the statutory deadline of certifying candidates by the second Tuesday in January. This is an anomaly which occasionally arises due to the way that statutory deadlines may fall on weekends or holidays.

Proposed Motion:

The Elections Commission adopts the attached proposed meeting schedule for the 2019 calendar year and January 2020.

Wisconsin Elections Commission Proposed 2019 - 2020 Meeting Dates

Friday, January 11, 2019 (Teleconference)

Tuesday, March 12, 2019

Tuesday, June 11, 2019

Tuesday, September 24, 2019

Tuesday, December 10, 2019

January 14, 2020 (Teleconference)

January 2019

Wednesday, January 2, 2019 – Nomination Paper Filing Deadline for Spring Election

Monday, January 7, 2019 – Deadline for Filing Ballot Access Challenges for Spring Elections

Tuesday, January 8, 2019 – Statutory deadline for certifying candidates for Spring Primary ballot

Thursday, January 10, 2019 – Deadline for Responses to Ballot Access Challenges

**Friday, January 11, 2019 - Proposed Wisconsin Elections Commission
Teleconference Meeting**

February 2019

Tuesday, February 19, 2019 – Spring Primary

March 2019

Tuesday, March 5, 2019 – Deadline for Certifying Spring Primary Results

Tuesday, March 12, 2019 - Proposed Wisconsin Elections Commission Meeting

April 2019

Tuesday, April 2, 2019 – Spring Election

May 2019

Wednesday, May 15, 2019 – Deadline for Certifying Spring Election Results

June 2019

Tuesday, June 11, 2019 - Proposed Wisconsin Elections Commission Meeting

July 2019

August 2019

September 2019

Tuesday, September 24, 2019 – Proposed Wisconsin Elections Commission Meeting

October 2019

November 2019

December 2019

Sunday, December 1, 2019 – First Day to Circulate Nomination Papers for 2020 Spring Election

Tuesday, December 10, 2019 Proposed Wisconsin Elections Commission Meeting

January 2020

Tuesday, January 7, 2020 – Nomination Paper Filing Deadline for Spring Election

Friday, January 10, 2020 – Deadline for Filing Ballot Access Challenges for Spring Elections

Monday, January 13, 2020 – Deadline for Responses to Ballot Access Challenges

Tuesday, January 14, 2020 – Statutory deadline for certifying candidates for Spring Primary ballot

**Tuesday, January 14, 2020 - Proposed Wisconsin Elections Commission
Teleconference Meeting**

WISCONSIN ELECTIONS COMMISSION

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the September 25, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

Prepared and presented by:
Sharrie Hauge
Chief Administrative Officer

SUBJECT: Wisconsin Elections Commission's 2019-21 Biennial Budget

Overview and Process

On September 17, 2018, the agency submitted its 2019-2021 biennial budget request along with its proposal, as required by 2015 Act 201, for how the agency will meet the zero-growth goal for each fiscal year of the 2019-21 biennium, and how to reduce the agency's state operations budget by 5 percent from its fiscal year 2018-19 adjusted base in each fiscal year of the 2019-21 biennium (see Attachment 1).

The State of Wisconsin's budget covers a 2-year period from July 1 of an odd-numbered year through June 30 of the next odd-numbered year. Development of the biennial budget involves a nearly year-long process. In the fall of an even-numbered year, state agencies submit their budget requests to the Department of Administration. Requests are compiled by the State Budget Office for review by the Governor. The Governor then uses those requests to propose a state budget, which is required by law to be delivered to the new legislature on or before the last Tuesday in January, although the legislature can extend the deadline at the Governor's request.

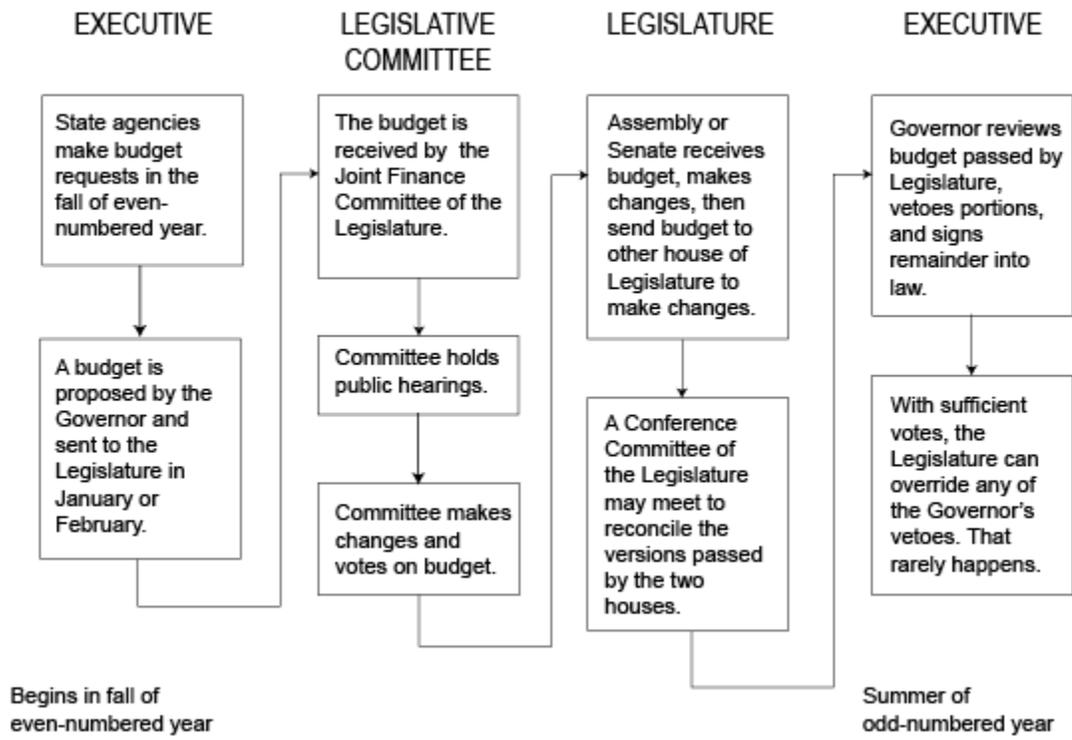
From there, the budget process moves to the legislative process. First, the Joint Committee on Finance conducts a series of hearings around the state to gather information and prepare its version of the budget bill.

Second, the budget process moves to the full Assembly or full Senate. One house takes up the Joint Finance version of the bill and its members propose and debate amendments. Eventually, the full membership of that house votes on the entire bill. Once it passes its version, the bill moves to the other house of the Legislature and the process starts over again. If the two houses pass versions of the bill that are significantly different from each other, a Conference Committee consisting of members from each house is appointed to iron out the differences.

After the Conference Committee finalizes a compromise version of the bill, it returns to both houses for approval. The budget bill is sent to the Governor upon approval of both houses. The Governor has the authority to make line-item vetoes, change dollar values, or delete language. The Legislature may override any veto by the Governor but may only do so with a two-thirds vote of both houses.

To meet the state's budgetary cycle, the budget must be signed and effective by July 1 of the odd-numbered year. If the budget is late, revenues and expenditures are carried over at the level from the previous budget until the new budget is signed.

The Budget Process in Wisconsin



WISCONSIN BUDGET PROJECT

Wisconsin Elections Commission Budget Proposal

The Wisconsin Elections Commission proposed budget consists of the adjusted base funding level from FY18, standard budget adjustments and three decision items (see chart below).

| Decision Item | 1st Year Total | 2nd Year Total | 1st Year FTE | 2nd Year FTE |
|--|-----------------------|-----------------------|---------------------|---------------------|
| 2000 Adjusted Base Funding Level | \$5,343,500 | \$5,343,500 | 31.75 | 31.75 |
| 3003 Full Funding of Continuing Position Salaries and Fringe Benefits | \$1,200 | \$1,200 | 0.00 | 0.00 |
| 3005 Reclassifications and Semiautomatic Pay Progression | \$134,700 | \$157,900 | 0.00 | 0.00 |
| 3010 Full Funding of Lease and Directed Moves Costs | (\$33,900) | (\$28,200) | 0.00 | 0.00 |
| 4000 Decrease in Spending Authority for Appr 121 | (\$700) | (\$700) | 0.00 | 0.00 |
| 4001 Funding for the Electronic Registration Information Center (ERIC) | \$278,200 | \$174,400 | 0.00 | 0.00 |
| 4002 Funding for Four-Year Voter List Maintenance Mailing | \$0 | \$45,000 | 0.00 | 0.00 |
| TOTAL | \$5,723,000 | \$5,693,100 | 31.75 | 31.75 |

While the Agency's Biennial Budget Summary (Attachment 2) indicates a 11.3% increase in General Purpose Revenue (GPR) from the base-year doubled, when considering the entire agency's funding revenues, it indicates an 6.8% increase overall. The GPR increase reflects the need to fund the Electronic Registration Information Center decision item and the funding of the Four-Year Voter list maintenance mailing.

Elections Commission

1921 Biennial Budget

| | | ANNUAL SUMMARY | | | | | BIENNIAL SUMMARY | | | | |
|--------------------|---|------------------|---------------|----------------|----------------|--------------|------------------|-------------------------|------------------|-------------------|-------------------|
| Source of Funds | | Prior Year Total | Adjusted Base | 1st Year Total | 2nd Year Total | 1st Year FTE | 2nd Year FTE | Base Year Doubled (BYD) | Biennial Request | Change From (BYD) | Change From BYD % |
| GPR | S | \$1,318,586 | \$4,291,700 | \$4,803,100 | \$4,750,000 | 25.75 | 25.75 | \$8,583,400 | \$9,553,100 | \$969,700 | 11.3% |
| Total | | \$1,318,586 | \$4,291,700 | \$4,803,100 | \$4,750,000 | 25.75 | 25.75 | \$8,583,400 | \$9,553,100 | \$969,700 | 11.3% |
| PR | S | \$781 | \$1,700 | \$1,000 | \$1,000 | 0.00 | 0.00 | \$3,400 | \$2,000 | (\$1,400) | -41.2% |
| Total | | \$781 | \$1,700 | \$1,000 | \$1,000 | 0.00 | 0.00 | \$3,400 | \$2,000 | (\$1,400) | -41.2% |
| PR Federal | S | \$117,865 | \$0 | \$0 | \$0 | 0.00 | 0.00 | \$0 | \$0 | \$0 | |
| Total | | \$117,865 | \$0 | \$0 | \$0 | 0.00 | 0.00 | \$0 | \$0 | \$0 | |
| SEG | S | \$0 | \$100 | \$100 | \$100 | 0.00 | 0.00 | \$200 | \$200 | \$0 | 0.0% |
| Total | | \$0 | \$100 | \$100 | \$100 | 0.00 | 0.00 | \$200 | \$200 | \$0 | 0.0% |
| SEG Federal | S | \$2,316,892 | \$1,050,000 | \$918,800 | \$942,000 | 6.00 | 6.00 | \$2,100,000 | \$1,860,800 | (\$239,200) | -11.4% |
| Total | | \$2,316,892 | \$1,050,000 | \$918,800 | \$942,000 | 6.00 | 6.00 | \$2,100,000 | \$1,860,800 | (\$239,200) | -11.4% |
| Grand Total | | \$3,754,124 | \$5,343,500 | \$5,723,000 | \$5,693,100 | 31.75 | 31.75 | \$10,687,000 | \$11,416,100 | \$729,100 | 6.8% |

ACT 201

Proposal under s. 16.42(4)(b)2.: 0% change in each fiscal year

FY: **FY20**
 Agency: ELEC - 510

Exclusions: Federal
 Debt Service

Columns A-G were prepopulated for agencies to reflect state operations adjusted base and reductions agreed to by DOA and LFB. See Appendix H for instructions on how to complete these templates.

Proposed \$ and Proposed FTE columns reflect total agency proposed spending and positions for indicated fiscal year. These amounts should include standard budget adjustments (SBAs), any proposed reallocations or reductions to meet the target, and any other requests that the agency would want considered under this proposal.

Appropriations with zero dollars and zero FTEs are not loaded into the template. If you have any questions, contact your SBO analyst.

IF YOUR AGENCY PLANS TO TAKE THE SAME CUTS OVER BOTH YEARS, YOU SHOULD ONLY FILL OUT ONE GRID FOR 0% GROWTH AND ONE GRID FOR 5% REDUCTION, THEN CHANGE FY20 TO FY20 AND 21.

| Agency | Appropriation | | Fund Source | Adjusted Base | | (See Note 1) | Proposed Budget 2019-20 | | | Change from Adj Base | | (See Note 2) | | Change from Adjusted Base after Removal of SBAs | |
|---------------|---------------|---------|-------------|------------------|--------------|------------------|-------------------------|--------------|-----------|----------------------|-------------|------------------|-------------|---|-------------|
| | Alpha | Numeric | | \$ | FTE | 0% Change Target | Proposed \$ | Proposed FTE | Item Ref. | \$ | FTE | \$ | FTE | \$ | FTE |
| 510 | 1a | 101 | GPR | 4,184,100 | 25.75 | 0 | 4,513,300 | 25.75 | | 329,200 | 0.00 | (233,200) | 0.00 | 96,000 | 0.00 |
| 510 | 1be | 105 | GPR | 25,000 | 0 | 0 | 0 | 0.00 | 1 | (25,000) | 0.00 | 0 | 0.00 | (25,000) | 0.00 |
| 510 | 1c | 109 | GPR | 82,600 | 0 | 0 | 12,300 | 0.00 | 2 | (70,300) | 0.00 | 0 | 0.00 | (70,300) | 0.00 |
| 510 | 1h | 121 | PR | 1,700 | 0 | 0 | 1,000 | 0.00 | 3 | (700) | 0.00 | 0 | 0.00 | (700) | 0.00 |
| 510 | 1t | 160 | SEG | 100 | 0 | 0 | 100 | 0.00 | | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Totals | | | | 4,293,500 | 25.75 | 0 | 4,526,700 | 25.75 | | 233,200 | 0.00 | (233,200) | 0.00 | 0 | 0.00 |

Note 1: Reduction target must be met within state operations appropriations, but may be allocated across those appropriations and fund sources.
 Note 2: Amounts should be SBAs (DINs 3001 - 3011) from agency request multiplied by -1.

Target Reduction = 0
 Difference = 0
 Should equal \$0

Items - Describe proposed changes (excl. SBAs) to reach target or other priorities of agency

- 1 As outlined in the agency cover memo, the WEC identified elimination of this appropriation as a part of the 0% growth, although this would negatively affect the agency's program responsibilities
- 2 As outlined in the agency cover memo, the WEC identified a reduction of this appropriation as a part of the 0% growth, although this would negatively affect the agency's program responsibilities
- 3 Decrease appn 121 exp authority by \$700 bring exp authority in line with available revenues

ACT 201

Proposal under s. 16.42(4)(b)1.: 5% change in each fiscal year

FY: **FY20**
 Agency: **ELEC - 510**

Exclusions: Federal
 Debt Service

Columns A-G were prepopulated for agencies to reflect state operations adjusted base and reductions agreed to by DOA and LFB. See Appendix H for instructions on how to complete these templates.

Proposed \$ and Proposed FTE columns reflect total agency proposed spending and positions for indicated fiscal year. These amounts should include standard budget adjustments (SBAs), any proposed reallocations or reductions to meet the target, and any other requests that the agency would want considered under this proposal.

Appropriations with zero dollars and zero FTEs are not loaded into the template. If you have any questions, contact your SBO analyst.

IF YOUR AGENCY PLANS TO TAKE THE SAME CUTS OVER BOTH YEARS, YOU SHOULD ONLY FILL OUT ONE GRID FOR 0% GROWTH AND ONE GRID FOR 5% REDUCTION, THEN CHANGE FY20 TO FY20 AND 21.

| Agency | Appropriation | | Fund Source | Adjusted Base | | (See Note 1) | Proposed Budget 2019-20 | | | Change from Adj Base | | (See Note 2) | | Change from Adjusted Base after Removal of SBAs | |
|---------------|---------------|---------|-------------|------------------|--------------|---------------------|-------------------------|--------------|-----------|----------------------|-------------|------------------|-------------|---|-------------|
| | Alpha | Numeric | | \$ | FTE | 5% Reduction Target | Proposed \$ | Proposed FTE | Item Ref. | \$ | FTE | \$ | FTE | \$ | FTE |
| 510 | 1a | 101 | GPR | 4,184,100 | 25.75 | (209,200) | 4,311,000 | 25.75 | 1 | 126,900 | 0.00 | (233,200) | 0.00 | (106,300) | 0.00 |
| 510 | 1be | 105 | GPR | 25,000 | 0 | (1,300) | 0 | 0.00 | 2 | (25,000) | 0.00 | 0 | 0.00 | (25,000) | 0.00 |
| 510 | 1c | 109 | GPR | 82,600 | 0 | (4,100) | 0 | 0.00 | 3 | (82,600) | 0.00 | 0 | 0.00 | (82,600) | 0.00 |
| 510 | 1h | 121 | PR | 1,700 | 0 | (100) | 1,000 | 0.00 | 4 | (700) | 0.00 | 0 | 0.00 | (700) | 0.00 |
| 510 | 1t | 160 | SEG | 100 | 0 | 0 | 0 | 0.00 | | (100) | 0.00 | 0 | 0.00 | (100) | 0.00 |
| Totals | | | | 4,293,500 | 25.75 | (214,700) | 4,312,000 | 25.75 | | 18,500 | 0.00 | (233,200) | 0.00 | (214,700) | 0.00 |

Note 1: Reduction target must be met within state operations appropriations, but may be allocated across those appropriations and fund sources.
 Note 2: Amounts should be SBAs (DINs 3001 - 3011) from agency request multiplied by -1.

Target Reduction = (214,700)
 Difference = 0
 Should equal \$0

Items - Describe proposed changes (excl. SBAs) to reach target or other priorities of agency

- 1 The agency will need to reduce programmatic expenditures as part of the 5% reduction
- 2 As outlined in the agency cover memo, the WEC identified elimination of this appropriation as a part of the 5% reduction, although this would negatively affect the agency's program responsibilities
- 3 As outlined in the agency cover memo, the WEC identified elimination of this appropriation as a part of the 5% reduction, although this would negatively affect the agency's program responsibilities
- 4 Decrease appn 121 exp authority by \$700 bring exp authority in line with available revenues

ACT 201

Proposal under s. 16.42(4)(b)2.: 0% change in each fiscal year

FY: **FY21**

Agency: **ELEC - 510**

IF YOUR AGENCY PLANS TO TAKE THE SAME CUTS OVER BOTH YEARS, YOU SHOULD ONLY FILL OUT ONE GRID FOR 0% GROWTH AND ONE GRID FOR 5% REDUCTION, THEN CHANGE FY20 TO FY20 AND 21.

| Agency | Appropriation Alpha | Numeric | Fund Source | (See Note 1) | | | Proposed Budget 2020-21 | | | Change from Adj Base | | (See Note 2) | | Change from Adjusted Base after Removal of SBAs | |
|---------------|------------------------|---------|----------------|---------------------|--------------|---------------------|-------------------------|--------------|--------------|----------------------|-------------|-------------------|-------------|--|-------------|
| | | | | Adjusted Base \$ | FTE | 0% Change Target | Proposed \$ | Proposed FTE | Item Ref. | \$ | FTE | Remove SBAs \$ | FTE | \$ | FTE |
| 510 | 1a | 101 | GPR | 4,184,100 | 25.75 | 0 | 4,460,100 | 25.75 | | 276,000 | 0.00 | (238,900) | 0.00 | 37,100 | 0.00 |
| 510 | 1be | 105 | GPR | 25,000 | 0 | 0 | 5,000 | 0.00 | 1 | (20,000) | 0.00 | 0 | 0.00 | (20,000) | 0.00 |
| 510 | 1c | 109 | GPR | 82,600 | 0 | 0 | 66,200 | 0.00 | 2 | (16,400) | 0.00 | 0 | 0.00 | (16,400) | 0.00 |
| 510 | 1h | 121 | PR | 1,700 | 0 | 0 | 1,000 | 0.00 | 3 | (700) | 0.00 | 0 | 0.00 | (700) | 0.00 |
| 510 | 1t | 160 | SEG | 100 | 0 | 0 | 100 | 0.00 | | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Totals | | | | 4,293,500 | 25.75 | 0 | 4,532,400 | 25.75 | | 238,900 | 0.00 | (238,900) | 0.00 | 0 | 0.00 |

Note 1: Reduction target must be met within state operations appropriations, but may be allocated across those appropriations and fund sources.

Note 2: Amounts should be SBAs (DINs 3001 - 3011) from agency request multiplied by -1.

Target Reduction = 0

Difference = **0**
Should equal \$0

Items - Describe proposed changes (excl. SBAs) to reach target or other priorities of agency

- 1 As outlined in the agency cover memo, the WEC identified a reduction in this appropriation as a part of the 0% growth, although this would negatively affect the agency's program responsibilities
- 2 As outlined in the agency cover memo, the WEC identified a reduction of this appropriation as a part of the 0% growth, although this would negatively affect the agency's program responsibilities
- 3 Decrease appn 121 exp authority by \$700 bring exp authority in line with available revenues

ACT 201

Proposal under s. 16.42(4)(b)1.: 5% change in each fiscal year

FY: **FY21**

Agency: **ELEC - 510**

IF YOUR AGENCY PLANS TO TAKE THE SAME CUTS OVER BOTH YEARS, YOU SHOULD ONLY FILL OUT ONE GRID FOR 0% GROWTH AND ONE GRID FOR 5% REDUCTION, THEN CHANGE FY20 TO FY20 AND 21.

| Agency | Appropriation Alpha | Numeric | Fund Source | Adjusted Base | | (See Note 1) | Proposed Budget 2020-21 | | Item Ref. | Change from Adj Base | | (See Note 2) | | Change from Adjusted Base after Removal of SBAs | |
|---------------|------------------------|---------|----------------|------------------|--------------|------------------------|-------------------------|--------------|--------------|----------------------|-------------|-------------------|-------------|--|-------------|
| | | | | \$ | FTE | 5% Reduction Target | Proposed \$ | Proposed FTE | | \$ | FTE | Remove SBAs \$ | FTE | \$ | FTE |
| 510 | 1a | 101 | GPR | 4,184,100 | 25.75 | (209,200) | 4,316,700 | 25.75 | 1 | 132,600 | 0.00 | (238,900) | 0.00 | (106,300) | 0.00 |
| 510 | 1be | 105 | GPR | 25,000 | 0 | (1,300) | 0 | 0.00 | 2 | (25,000) | 0.00 | 0 | 0.00 | (25,000) | 0.00 |
| 510 | 1c | 109 | GPR | 82,600 | 0 | (4,100) | 0 | 0.00 | 3 | (82,600) | 0.00 | 0 | 0.00 | (82,600) | 0.00 |
| 510 | 1h | 121 | PR | 1,700 | 0 | (100) | 1,000 | 0.00 | 4 | (700) | 0.00 | 0 | 0.00 | (700) | 0.00 |
| 510 | 1t | 160 | SEG | 100 | 0 | 0 | 0 | 0.00 | | (100) | 0.00 | 0 | 0.00 | (100) | 0.00 |
| Totals | | | | 4,293,500 | 25.75 | (214,700) | 4,317,700 | 25.75 | | 24,200 | 0.00 | (238,900) | 0.00 | (214,700) | 0.00 |

Note 1: Reduction target must be met within state operations appropriations, but may be allocated across those appropriations and fund sources.

Note 2: Amounts should be SBAs (DINs 3001 - 3011) from agency request multiplied by -1.

Target Reduction = (214,700)

Difference = **0**
Should equal \$0

Items - Describe proposed changes (excl. SBAs) to reach target or other priorities of agency

- 1 The agency will need to reduce programmatic expenditures as part of the 5% reduction
- 2 As outlined in the agency cover memo, the WEC identified elimination of this appropriation as a part of the 5% reduction, although this would negatively affect the agency's program responsibilities
- 3 As outlined in the agency cover memo, the WEC identified elimination of this appropriation as a part of the 5% reduction, although this would negatively affect the agency's program responsibilities
- 4 Decrease appn 121 exp authority by \$700 bring exp authority in line with available revenues

WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
ELECTIONS@WI.GOV
ELECTIONS.WI.GOV



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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the September 25, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

Prepared by Elections Commission Staff

SUBJECT: Commission Staff Update

Since the last Elections Commission Update (May 24, 2018), staff of the Commission has focused on the following tasks:

1. General Activities of Election Administration Staff

Partisan Special Elections

On March 29, 2018 Governor Walker ordered that special elections be held on June 12, 2018 in the offices of State Senator, District 1 and Representative to the Assembly, District 42. The primaries were scheduled for May 15, 2018. The nomination paper deadline was April 17, 2018. Four Republican, 1 Democrat and 2 independent candidates qualified for the ballot in the Assembly District 42. In Senate District 1, 2 Republican candidates and 1 Democrat qualified for the ballot. Commissioner Jensen signed the canvasses of the primaries on May 26th, 2018 and the canvasses of the elections on June 26, 2018.

August 14, 2018 Partisan Primary

The Partisan Primary was conducted on August 14, 2018. The deadline for county clerks to submit county canvasses electronically to the WEC was Friday, August 24, 2018. Staff began receiving county canvasses electronically on August 17, 2018. Eight canvasses were received after the deadline. The last canvass was received on August 29, 2018. The Partisan Primary was the first election at which the WisVote Election Results Module was used to report federal and state office election results to the WEC. A few clerks reported that the procedures for canvass submission were unclear and they thought electronic canvass transmission was no longer required. A more detailed account regarding the new canvass module follows this memorandum. The state canvass of the primary was certified by Commissioner Jensen on August 31, 2018.

2018 General Election

The nomination paper filing deadline for the 2018 General Election for state constitutional, congressional, legislative and county partisan offices was 5:00 pm on Friday, June 1, 2018. The first day to circulate nomination papers was Sunday, April 15, 2018, and the first set of papers was filed on April 18th. 391 candidates applied to run in the election and 315 candidates filed nomination papers with the Wisconsin Elections Commission. Two incumbents registered for the election, but later filed notifications of noncandidacy. 296 candidates participated in the Partisan Primary. 238 candidates are slated for the General Election, 11 of which are independent candidates.

Recall Election

A petition to recall the Trempealeau County District Attorney, Taavi McMahon, was filed with the Wisconsin Elections Commission on July 23, 2018. A minimum of 2,683 signatures of qualified electors of Trempealeau County were required for the Commission to find the petition sufficient and order a recall election. §9.10(3)(b). On August 22, 2018, the Commission found the petition to be sufficient and ordered a recall election for November 6, 2018.

Mr. McMahon did not resign by September 1, 2018 and is therefore a candidate at the recall election without nomination. Two other candidates qualified for the ballot; a Republican and a Democrat. The Commission certified the candidates for the ballot on September 11, 2018. Mr. McMahon is running as a Democrat which triggers a primary for the Democratic Party candidates. The recall primary will be conducted October 2, 2018. The winner of the primary will join the Republican candidate on the recall election ballot on November 6, 2018.

Website Review Project

Staff continues to review the Wisconsin Elections Commission website to provide timely and necessary updates in preparation for the upcoming 2018 elections. The goal of the project is to ensure that the website contains the most up-to-date information for quick reference by the election officials and electors of Wisconsin. Recent updates to the website include but are not limited to guidance relating to faxing and emailing ballots, military and overseas voters, the Recount Manual, and the EL-121 Application for Absentee Ballot.

2. Badger Voters

The new version of Badger Voters has been available since November 2017. Staff has reported a significant reduction in time spent maintaining the system, as well in time spent assisting users of the site. In particular, the new system has required significantly less developer time to maintain, which represents substantial cost savings.

The following statistics summarize voter data requests as of September 17, 2018.

| Fiscal Year | Total Number of Requests | Requested Files Purchased | Percentage of Requests Purchased | Total Revenue |
|-----------------------|---------------------------------|----------------------------------|---|----------------------|
| FY2019 to Date | 121 | 85 | 70.2% | \$46,915.00 |
| FY2018 | 706 | 517 | 73.2% | \$182,341.00 |
| FY2017 | 643 | 368 | 57% | \$234,537.35 |
| FY2016 | 789 | 435 | 55% | \$235,820.00 |
| FY2015 | 679 | 418 | 61.56% | \$242,801.25 |
| FY2014 | 371 | 249 | 67.12% | \$125,921.25 |
| FY2013 | 356 | 259 | 72.75% | \$254,840.00 |
| FY2012 | 428 | 354 | 78.04% | \$127,835.00 |

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

Commission staff continues to monitor municipal and county clerk compliance with reporting requirements following the 2018 Spring Primary, Spring Election, Senate District 1 and Assembly District 42 Special Partisan Primary and Special Elections, as well as the 2018 Partisan Primary.

Pursuant to Statutes, the EL-190NF Election Administration and Voting Statistics Report for the 2018 Spring Election was due to be entered into the Wisconsin Elections Data Collections System by May 3, 2018. As of September 12, 2018, one municipality has not yet entered their reports.

The Election Day Registration (EDR) Postcard Statistics initial report for the 2018 Spring Primary had a statutory deadline to be posted to the Elections Commission website by May 21, 2018, for the 2018 Spring Election by July 2, 2018, for the Special Partisan Primary for Senate District 1 and Assembly District 42 by August 13, 2018 and for the Special Election for Senate District 1 and Assembly District 42 by September 10, 2018. By statute this report is to be updated monthly until there is a full accounting of all EDR postcards. As of September 12, 2018, there are 29 municipalities outstanding for the Spring Primary, 16 outstanding for the Spring Election, 1 outstanding for the Special Partisan Primary for Senate District 1, and 10 outstanding for Special Election for Senate District 1. There are no outstanding reports for either the Assembly District 42 Special Partisan Primary or Assembly District 42 Special Election.

The WEDCS modernization project is almost complete. The Election Day Registration (EDR) Postcard Statistics reporting was successfully launched into WisVote in May and is in use for all

currently outstanding elections. The EL-190NF and EL-190F Election Administration and Voting Statistics Reporting are being replaced with a two-step process for the clerks to complete in WisVote, which includes the Inspectors' Statements and the Election Reconciliation process. From this process, we will be pulling reports providing similar information to what we previously obtained from clerks through the former EL-190NF and EL-190F forms. The first election which will be using this process is the recently completed 2018 Partisan Primary. Due to technical issues, the new Election Reconciliation was not available until September 12, 2018. More than 900 municipalities have completed the reconciliation process since Commission staff notified all clerks Election Reconciliation was now available. WEDCS will remain active while we wait for the one outstanding municipality to complete its report for the 2018 Spring Election EL-190NF.

4. Education/Training/Outreach/Technical Assistance

Following this memorandum as Attachment 1 is a summary of information regarding initial certification and focused election administration training recently conducted by WEC staff. Following the August Partisan Primary, the training team and elections specialists are continuing to focus on providing information related to elections security and contingency planning, the photo identification requirement, process changes due to the *One Wisconsin Institute* court decision, and continuing education for clerks and local election officials. Staff developed new election administration and WisVote webinar training series, which started in late July. Staff is currently reviewing ballot proofs and attending to tasks and support related to the November General Election.

Commission staff completed development of a series of mini-webinars designed to provide WisVote users with a basic and standard level of IT security training. The webinars were posted to the Elections Commission Learning Center on July 23, 2018.

Commission staff created webinars for Browser Safety, Computer Security, Password Security, and Phishing. A separate webinar was completed to detail the new WisVote Access Policy. These six webinars complete the new **Securing WisVote** training module new WisVote users are required to complete prior to receiving a WisVote user ID and password. Existing WisVote users are required to complete the **Securing WisVote** series no later than November 6, 2018. Commission staff will continue to review WisVote security needs and will add additional security topics as needed. Additional information regarding election security training resources for clerks is included in the staff memorandum regarding election security in the Commission meeting materials.

5. Badger Book

Following the pilot in 5 polling places during the April Spring Election, 8 municipalities purchased and used the Badger Books in the Partisan Primary in 15 polling places and 1 absentee central count location. No additional municipalities will use the Badger Books for the 2018 General Election.

Leading up to the primary, staff completed the development and testing of minor user interface changes identified through feedback. This second iteration continued to be able to check in voters, process absentee ballots, register new voters, look up ERIC voters, and generate necessary reports. Additionally, new WisVote features were added so that clerks could independently load the Badger

Books with their specific election data. Two issues relating to voter addresses were identified on Election Day and will be resolved before the November Election.

Clerks provided training to poll workers for the Badger Book during the two weeks immediately before the primary. Clerks reported voters moving through the lines more quickly and are pleased with the poll worker reception. One WEC staff member was available for issue resolution on Election Day in addition to calls that came through the Help Desk.

Staff completed the import of the election data from the Badger Books on September 12. Next, staff will continue to develop, test, and deploy WisVote features that will enable clerks to manage their election data from start to finish, with support from WEC staff. Staff will also continue to refine the process for clerks to purchase Badger Book hardware and develop training materials for clerks to use to support their Badger Book implementation. Badger Books will next be available for purchase in November 2018.

6. Voting Equipment

To ensure that the public has access to the most up to date information related to voting equipment usage in Wisconsin, Commission staff has worked closely with representatives from Dominion Voting Systems, Clear Ballot Group, ES&S, and Command Central to revise and update an exhaustive list of voting equipment used in the state. This list provides details on which type of ballot tabulator, if any, and accessible voting equipment is utilized by each municipality throughout Wisconsin. Voting equipment information has been posted to the WEC website and is readily available to the public.

Staff also worked with the Sheboygan County Clerk to oversee the implementation of voting equipment from Clear Ballot Group in the Partisan Primary on August 14, 2018. Clear Ballot gained approval for their ClearVote 1.4 system from the Commission on December 12, 2017 pending federal certification. The Partisan Primary was the initial use of ClearVote 1.4 in Wisconsin.

Additionally, Commission staff received two electronic change orders (ECOs) approval request. The ECO approvals were requested by ES&S. The ECO applications requested the approval of voting equipment changes to be considered as *de minimis*. ES&S requested *de minimis* change approvals for a security component software patch in the firewall that secures transmission of unofficial election night results from the tabulator to the county clerk's office. After comprehensive staff review and consultation with Administrator Wolfe and the Commission Chair, the ECO requests were deemed to represent *de minimis* changes and approved in July 2018.

7. WisVote

WisVote staff developed, tested and deployed 2 new versions of WisVote since May 2018. WisVote 2018 Sprint 2 was installed on June 21, 2018. 2018 Sprint 2 addressed WisVote issues related to addressing and voter registration alerts that had been identified by clerks. 2018 Sprint 3 was installed on July 24, 2018. 2018 Sprint 3 created the new WisVote Inspector Statement and Election Reconciliation modules, part of the WEDCS Modernization project. WisVote training staff conducted

a webinar on WEDCS modernization on August 21, 2018. The next WisVote update, 2019 Sprint 1, is scheduled for January 31, 2019.

A WisVote outage occurred on Wednesday August 15, 2018, the day after the 2018 Partisan Primary. WEC staff and clerks found themselves unable to access WisVote due to a problem with expiration of some of the server certificates used to authenticate the system. The system itself was working, but we were locked out and needed to contact Microsoft to reauthorize the certificates and regain access, which took the better part of the day on Wednesday August 15, 2018.

A special recall Primary for Trempealeau County District Attorney will be held on October 10, 2018. WisVote staff has been working with Trempealeau County and its municipalities to make sure that they have completed the necessary steps in WisVote, including polling places and reporting units set-up, checkpoints marked, absentee applications and ballots processed, and data quality updated and corrected.

WisVote staff also continues to implement new and updated district maps that reflect an effort to more accurately display parcel and school district lines, as well as include newer annexations that have occurred throughout the state. These updates will continue to be deployed before every election to keep districts up to date and ensure voters are districted correctly. The most recent update was made on August 8, 2018 to prepare the system to generate polling places and ballot styles based on the most recent boundary changes in anticipation of the August primary and November elections.

8. Canvass Reporting System

An update on the Canvass Reporting system is provided as a separate report following this memorandum.

9. Voter Felon Audit

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

Staff has run several Voter Felon Audits since the last commission update in May 2018:

- The Voter Felon Audit for the April 3, 2018 Spring Election began on July 2, 2018. The comparison identified eight potential matches. After the matches underwent review by DOC, five were closed because the individuals had already been discharged from their felony sentences prior to the date of the election or they had not been convicted of a felony. One

more match was closed after the clerk identified a qualified voter signed on the wrong line on the poll book and that the disqualified individual did not participate in the election. The remaining two potential matches were sent to the county district attorney offices on July 18, 2018.

- The Voter Felon Audit for the May 15, 2018 Special Partisan Primary State Senate District 1 Election was completed on July 11, 2018 and no potential matches were identified.
- The Voter Felon Audit for the May 15, 2018 Special Partisan Primary State Assembly District 42 Election was completed on July 11, 2018 and no potential matches were identified.
- The Voter Felon Audit for the June 12, 2018 Special Partisan State Senate District 1 Election was completed on July 11, 2018 and no potential matches were identified.
- The Voter Felon Audit for the June 12, 2018 Special Partisan State Assembly District 42 Election was completed on July 11, 2018 and no potential matches were identified.
- The Voter Felon Audit for the 2018 Partisan Primary Election has not been run yet, as not all of the voter participation data entry is complete.

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

10. Legal Update

Commission staff has been monitoring a circuit court case in St. Croix County that involved a recount for County Supervisor District 13. On September 4, 2018, the circuit court issued its decision and order. The circuit court set aside the original results of the election, remanded the matter back to the St. Croix County Board of Canvassers to conduct a recount of the ballots separately by ward (those that make up District 13), and specifically ordered the board to disregard one of the ballots identified as being voted by an individual that did not reside in District 13. As the Commission may recall, this case was discussed previously in the context of updates to the Commission Recount Manual, and how to advise clerks about court cases that may affect advice provided by Commission staff when fact-specific scenarios and questions arise during a recount, especially when a drawdown is contemplated.

Commission staff intends to review this decision and determine if any additional updates or clarifying language should be added to the manual. Commission staff has discussed the decision with the St. Croix County Clerk and will be available to assist her and the board of canvassers when the recount is conducted again per the Court's order.

11. Complaints

Elections Administration staff and Staff Counsel have continued to process and resolve formal complaints related to the actions of local election officials, as well as informal inquiries submitted by voters and the public. For a complaint against a local election official to be processed in accordance with Wis. Stat. 5.06, an elector of a jurisdiction must file a written sworn complaint. A status report regarding those formal complaints received in 2018 will be included in the Commission Members' meeting folders. In addition, staff frequently handles informal complaints and inquiries submitted through telephone calls or through the agency's website, which are typically resolved promptly through a phone call or email with the complainant and local election officials if necessary. So far in 2018, 107 informal complaints and comments have been submitted through the agency website. This compares with 59 informal complaints and comments received through the agency website in 2017, which is not surprising given that there were only two regularly scheduled elections in 2017 and there will be four in 2018.

12. Communications Report

Between May 1, 2018 and September 14, 2018, the Public Information Officer (PIO) engaged in the following communications activities in furtherance of the Commission's mission:

Media: The PIO logged 530 media and general public phone calls and more than 400 media email contacts. This period includes numerous stories about election security, the June 1 nomination paper deadline and the Partisan Primary. These events have generated strong media interest in the Commission, and the PIO arranged numerous interviews for the administrator, or gave interviews when she was not available.

The PIO prepared nine news releases on a variety of subjects including cyber security funding, overseas voting and the Partisan Primary.

Online: The agency's longtime Wisconsin-based webhost, Cruiskeen Consulting, is going out of business in early 2019 due to the retirement of its owner, accelerating agency plans to move three agency websites to Linux servers hosted by the Division of Enterprise Technology. They are the main agency website, the Bring It to the Ballot voter ID microsite, and the Election Training website. The first Linux server was set up in early September and staff is currently testing it. When it is ready, we will start with the Bring It website, which has been updated to the latest version of the Drupal content management system and is ready to go. The PIO and staff are slowly working on upgrading the main agency website due to other agency priorities.

Public Records: The Commission received eight formal public records requests between May 1, 2018 and September 15, 2018.

Records Management: Work on the project to review and either dispose of or archive all paper records stored in the basement continues at a slow pace due to other agency priorities. The PIO has been attending meetings with other state records management officers, and in early October will participate in training for the state's OnBase records management system, which the agency is

considering using for managing public records requests and other processes involving the intake of documents that need to be reviewed and made available for public inspection, such as petitions.

13. Financial Services Activity

- Staff worked on the HAVA reconciliation to verify the remaining HAVA balance. As of August 31, 2018, our remaining balance is 1,556,360.
- As of August 31, 2018, Election Security Grant balance is \$6,979,650. We have met \$14,700 of the required \$348,916 match funds.
- Staff completed FY2018 year-end processes and all necessary adjustments.
- Staff successfully rolled forward encumbrances from FY2018 Purchase Orders to FY2019.

14. Procurements

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

- \$59,175 in a Purchase Order was written for hardware for E-Poll books.
- \$7,464 in Purchase Orders were written for temporary staff to assist in election security training and elections administration tasks.
- \$81,600 in a Purchase Order was written for a long-term temporary services Advanced Accountant for work from July 1, 2018 through April 9, 2019.
- \$5,000 in a Purchase Order was written for the maintenance and enhancement of the WEC's Moodle training website and to transition to a new DET hosted website.
- \$424,800 in Purchase Orders were written for IT Contractor Services for three full time IT contractors in FY2019.
- \$149,600 in a Purchase Order was written for IT Contractor Services for one full time IT contractor in FY2019 for Elections Security.

All referenced purchases were made utilizing mandatory state contracts and in accordance with state procurement policies.

15. Meetings and Presentations

WEC staff attended the following meetings:

- On July 3, WEC staff including Tony Bridges and Meagan Wolfe attended a meeting with state election partners at the Wisconsin State Intelligence Center (WSIC).
- On July 5-7, WEC staff including Bill Wirkus and Meagan Wolfe attended a demonstration of the Risk Limiting Audit in Denver, Colorado. Details of the event are outlined in the post-election audit memo presented at the September 25 Commission meeting.
- From July 13 through 18, Administrator Wolfe attended the meeting of the National Association of State Election Directors and the meeting of the Election Registration Information Center (ERIC) in Philadelphia, PA. While at the meeting, Administrator Wolfe presented on the WEC's efforts towards training local election officials on cybersecurity in Wisconsin.
- On July 19, Administrator Wolfe met with Major General Dunbar and members of the state emergency management and fusion center to discuss ongoing efforts to secure Wisconsin Elections.
- On July 26, Administrator Wolfe presented at the Election Sciences, Reform and Administration (ESRA) conference at UW-Madison on Election Day Registration in Wisconsin.
- On August 27 through 30, Administrator Wolfe attended the Election Centers annual meeting, the Council for State Governments Overseas Voting Initiative workgroup, and an elections security briefing with DHS in New Orleans, Louisiana. The meetings focused largely on elections cybersecurity.
- On August 31, WEC staff and DET leadership had a meeting to discuss ongoing support, projects, and priorities.
- From September 5-6, WEC staff including Mike Haas, Michelle Hawley, and Riley Willman attended the election security tabletop exercises hosted by the Colorado Secretary of State's office in Denver Colorado.
- From September 5-7, Administrator Wolfe attended and presented at the Great Lakes Region meeting of the National Council of State Legislators in Indianapolis, Indiana. The meeting focused on elections cyber security.
- On September 5, Assistant Administrator Richard Rydecki presented at the quarterly meeting of the Dane County League of Women Voters on the agency's election security efforts.
- From September 10-11, Assistant Administrator Richard Rydecki attended the National Election Security Summit in St. Louis Missouri.

16. Delegation of Authority

- ECO Number 979. In consultation with the Commission Chair, on June 12, Administrator Wolfe approved the Engineering Change Orders (ECO) for de minimis modifications to the Cisco Adaptive Security Appliance (ASA) that consists of the firewall, anti-virus protection, intrusion prevention and VPN capabilities that protects data transmitted from the DS200 to the Election Management System as submitted by Election Systems & Software, LLC (ES&S). The ECO applied to components of the voting system within the approved system configurations and approval was submitted in time for the change to be applied to equipment in use for the August 14, 2018 Primary.
- ECO Number 999. In consultation with the Commission Chair, on June 12, Administrator Wolfe approved the Engineering Change Order (ECO) for de minimis modifications to the Cisco Adaptive Security Appliance (ASA) that consists of the firewall, anti-virus protection, intrusion prevention and VPN capabilities that protects data transmitted from the DS200 to the Election Management System as submitted by Election Systems & Software, LLC (ES&S). The ECO applied to components of the voting system within the approved system configurations and approval was submitted in time for the change to be applied to equipment in use for the August 14, 2018 Primary.

WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
ELECTIONS@WI.GOV
ELECTIONS.WI.GOV



COMMISSIONERS

DEAN KNUDSON, CHAIR
BEVERLY R. GILL
JULIE M. GLANCEY
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JODI JENSEN
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INTERIM ADMINISTRATOR MEAGAN WOLFE

DATE: For the September 25, 2018 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

SUBJECT: Canvass System Issues in Partisan Primary

Introduction

WEC staff has developed a new Elections Results module within the WisVote system to replace the legacy Canvass Reporting System (CRS), which has been in use since 2010. The new system was used for the first time for the August 14, 2018 Partisan Primary; however, issues that arose after the Partisan Primary have led my staff and me to believe that it is not quite ready for use without additional testing. As a result, I am recommending we return to the time-tested CRS for the November 6, 2018, General Election.

Upon learning of these issues with the new system and the subsequent impact on a county election result set in Milwaukee, I directed staff to investigate the issue to determine the cause of the system error that caused the duplicate result set in Milwaukee County. Staff immediately began investigating the issue once the duplicate result set was identified and determined that the error was caused by a timeout issue in the WEC's system. It was also determined that more robust training materials for county election officials were needed to outline the process for proofing reports created in the WEC's system against the official County Board of Canvass statements. No malice or intentional wrongdoing on the part of county officials was identified during the investigation.

Background

In 2009, Wisconsin received a nearly \$2 million federal grant to build a web-based system to allow county clerks to report official canvass results to the state electronically. Our staff (working for the former Government Accountability Board) developed the system, which launched in September 2010, for that year's Partisan Primary. The primary function of CRS is for counties to transmit certified results for federal and state offices to the state. Counties either hand enter vote counts for candidates or upload vote counts from a file produced from election management software purchased from a voting equipment vendor. Counties have been required to use CRS for transmitting official result for state and federal contests to the WEC. Counties are not required to use the WEC system for reporting unofficial Election Night results, but WEC offers its system to counties who do not have a vendor-based reporting system or an in-house election night reporting system. CRS has served the state well, streamlining the process for reporting and verifying official results in the days and weeks after an election.

WisVote Election Results Module

In 2016, we launched WisVote to replace the old Statewide Voter Registration System (SVRS). WisVote, like SVRS, is a voter registration database and election management system designed specifically for the needs of Wisconsin's municipal and county clerks. It has long been staff's plan to move the functions of CRS under the umbrella of WisVote. In addition to making the Canvass system easier to use and more secure, one of the main benefits is to use real-time data within WisVote, such as numbers of registered voters, to validate election results and identify typographical errors. For example, if a county accidentally entered 4,000 votes instead of 400 for a town with 500 registered voters, the system will identify that entry as problematic. The WisVote Election Results module also has the capacity to record separate result sets for unofficial Election Night Results, Official Results, and for any Recount Results should a recount occur.

Development of the WisVote Election Result Module began in 2017, with a goal of rolling it out for the 2018 Spring Election. We presented a webinar to clerks in January 2018 to introduce them to the idea of a new canvass system within WisVote and to solicit their feedback. Development took longer than expected due to other agency IT priorities, specifically security enhancements to WisVote and development of the Badger Book electronic poll book system. As a result, implementation was rescheduled for the Partisan Primary. Our IT staff tested the new system as we test other new WisVote modules and features prior to introduction; however, we were not able to test in an environment that replicates the heavy system usage rates typically experienced following an election when clerks from around the state are in the system simultaneously entering and uploading data.

Implementation

WisVote training staff developed training materials for the new WisVote Election Results Module over the summer and made them available to clerks in early August. Training staff presented a webinar for clerks on August 2, 2018 that outlined the election results module and provided an explanation of its functionality.

On Election Night for the Partisan Primary, 10 counties used the WisVote Election Results module to report unofficial results and experienced few performance issues. Some municipalities within those 10 counties reported difficulties accessing the system to report their results. Upon learning of this issue, WEC staff granted the municipalities the needed WisVote security permissions to enter their results in the system, which resolved the issue. The clerks using the module on Election Night reported that the system worked well. One county reported that the data quality features in the Election Results module alerted them to a typographical error in the hand-written results sent to them by one of their municipalities.

As further described in the staff update, there was also a WisVote outage the day after the Partisan Primary, which was unrelated to the Election Results module, but which staff and clerks were addressing at the same time as they were operating in the new module. The WisVote outage caused a delay in the creation of a new result set for official results. Any results entered on Election Night are copied into the Official Results Set and the Election Night Results are locked from editing. The Official Results Set is used by the Commission for certification of federal and state contests and by counties for certifying results by the County Board of Canvass.

Capacity Issues Created Duplicate Result Sets

On Thursday, August 16, 2018, a high volume of users in the WisVote system and the increased memory and storage requirements for the Election Results module resulted in poor system performance. As soon as clerks reported delays, Commission staff worked with the Division of Enterprise Technology (DET) to quickly increase the capacity of the WEC servers and relieve the performance issues. Because of its impact on WisVote performance, the creation of the Official Election Results Set was completed on Friday August 18, 2018, and counties could then complete their submission of certified results to the WEC.

Despite the addition of server capacity, the Election Results module continued to experience performance issues during the remainder of the county certification period. Some clerks reported that the system became unresponsive or that they received time out error messages while saving and verifying vote totals and during the results file upload process. Part of the problem was the large size of the files being uploaded because they contained results for each office for five ballot status parties: Republican, Democratic, Wisconsin Green, Libertarian and Constitution.

What staff did not initially realize was that during the upload process, if a county attempted to resubmit its results, the system accepted duplicate records. It is a situation similar to an online shopping cart which does not respond quickly so the user clicks the “buy” button more than once, which results in multiple orders.

Because of the uploading timeouts, nine of the 72 counties experienced issues with duplicates in their results: Ashland, Dunn, Florence, Iron, Milwaukee, Oneida, Outagamie, Sheboygan, and Washington. All counties except Milwaukee caught the duplicates problem after printing their results reports and some notified WEC of the problem, which staff quickly corrected so the counties could print corrected reports required for certification.

Milwaukee County Issues

Milwaukee County was initially unable to print its state and federal report for certification because of the large size of the report and capacity issues with our system; however, the county’s staff was able to print the smaller report for county-level results from the system for certification. This report was printed before the WEC staff was able to fix the duplicate results problem. WEC staff was not aware that Milwaukee County had printed those county-level results. Milwaukee County staff did not identify the errors contained on its county-level report before submitting it to the Milwaukee County Election Commission for certification. Milwaukee printed its state and federal reports for certification after WEC staff fixed the duplicate results problem, so there were no errors in those results.

After certifying its results for county races including Sheriff, Milwaukee County posted them to its website, where a member of the public noticed that Sheriff results were double those published on Election Night. After Milwaukee County was notified of the county results error on Tuesday, August 28, WEC staff advised Milwaukee County to take down the incorrect results and have its board of canvassers reconvene and sign corrected results, which happened on Wednesday, August 29.

WEC staff was in regular contact with the Milwaukee County Election Commission staff throughout the resolution of this issue. The fact that they were working in our system provides staff with confidence we have a comprehensive understanding of the cause of this problem and the timeline for the identification and correction of these issues.

Another key component to the launch of a system is providing adequate training and guidance to new users. While WEC staff did provide guidance on the technical usage of the system along with a separate manual outlining the administrative process to certify results, we did not merge this guidance into one document that provided a complete overview of the process. As WEC staff looks to revert back to the previous version of the software, we will also be creating comprehensive training documents to support this transition. The training documents will include steps for counties to manually compare their official canvass statements against the WEC system reports to identify any discrepancies prior to certification. While we at the WEC take responsibility for the problems with our system that Milwaukee County experienced, we also have been in direct contact with Milwaukee and other counties to ensure that their staffs continue to understand the importance of thoroughly proofreading election results reports prior to certification. The WEC will be issuing detailed guidance to counties on the process and timing of such proofreading prior to November.

Lessons Learned

Since its launch in 2016, the WisVote system has been an overall success story for our agency and our clerk partners because of its enhanced security and usability. As a result, we have been eager to add features to WisVote to extend its value to our clerk partners. However, in developing the new Election Results module for WisVote, our staff did not anticipate the additional demands on memory and storage that it would create for the system. We are working with DET to further assess our server capacity needs, including setting up additional development and testing environments that will allow us to simulate real-world conditions. We are also ensuring our IT staff has the resources necessary to develop, test and introduce new features in WisVote. This includes the addition of contract developers with experience in the Microsoft Dynamics CRM platform that WisVote is built on, as well as hiring of a Technology and Training Director and an IT Project Manager. Finally, we also realize the need to provide training materials for clerks farther in advance of introducing new features to WisVote.

WEC also recognizes the need to outline the process for proofing election results so that it is clear to election partners and the public who is responsible for proofing results at each step. The proofing of official canvass results should occur in three phases: 1) the county board of canvass should compare their final statements against the official results report produced by the CRS system, 2) all reports, including the final county board of canvass statements and the official report produced by the CRS system should be posted to the county website for the public to review; and 3) once the county submits its board of canvass materials (counties are required to submit their canvass statements to WEC by email, fax, or mail) the WEC should proof the canvass statements against the CRS reports. If an error is caught at any step in this process the county board of canvassers would need to reconvene to address and reconcile the discrepancy and to certify the correct results. WEC staff is also working to implement automated checks into the CRS system for November 2018 that would prevent duplicate results from being entered.

2018 General Election Plan

To ensure a smooth canvass process after the 2018 General Election, WEC staff recommends returning to use of the Canvass Reporting System for counties to transmit official results for federal and state contests to the WEC and for certification of any official results whether they are state or county results. We will also provide updated training materials to counties. The training materials will include instructions for using the Canvass Reporting System, instructions for proofing reports and vote totals, and instructions for submitting the electronic and paper copies of the signed Certification of Results for the County Board of Canvass.

WEC IT staff will be obtaining test upload files from counties that wish to use the upload feature on Election Night or for unofficial results. IT staff will ensure that the latest version of the vendor system results file will upload into the legacy Canvass System. WEC staff will run reports of state and county results and WEC data quality staff will proof the vote counts and totals of the reports generated from the legacy Canvass Reporting System. WEC staff will notify counties if any data quality issues are detected.

Following the 2018 General Election, WEC IT staff will continue to work on the required software fixes for the WisVote Election Results module. WEC staff will use the additional time prior to relaunching to stress and capacity test the system under circumstances that simulate election days and complicated primaries. WEC staff will also continue to develop automated safeguards into the system to detect and prevent data entry errors in the future.

While this recommendation will delay the implementation of the new Election Results module, I believe it is the correct approach given other priority tasks and preparations that our staff and county clerks will be focusing on in advance of the General Election. We work hard to ensure that our IT applications are user friendly, thoroughly tested and secure. In this instance we can better serve clerks and the public by improving the implementation of the new system and it is not essential that it be in place for the General Election, especially in light of other important agency priorities.

Commission Action

Recommended Motion:

Direct staff to use the Canvass Reporting System for counties to transmit official results for federal and state contests to the Wisconsin Elections Commission and for certification of any official results. The Commission further directs staff to continue testing and improving the Election Results module in WisVote to prepare it to be relaunched for use in future elections.

ATTACHMENT #1

Wisconsin Elections Commission’s Training Initiatives
5/25/2018 – 9/25/2018

| Training Type | Description | Class Duration | Target Audience | Number of Classes | Number of Students |
|---|--|---|---|---|--|
| Municipal Clerk | 2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years. MCT Core class is now available in the WisVote Learning Center. | 3 hours | All municipal clerks are required to take the training; other staff may attend. | In-Person: 1 16-section presentation with quizzes | 20 60 |
| Chief Inspector | Required training for new Chief Inspectors before they can serve as an election official for a municipality during an election. CIT Baseline class is now available in the WisVote Learning Center. | 2-3 hours | Election workers for a municipality. | In-Person: 12 7-section presentation with self-evaluation | 270 50 |
| Election Administration and WisVote Training Webinar Series | Series of programs designed to keep local government officials up to date on the administration of elections in Wisconsin. | 60 + minute webinar training sessions hosted and conducted by Commission staff. | County and municipal clerks, chief inspectors, poll workers, election registration officials, special and school district clerks. | 6/20/2018: August Primary Ballot Deadlines and Changes to Overseas Voting; 7/25/2018: Guidance for the August Partisan Primary; 8/7/2018: WisVote Election Results – The New Canvass; 8/21/2018: Election Reconciliation (Modern WEDCS); 8/29/2018: New Clerk Orientation; 9/19/2018: The Three Rs: Recounts, Recalls & Referenda | 50 – 400 per webinar; posted to website for clerks to use on-demand. |

ATTACHMENT #1

Wisconsin Elections Commission's Training Initiatives
5/25/2018 – 9/25/2018

| | | | | | |
|------------------|---|--------|--|--------|-------------|
| WisVote Training | Online training in core WisVote functions – how to navigate the system, how to add voters, how to set up elections and print poll books. | Varies | New users of the WisVote application software. | Online | Not tracked |
| Other | <p>Commission staff presented election administration and WisVote status information to county and municipal clerks attending the following conferences:</p> <ul style="list-style-type: none"> • League of Wisconsin Municipalities Clerks, Treasurers & Finance Officers Institute on June 14, 2018 in Wisconsin Dells • Wisconsin Municipal Clerks Association Summer Conference on August 24, 2018 in Green Bay • Wisconsin County Clerks Association Fall Conference on September 24, 2018 in La Crosse | | | | |

| 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 |
|--|---|--|--|---|---|---|--------------------------|--|------------------------|---|
| 8/14/2018 Partisan Primary | | | | | | | | | | |
| 6/12/2018 Special Partisan Election Assembly District 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | yes | | 0% |
| 6/12/2018 Special Partisan Election Senate District 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | yes | | 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 | 0 | 6 | | 1,017,513 | 0.000197% |
| 2/20/18 Spring Primary | 3 | 0 | 0 | 0 | 0 | 0 | 3 | yes | 541,627 | 0% |
| 4/4/2017 Spring Election | 4 | 4 | 1 | 0 | 0 | 3 | 1 | | 747,671 | 0.000535% |
| 2/21/17 Spring Primary | 0 | 0 | 0 | 0 | 0 | 0 | 0 | yes | 375,216 | 0% |
| 11/8/2016 General Election | 111 | 79 | 9 | 4 | 2 | 66 | 43 | | 3,004,051 | 0.002630% |
| 8/9/2016 Partisan Primary | 4 | 2 | 1 | 0 | 0 | 1 | 3 | | 645,619 | 0.000310% |
| 4/5/2016 Spring Election and Presidential Pref. | 33 | 24 | 4 | 3 | 1 | 14 | 19 | | 2,130,221 | 0.001127% |
| 2/16/2016 Spring Primary | 7 | 3 | 2 | 0 | 0 | 1 | 6 | | 578,083 | 0.000519% |
| 9/29/15 Special Election Assembly 99 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | yes | 1,591 | 0% |
| 9/1/2015 Special Primary Assembly 99 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | yes | 3,422 | 0% |
| 7/21/15 Special Election State Senate 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | yes | 10,012 | 0% |
| 6/23/15 Special Primary State Senate 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | yes | 11,449 | 0% |
| 4/7/2015 Spring Election | 9 | 6 | 1 | 0 | 0 | 5 | 4 | | 858,683 | 0.000699% |
| 2/17/15 Spring Primary Election | 6 | 3 | 0 | 0 | 0 | 3 | 3 | | 32,119 | 0.009340% |
| 11/4/2014 General Election | 229 | 43 | 15 | 11 | 0 | 20 | 209 | | 2,420,811 | 0.001776% |
| 8/12/2014 Partisan Primary | 10 | 1 | 0 | 1 | 0 | 0 | 10 | yes | 638,677 | 0.000157% |
| 4/1/2014 Spring Election | 8 | 5 | 2 | 2 | 0 | 1 | 7 | | 506,566 | 0.000987% |
| 2/18/2014 Spring Primary | 0 | 0 | 0 | 0 | 0 | 0 | 0 | yes | 4,310 | 0.000000% |
| 4/2/2013 Spring Election | 8 | 3 | 2 | 1 | 0 | 0 | 8 | yes | 889,008 | 0.000337% |
| 2/19/2013 Spring Primary | 1 | 0 | 0 | 0 | 0 | 0 | 1 | yes | 374,631 | 0.000000% |
| 11/6/2012 Presidential and General Election | 89 | 33 | 15 | 8 | 1 | 9 | 80 | | 3,085,450 | 0.001070% |
| 8/14/2012 Partisan Primary | 3 | 2 | 1 | 0 | 0 | 1 | 2 | | 851,572 | 0.000235% |
| 6/5/2012 Recall Election | 53 | 22 | 9 | 4 | 0 | 8 | 45 | | 2,516,371 | 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% |
| Total for all 30 elections | 700 | 277 | 89 | 44 | 4 | 140 | 558 | 14 | | |