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Wisconsin Elections Commission

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Meeting of the Commission  
Thursday, May 24, 2018  
10:00 A.M.

Agenda  
Open Session

Wisconsin Elections Commission Offices  
212 E. Washington Avenue, Third Floor  
Madison, Wisconsin

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<b>A. Call to Order</b>	
<b>B. Administrator’s Report of Appropriate Meeting Notice</b>	
<b>C. Personal Appearances</b> (Time available may be limited at the discretion of the Chair)	
<b>D. Minutes of Previous Meeting</b>	<b>3</b>
<b>1. March 2, 2018</b>	
<b>2. March 13, 2018</b>	
<b>3. March 15, 2018</b>	
<b>4. April 18, 2018</b>	
<b>5. April 23, 2018</b>	
<b>E. Election Security Update</b>	<b>20</b>
<b>F. Badger Book – Pilot Update and Plan for August</b>	<b>26</b>
<b>G. ERIC – Update from April and Plans for 2018</b>	<b>37</b>
<b>H. Recount Manual</b>	<b>41</b>
<b>I. Representative Zamarripa Nomination Paper/D.O.C. Request</b>	<b>77</b>
<b>J. Absentee Ballot Envelope Orientation</b>	<b>80</b>

<b>K.</b>	<b>Approval of Ballot Design</b>	<b>85</b>
<b>L.</b>	<b>Certification of April Statewide Referendum Results</b>	
<b>M.</b>	<b>Summary of the 2019 – 21 Biennial Budget Process</b>	<b>94</b>
<b>N.</b>	<b>US-DOJ – UOCAVA Definition</b>	<b>98</b>
<b>O.</b>	<b>Selection of Commission Officers</b>	<b>104</b>
<b>P.</b>	<b>Commission Staff Update</b>	<b>106</b>
<b>Q.</b>	<b>Closed Session</b>	
	<b>1. Minutes of Previous Meetings</b>	
	<b>2. Litigation Update</b>	

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

The Elections Commission will convene in open session but may move to closed session under Wis. Stat. §§ 19.85 (1)(g) and 19.851, and then reconvene into open session prior to adjournment of this meeting. This notice is intended to inform the public that this meeting will convene in open session, may move to closed session, and then reconvene in open session. Wis. Stat. § 19.85 (2).

# WISCONSIN ELECTIONS COMMISSION

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COMMISSIONERS

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

INTERIM ADMINISTRATOR MEAGAN WOLFE

**Wisconsin Elections Commission**  
Wisconsin Elections Commission Offices  
212 East Washington Avenue  
Madison, Wisconsin  
9:00 a.m. Wednesday, March 2, 2018

## Open Session Minutes

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

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

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

Commission Chair Mark Thomsen called the meeting to order at 9:06 a.m.

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

Interim Administrator Michael Haas informed the Commissioners that proper notice was given for the meeting.

Chair Thomsen thanked Mr. Haas for his letter of February 26 asking Commissioners to appoint a new interim administrator, as well as for his years of service to the state.

Mr. Haas thanked the WEC staff for their hard work and said he appreciated the Commission's confidence in him.

### **C. Public Comments**

**Eileen Newcomer** of Madison appeared on behalf of the League of Women Voters of Wisconsin and read a statement from Debra Cronmiller thanking Mr. Haas for his service to the state.

**Marilyn McDonald** of Madison appeared on her own behalf and spoke about her experience at an early voting site in Madison where poll workers had difficulty finding her name on the voter list because her birthdate had been changed in the WisVote system.

**Dane County Clerk Scott McDonnell** appeared on his own behalf to speak in support of Mr. Haas and to comment on the ERIC postcard list maintenance process.

**Martha Lanning** of Madison appeared on her own behalf to speak about her husband's experience of being removed from the active voter list after he did not respond to the ERIC postcard because he had not moved.

#### **D. Commission Administrator Appointment/Tabled Motion**

Commissioner Knudson discussed his proposal to appoint Meagan Wolfe as interim administrator and begin a national search for a new administrator so the successful candidate is someone who can be confirmed by the Senate. He proposed advertising the position for 60 days, narrowing the field of candidates to three finalists, meeting again to interview the finalists, and making a decision within 90 days.

**MOTION:** Appoint Meagan Wolfe as Interim Administrator and commence a national search for a permanent administrator. Moved by Commissioner Knudson, seconded by Commissioner Jensen.

Discussion.

Commissioner Jacobs spoke in favor of appointing Wolfe permanently in the interest of efficiency and continuity. Commissioner Jensen said that from her discussions with Senators, they are looking for someone who knows Wisconsin elections, who the clerks trust and who can tackle the issue of election security, which Wolfe can do. Commissioner Gill spoke in favor of maintaining continuity. Commissioner Glancey also spoke in favor of continuity.

Commissioner Knudson discussed amending his motion to reflect the wishes of the other Commissioners, but said he wanted a vote on whether to do a national search. Chair Thomsen called the question on Commissioner Knudson's original motion.

Roll call vote: Gill:	No	Glancey:	No
Jacobs:	No	Jensen:	No
Knudson:	Aye	Thomsen:	No

Motion failed 1-5.

**MOTION:** Appoint Meagan Wolfe as Interim Administrator and submit her name to the Senate within 45 days for confirmation. Moved by Commissioner Jacobs, seconded by Commissioner Jensen.

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

Motion carried 6-0.

Chair Thomsen thanked Commissioners for their unanimous vote.

## **E. Elections Security Update**

Mr. Haas made a presentation based on a written report starting on page 8 of the March 2 Commission meeting materials regarding election security planning, noting that staff will make a more complete report at the regular March 13 meeting.

Mr. Haas discussed the classified security briefing he and Ms. Wolfe received recently from Homeland Security and other federal agencies at a meeting of the National Association of State Election Directors. He also discussed recent national news media reports about election security issues.

Ms. Wolfe discussed election security planning for local election officials, including tabletop training exercises, which staff will learn about at an upcoming event hosted by Harvard University's Belfer Center.

## **F. Voter List Maintenance**

Ms. Wolfe made a presentation based on a written report starting on page 13 of the March 2 Commission meeting materials regarding voter issues that arose at the Spring Primary in February as a result of list maintenance. She discussed the postcards sent to voters who may have moved, who were identified with the assistance of the Electronic Registration Information Center (ERIC), as well as issues that lead some voters who had not moved to be included in the mailing.

Ms. Wolfe discussed the staff's proposal for the Spring Election in April to use a supplemental poll list containing names of people whose voter registrations were deactivated as a result of the postcard mailing. Voters on the supplemental poll list will not have to reregister if they have not moved.

Commissioners and staff discussed the supplemental poll list proposal and issues experienced by some voters in February.

**MOTION:** Approve staff plan described in the meeting materials to handle registrations of Inactive ERIC Movers at the 2018 Spring Elections and direct staff to continue to work with ERIC and DMV to improve the data quality for future list maintenance mailings. Moved by Commissioner Jensen, seconded by Commissioner Jacobs. Motion carried unanimously.

Chair Thomsen called a recess at 10:29 a.m. The Commission reconvened at 10:37 a.m.

## **G. Approval of Accountant Services Contract**

Chair Thomsen delayed consideration of this item until later in the meeting.

## **H. Request for Review of Voting Equipment Software Components**

Attorney Dan Fischer appeared by telephone on behalf of the voting equipment vendors and attorney Mike Maistelman appeared in person. Debbie Greenberger, David Lebowitz and Chris Meuler appeared by telephone on behalf of the Jill Stein Campaign.

Chair Thomsen discussed the process for finalizing an order regarding the Stein Campaign's request to review voting system software components used in the 2016 General Election recount.

Staff Counsel Nathan Judnic made a presentation based on a memorandum starting on page 28 of the March 2 Commission meeting materials which discussed staff recommendations regarding what software components the Stein campaign's representatives may view, what agreements are in place to ensure confidentiality, and what procedures should be in place to facilitate the review.

**MOTION:** Adopt Version 2 of the Test Report provided by Pro V and V, dated February 12, 2018. Moved by Commissioner Jacobs, seconded by Commissioner Jensen. Motion carried unanimously.

Commissioners and staff discussed the Stein Campaign's proposal to examine the software. Attorney Fischer said the vendors would submit their own proposal by March 9.

**MOTION:** All previous deadlines as to the review plan set for March 2, 2018 are withdrawn. The Stein Campaign and any vendor may submit plans or additional information to the Commission by 4 p.m. CST on March 9, 2018. A decision will be made on March 13 and the Commission's order will be final on that date. Moved by Commissioner Jacobs, seconded by Commissioner Jensen. Motion carried unanimously.

## **I. Approval of Accountant Services Contract**

Ms. Wolfe made a presentation based on a memorandum contained in the Supplemental Meeting Materials regarding staff's recommendation to hire an accountant on a contract basis.

Commissioners and staff discussed the agency's difficulties in hiring an accountant through the standard recruiting process and the Department of Administration's suggestion to use contracted staff instead.

**MOTION:** Approve the execution of one, three-year contract for the position of Accountant not to exceed \$170,000 annually, effective March 5, 2018. Moved by Commissioner Jacobs, seconded by Commissioner Jensen. Motion carried unanimously.

## **J. Closed Session**

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

**MOTION:** Move to closed session pursuant to Wis. Stat. §§ 19.85(1)(g) to confer with counsel concerning potential litigation and 19.85(1)(c) to consider the employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Moved by Commissioner Jacobs, seconded by Commissioner Jensen.

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 11:27 a.m.

The Commission returned to open session at 12:43 p.m.

Chair Thomsen announced that the Commission has appointed Meagan Wolfe as Administrator and is asking the Senate to confirm her appointment as permanent. He said the Commission has put together a compensation package for Ms. Wolfe and that she has accepted.

Ms. Wolfe said she was absolutely honored and beyond humbled by the appointment. She thanked the team of WEC staff members and pledged to keep doing amazing work.

## **E. Adjourn**

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

The Commission adjourned at 12:45 p.m.

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The next regular meeting of the Wisconsin Elections Commission is scheduled for Tuesday, March 13, 2018, at the Commission's offices in Madison, Wisconsin beginning at 10:00 a.m.

March 2, 2018 Wisconsin Elections Commission meeting minutes prepared by:

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Reid Magney, Public Information Officer

May 7, 2018

March 2, 2018 Wisconsin Elections Commission meeting minutes certified by:

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Beverly Gill, Commission Secretary

May 24, 2018

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MARK L. THOMSEN, CHAIR

INTERIM ADMINISTRATOR MEAGAN WOLFE

**Wisconsin Elections Commission**  
Wisconsin Elections Commission Offices  
212 East Washington Avenue  
Madison, Wisconsin  
10:00 a.m. Tuesday, March 13, 2018

## Open Session Minutes

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

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

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

Commission Chair Mark Thomsen called the meeting to order at 10:07 a.m.

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

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

### **C. Public Comments**

**Eileen Newcomer** of Madison appeared on behalf of the League of Women Voters of Wisconsin to comment on polling place procedures for the Spring Election regarding supplemental poll books. She urged the Commission to educate the public about supplemental poll books.

### **D. Minutes of Previous Meetings**

**MOTION:** Approve minutes of Wisconsin Elections Commission meetings of January 9, January 24 and January 31, 2018. Moved by Commissioner Jensen, seconded by Commissioner Jacobs. Motion carried unanimously.

## **E. Request for review of Voting Equipment Software Components**

Staff Counsel Nathan Judnic said the Jill Stein Campaign and the voting equipment vendors have submitted competing plans for reviewing software components used in the 2016 General Election.

Chair Thomsen invited attorneys for the parties to comment. Commissioners, staff and the attorneys discussed issues of access, testing and security.

Chair Thomsen said the Commission would discuss the issues in closed session and issue a final decision by Friday.

Chair Thomsen called a recess at 11:40 a.m. The Commission reconvened at 11:49 a.m.

## **F. Badger Book – Electronic Poll Book Application**

Elections Specialists Sara Linski and Tony Bridges made a presentation based on a written report starting on page 16 of the March 13 Commission meeting materials regarding the electronic poll book application the Commission staff has developed and which will be tested in five locations at the Spring Election on April 3. Based on feedback from users and voters, staff will make changes to the system before making it available to clerks for use starting with the August 14 Partisan Primary.

Commissioners and staff discussed functional and security features of the system, as well as methods for gathering feedback.

## **G. Election Security Planning Update**

Ms. Wolfe made a presentation based on a written report starting on page 21 of the March 13 Commission meeting materials regarding election security planning. She discussed rolling out training for clerks as well as response and communication sections of the election security plan. Several staff members will be attending training sessions at Harvard University's Belfer Center in late March.

Commissioners and staff discussed election security planning, including implementation of multi-factor authentication for the WisVote system.

## **H. Appointment of State Representative to US-EAC Standards Board**

**MOTION:** Ratify the appointment of Administrator Meagan Wolfe to serve as the State of Wisconsin's representative to the U.S. EAC Standards Board, and direct staff to notify the EAC of the appointment. Moved by Commissioner Jensen, seconded by Commissioner Gill. Motion carried unanimously.

**I. Voter Fraud Report**

Mr. Judnic made a presentation based on a memorandum starting on page 32 of the Commission meeting materials regarding the Commission’s annual report to the Legislature about suspected election fraud, irregularities or violations.

**MOTION:** Direct Commission staff to submit the cover letter and report titled “Report of Suspected Election Fraud, Irregularities or Violations” included in the meeting materials to the Legislature per Wis. Stat. §§ 7.15(1)(g) and 13.172(2). Moved by Commissioner Gill, seconded by Commissioner Jacobs. Motion carried unanimously.

**J. Agency Annual Report & 2017 Accomplishments**

Ms. Wolfe asked Commissioners to approve the Commission’s 2017 Annual Report to the Governor and Legislature, starting on page 37 of the Commission meeting materials.

**MOTION:** Approve submission of the Wisconsin Elections Commission’s 2017 Annual Report to the Governor and the Legislature. Moved by Commissioner Jacobs, seconded by Commissioner Jensen. Motion carried unanimously.

**K. Legislative Update**

Elections Specialist Robert Williams made a presentation based on a memorandum starting on page 96 of the Commission meeting materials regarding bills pending in the Legislature.

**L. Commission Staff Update**

Ms. Wolfe made a presentation based on the staff update starting on page 106 of the Commission meeting materials. She discussed the voter felon update and introduced four new staff members: Training Officer Michelle Hawley, Elections Specialist Bill Wirkus, Elections Specialist Riley Willman and Office Operations Associate Amy McGregor.

**M. Closed Session**

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

**MOTION:** Move to closed session pursuant to Wis. Stat. §§ 19.85(1)(g) to confer with counsel concerning potential litigation. Moved by Commissioner Jacobs, seconded by Commissioner Gill.

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 12:45 p.m.

**N. Adjourn**

The Commission adjourned in closed session at 2:52 p.m.

####

The next meeting of the Wisconsin Elections Commission is scheduled for Thursday, March 15, 2018, at the Commission's offices in Madison, Wisconsin beginning at 1:00 p.m.

March 13, 2018 Wisconsin Elections Commission meeting minutes prepared by:

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Reid Magney, Public Information Officer

May 8, 2018

March 13, 2018 Wisconsin Elections Commission meeting minutes certified by:

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Beverly Gill, Commission Secretary

May 24, 2018

# WISCONSIN ELECTIONS COMMISSION

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MARK L. THOMSEN, CHAIR

INTERIM ADMINISTRATOR MEAGAN WOLFE

**Wisconsin Elections Commission**  
Wisconsin Elections Commission Offices  
212 East Washington Avenue  
Madison, Wisconsin  
1:00 p.m. Thursday, March 15, 2018

## Open Session Minutes

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

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

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

Commission Chair Mark Thomsen called the meeting to order at 1:04 p.m.

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

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

### **C. Closed Session**

**MOTION:** Adjourn to closed session to discuss the Jill Stein Campaign's request to review voting equipment software components under Wis. Stat. § 19.85 (1) (g), which permits the Commission to confer with legal counsel concerning litigation strategy. Moved by Commissioner Jacobs, seconded by Commissioner Knudson. Motion carried unanimously.

### **D. Adjourn**

The Commission adjourned in closed session at 1:38 p.m.

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The next regular meeting of the Wisconsin Elections Commission is scheduled for Thursday, May 24, 2018, at the Commission's offices in Madison, Wisconsin beginning at 10:00 a.m.

March 15, 2018 Wisconsin Elections Commission meeting minutes prepared by:

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Reid Magney, Public Information Officer

April 30, 2018

March 15, 2018 Wisconsin Elections Commission meeting minutes certified by:

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Beverly Gill, Commission Secretary

May 24, 2018

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MARK L. THOMSEN, CHAIR

INTERIM ADMINISTRATOR MEAGAN WOLFE

**Wisconsin Elections Commission**  
Wisconsin Elections Commission Offices  
212 East Washington Avenue  
Madison, Wisconsin  
9:00 a.m. Wednesday, April 18, 2018

## Open Session Minutes

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

Absent: Commissioner Beverly Gill

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

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

Commission Chair Mark Thomsen called the meeting to order at 9:00 a.m.

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

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

### **C. Request for Approval to Accept and Utilize HAVA Security Funds**

Ms. Wolfe made a presentation based on a memorandum starting on page 1 of the April 18 meeting materials. She discussed the staff's recommendations regarding \$6,978,318 in federal Help America Vote Act (HAVA) funds recently approved for Wisconsin by Congress, including initial plans to address immediate security needs and longer-term objectives to be determined through consultation with local election officials and the public.

Commissioners and staff discussed issues regarding Wisconsin Department of Administration approval to receive the HAVA funds, as well as approval for purchases and creation of federally-funded positions. Chair Thomsen said he would entertain motions.

**MOTION:** Approve the execution and submission of the §16.54 request to accept HAVA election security grant funds to DOA for approval. Moved by Commissioner Jensen, seconded by Commissioner Knudson. Motion carried unanimously.

**MOTION:** Approve WEC staff exploring and making purchases related to immediate security needs including the following expenditures above the \$100,000 limit delegated to the WEC Administrator: 1) Purchase of Multi-Factor Authentication (MFA) software and implementation tools and resources, one-time expenditure not to exceed \$200,000; and 2) enter into up to two annual contracts for IT development services, with each contract not to exceed \$225,000 annually. Moved by Commissioner Jacobs, seconded by Commissioner Jensen. Motion carried unanimously.

**MOTION:** Grant staff authority to submit additional §16.54 requests to create federally-funded positions. WEC staff will create position descriptions and determine appropriate classifications based on immediate security needs as well as future needs as identified through feedback collected from elections security partners. Moved by Commissioner Jensen, seconded by Commissioner Jacobs.

Commissioner Knudson offered an amendment that the cost of the positions may not exceed \$600,000 a year. Commissioners Jensen and Jacobs agreed to the amendment.

Motion carried unanimously.

## **D. Discussion of Future Meeting Dates**

Ms. Wolfe asked commissioners to consider setting future special meeting dates to deal with certifications for special elections and to discuss election security updates. The Commission is scheduled to meet June 11 at the State Capitol, but the agenda will be limited to certification of candidates for the August Partisan Primary. The Commission agreed to the following dates:

- Teleconference meeting April 23 or 24 to certify list of candidates in special elections, depending on whether challenges are filed to any candidates.
- In-person meeting at 10 a.m. on Thursday, May 24 to certify special election primary results and discuss election security and conduct other business necessary to prepare for the Partisan Primary.

## **E. Certification of Spring Election Results**

Chair Thomsen signed the canvass certifications for the 2018 Spring Election for Supreme Court Justice, Court of Appeals Judge, Circuit Court Judge and the Constitutional Amendment Referendum.

## **F. Adjourn**

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

The Commission adjourned at 9:45 a.m.

####

The next regular meeting of the Wisconsin Elections Commission is scheduled for Thursday, May 24, 2018, at the Commission's offices in Madison, Wisconsin beginning at 10:00 a.m.

April 18, 2018 Wisconsin Elections Commission meeting minutes prepared by:

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Reid Magney, Public Information Officer

April 18, 2018

April 18, 2018 Wisconsin Elections Commission meeting minutes certified by:

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Beverly Gill, Commission Secretary

May 24, 2018



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INTERIM ADMINISTRATOR MEAGAN WOLFE

**Wisconsin Elections Commission**  
Wisconsin Elections Commission Offices  
212 East Washington Avenue  
Madison, Wisconsin  
9:00 a.m. Monday, April 23, 2018

## Open Session Minutes

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

Absent: Commissioner Beverly Gill and Commissioner Dean Knudson

Staff present: Meagan Wolfe, Michael Haas, Nathan Judnic, Sharrie Hauge, Diane Lowe and Reid Magney

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

Commission Chair Mark Thomsen called the meeting to order at 9:09 a.m.

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

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

### **C. Ballot Access Report and Certification of Candidates for Special Elections in Senate District 1 and Assembly District 42**

Lead Elections Specialist Diane Lowe made a presentation based on a memorandum starting on page 1 of the April 23 meeting materials regarding certification of candidates for the special election primary on May 15, 2018. Ten candidates registered with the Ethics Commission and nine of those filed ballot access paperwork with the Elections Commission. Of the nine, there were three candidates (two Republicans and one Democrat) in Senate District 1 and six candidates in Assembly District 42 (four Republicans, two Democrats and one Independent). The Commission received no challenges.

Ms. Lowe said staff recommends denying ballot access to one candidate who registered but did not file nomination papers and other ballot access paperwork. Staff also recommends certifying ballot status for the remaining nine candidates who filed sufficient ballot access paperwork by

the deadline. The Independent candidate for Assembly District 42 will not appear on the May 15 partisan primary, but will appear on the June 12, 2018 Special Election ballot.

Discussion.

**MOTION:** Deny ballot access for Nicholas John Schneider. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried 4-0.

**MOTION:** Absent any successful ballot access challenges, certify ballot status for the nine candidates listed as “approved” on the attached Candidates on Ballot Reports. Moved by Commissioner Glancey, seconded by Commissioner Jacobs. Motion carried 4-0.

## **D. Adjourn**

**MOTION:** To adjourn. Moved by Commissioner Glancey, seconded by Commissioner Jacobs. Motion carried 4-0.

The Commission adjourned at 9:14 a.m.

####

The next regular meeting of the Wisconsin Elections Commission is scheduled for Tuesday, May 24, 2018, at the Commission’s offices in Madison, Wisconsin beginning at 10:00 a.m.

April 23, 2018 Wisconsin Elections Commission meeting minutes prepared by:

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Reid Magney, Public Information Officer

April 23, 2018

April 23, 2018 Wisconsin Elections Commission meeting minutes certified by:

---

Beverly Gill, Commission Secretary

May 24, 2018

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MARK L. THOMSEN, CHAIR

INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the May 24, 2018 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared and Presented by:

Tony Bridges                      Riley Willman  
WisVote Specialist              Election Administration Specialist

**SUBJECT:** Elections Security Staff Update

### **I. Introduction**

In March 2018, the Wisconsin Elections Commission (WEC) received a \$6,798,318 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 requires compliance with the §16.54 process for a state agency to accept federal funds and this process involves several steps. An initial step was completed when the agency received written confirmation from the Department of Administration with approval for the acceptance of the grant money on April 24, 2018.

### **II. Request for Six Federally-Funded Positions**

The Wisconsin Elections Commission granted staff authority to explore and make purchases regarding security-related software and request the creation of six federally-funded positions at its April 18, 2018 meeting (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 Wisconsin Elections Commission requested the creation of 6.0 full-time equivalent 48-month federal project positions from the Department of Administration (DOA) on May 9, 2018. A draft position description for each position was submitted for consideration as part of the agency's request. If approved, these positions would be federally funded from June 1, 2018 – June 1, 2022. The six requested positions are as follows:

1. Information Technology Project Manager
2. Elections Security Trainer
3. Elections Data Specialist
4. Information Services Technical Services Professional
5. Voting Systems Specialist
6. Grants Accountant

Staff awaits approval of the positions from DOA, and will work to fill the positions in advance of the 2018 fall election cycle if that approval is granted. Once the position authority has been granted, agency management plans to circulate the draft position descriptions and a proposed strategy for incorporating and utilizing new staff for comment and input by commission members and existing staff.

### **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 safety of WEC systems and data. The Commission approved the agency incurring expenditures regarding these technical upgrades at its meeting on April 18, 2018 and staff has provided updates on these projects below.

#### **A. Multi-Factor Authentication**

Multi-Factor Authentication (MFA) is an important technology in preventing malicious access to user accounts. Proper implementation of MFA can prevent an attacker from gaining access to a user account, even after they have stolen the user's password. The WEC is working to implement MFA as a log-in requirement for WisVote as a means to safeguard the large number of accounts with access to the system. However, the large number of users and lack of central control over those users, as well as the way in which WEC systems integrate with DET systems, present unique technical and logistical challenges for implementation. WEC staff are in discussions with DET to determine the best and most expedient way to implement MFA. DET has assigned WEC a project manager to assist with the implementation of this protocol. They have proposed a solution, but DET does not believe it can be implemented in time for the August Partisan Primary but does believe a solution can be implemented prior to the November General Election. Staff is pursuing that option, while researching short-term alternatives that can be used for the August Partisan Primary.

#### **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 the development of a standalone WEC AD FS server which would allow the agency to more readily customize many details of the log-in process from branding to permitted encryption ciphers, and may also simplify MFA implementation and the tracking and maintenance of user agreements. A server request for this project has already been submitted to DET and system testing is planned to determine how challenging the proposed customizations will be.

### **C. Clerk Emails**

DET manages the email systems for state employees, including all WEC staff. DET employs a number of security controls on those emails, including Cisco Email Security (commonly referred to by its former name of Ironport), which protect users from malicious emails. DET blocks hundreds of thousands of malicious emails each day using this system so that they never reach the end user, and therefore are never able to compromise any systems or users. The majority of clerks, however, do not have this level of protection on their email systems. WEC staff and DET are working on providing a solution that would enable all users of the WisVote system to have an email address that is routed through these security systems, dramatically reducing the risk to clerks and the WisVote system from social engineering and malware. Conversations with DET and clerks on this topic are in the initial stages, and both sides are enthusiastic about this move. Staff expects to communicate options to clerks soon.

### **D. 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. This change will require a significant amount of coordination with the current service provider to avoid disruptions during the transition, and staff expects to complete the transition this fall.

### **E. 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 to increase the scope and accuracy of the internal scans, and to provide reports on the results directly to WEC staff for review. The first trial of this scan is expected to be complete by May 24.

#### **IV. Local Election Official Security Training and Communications Update**

Staff is currently in the planning stages of implementing a new and robust election security training program to be rolled out in June 2018. These trainings and materials are being implemented in conjunction with the security training material being prepared by staff for the WisVote Learning Center, as well as agency technological initiatives.

##### **A. Local Election Official Security Training**

In March of 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 can occur leading up to Election Day.

The purpose of a TTX is 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 on Election Day. These incidents are scripted before being introduced into the simulation and cover 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 working with IT professionals. Throughout the TTX, participants can test their continuity plans against the incident injects in a low-stress environment to determine their efficacy. In addition to creating and improving continuity plans, a goal of the TTX is for participants to see how they can successfully implement measures to prevent election security incidents from occurring.

WEC staff saw value in participating in an election security TTX, and concluded that Wisconsin county and municipal election officials would benefit from both the training and simulation exercise. WEC staff has created an elections-security train-the-trainer program in partnership with Wisconsin county clerks to reach as many of the 1,853 municipal clerks as possible. 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 the materials and staffing resources provided by the WEC. WEC staff has created eight regions throughout the state and has organized a training and TTX opportunity in each region starting in June. This schedule was designed to ensure that all county clerks could attend a regional training and have adequate time to conduct a training of their own with the municipal clerks in their county and region.

WEC staff is conducting a training and TTX event in Madison on May 31 with county clerks from 17 different counties from across the state. After these clerks have participated in the TTX, WEC staff has asked for the participants to help facilitate the trainings occurring in their region for county clerks who did not attend the training and TTX event in Madison. This approach will additionally allow for the facilitating clerks to get experience leading an elections security TTX. WEC staff will also work with the county clerks on how to improve the training and materials to make the regional training as effective as possible. WEC Staff has five regional trainings currently scheduled for June and is working on scheduling additional events ahead of the fall election cycle.

## **B. 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 is developing a plan to assist local election officials in communicating effectively and quickly in the event of a potential incident.

WEC staff will prepare communication materials and contingency plan templates that will be useful to clerks throughout the election administration process. Feedback from the recent election security survey that was sent to county clerks indicated that clerks have found WEC-produced templates and step-by-step guides helpful and efficient resources. A security communications template and guide will be created by WEC staff that allows for the local election officials to quickly outline the appropriate contact information for resources in the event of a potential security question or incident. The goal of these guides and templates are to help local election officials have a high-level 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.

## **C. 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 that comes from 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**

As WEC staff works on implementing security trainings and publishing guides for local election officials before the August and November elections, there are additional plans to implement a second phase to keep Wisconsin's elections safe and secure. WEC staff is currently in the process of creating an avenue for 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.

Municipal and county clerks in Wisconsin have differing access to in-office security and IT resources, and WEC staff will solicit feedback from the local election officials on how to best provide election security assistance. Keeping Wisconsin elections secure will require high levels of collaboration between WEC staff and key election security partners to ensure needs are being met.

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 will occur after the

WEC staff conducts regional security trainings and tabletop exercises around the state to improve training and to maximize the effectiveness of future elections security communications and events. Feedback will be solicited after every training event so that participants can provide local election official perspective on the WEC-led training programs. Additionally, ideas and input will be solicited from local election officials and key election security partners unable to attend WEC-led trainings on how they believe the WEC can effectively use the HAVA security funds.

To keep local election officials involved in future election security developments, WEC staff plans on inviting county clerks to collaboratively review and provide suggested edits to election security publications to ensure the materials are as useful as possible to a variety of local election officials. Once feedback is received, WEC staff will disperse the security publications for all clerks so that they can work to prevent a security incident from occurring, and understand quick and clear next-steps to take in the event of a potential security incident.

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INTERIM ADMINISTRATOR MEAGAN WOLFE

**DATE:** For the May 24, 2018 Commission Meeting  
**TO:** Members, Wisconsin Elections Commission  
**FROM:** Meagan Wolfe  
Interim Administrator, Wisconsin Elections Commission

Prepared and Presented by:  
Sara Linski, WisVote Specialist

**SUBJECT:** Badger Book Pilot and Rollout Update

## I. Introduction

This memorandum is a follow up to the March 13 memorandum regarding the electronic poll book pilot program run during the 2018 Spring Election on April 3, 2018. Starting in June 2017, WEC staff developed the Badger Book software using clerk and poll worker feedback as a guiding development principle. The Badger Book pilot was a continuation of this process as WEC staff were able to observe local election officials and voters interact with the Badger Book during a live election. As part of the evaluation of the pilot, staff collected feedback from voters, clerks, staff, and poll workers on Election Day and through debriefs. This feedback will be used by staff to inform updates to the Badger Book software, hardware, training, polling place set up, and best practices. Badger Books will be available for use by municipalities for the August 2018 Partisan Primary.

## II. Background

The Badger Book pilot program provided WEC staff the opportunity to evaluate several aspects of the system's hardware and software before its statewide launch. In the pilot, staff was able to assess the usability and functionality of the software, how the Badger Book is best used in a polling location, and the performance of the hardware selected to run the Badger Book software.

### A. Software

The Badger Book was developed with usability, security, training, and efficiency as guiding principles. Staff aimed to develop a program that is intuitive, that voters and poll workers trust, and as a training tool and real-time resource to provide poll workers with instructions on how to correctly navigate election administration processes. The first iteration of the Badger Book focused on voter check in, processing absentee ballots, and registering voters on Election Day. Additionally, the Badger Book can redirect voters who are at the wrong polling location, record assistor information, record a curbside voter, correct typos in voter names or addresses, and generate reports for post-election activities. After

Election Day, clerks can import the data collected at the polls to update voter records in the WisVote system. During the pilot, Badger Book software was evaluated for usability and end user acceptance through paper surveys completed on Election Day by voters and poll workers.

**B. Polling Place Preparation and Procedures**

The 2018 Spring Election Badger Book pilot locations ran differently than locations using a paper poll book and differently than how the Badger Book locations may operate in the future. The Badger Books were piloted in five polling sites: Brookfield, Trenton, Beloit, Sun Prairie, and Mequon (see Table 1). WEC staff provided on-site training to poll workers in the week prior to the election. WEC staff also configured the machines with up-to-date voter registration and absentee ballot data and software the Monday immediately before Election Day. WEC staff then traveled to the pilot locations to support the efforts on Election Day, which included hardware set up, providing over the shoulder support for poll workers, and collecting feedback. Staff then brought the devices back to the WEC office to review and import the data collected on Election Day into the WisVote system.

*Table 1 – Badger Book Pilot Locations*

Municipality	County	Polling Location	Ward(s)
City of Brookfield	Waukesha County	Brookfield Public Safety Building	Wards 14-17
Town of Trenton	Washington County	Trenton Town Hall	Wards 1-8
City of Beloit	Rock County	First Congressional Church	Ward 16
City of Sun Prairie	Dane County	Colonial Club	Wards 1-5
City of Mequon	Ozaukee County	Pieper Power Education Center	Wards 8-10

Pilot locations were asked to use specific guidelines developed by WEC staff as part of agreeing to be a pilot location. The guidelines were developed to test the feasibility of recommending these procedures as best practices in future implementations. Their feasibility and impact were evaluated on Election Day through onsite staff observation and through the collection of poll worker and clerk feedback in the following categories:

1. The polling location must be willing to incorporate Election Day Registrations into the regular check in line.
2. Absentee ballots must be sent to the pilot location without an assigned voter number.
3. Poll workers who will be working the pilot locations must attend Badger Book training the week prior to Election Day.
4. The polling location should be equipped and prepared to run the election as if there were no e-poll books. The polling location and poll workers must be equipped to switch to paper if needed.

5. For voters registering on Election Day, poll workers will need to use the existing process to place voters in the correct district and make sure they are in the correct polling location. The Badger Book was not able to make that determination at the pilot.
6. Either the clerk or a designee will need to be on site at the polling location to assist in troubleshooting with poll workers and collecting feedback.

### **C. Hardware**

Additionally, the pilot tested two configurations of hardware – a point of sale model and a tablet-based model. The point of sale model was a fixed station with two touchscreens, one for the poll worker to navigate the system and one for the voter to follow along and provide their signature and registration information when necessary. The tablet-based system was mounted on a rotating stand that allowed the poll workers to interact with the software and spin the machine to face the voter as needed to collect signatures and review registration information. Both configurations used a barcode scanner and thermal receipt printer. Scanners were used to collect driver license information to find the voter in the poll book and printers were used to generate a slip containing an appropriate voter number and ballot style.

## **III. Analysis**

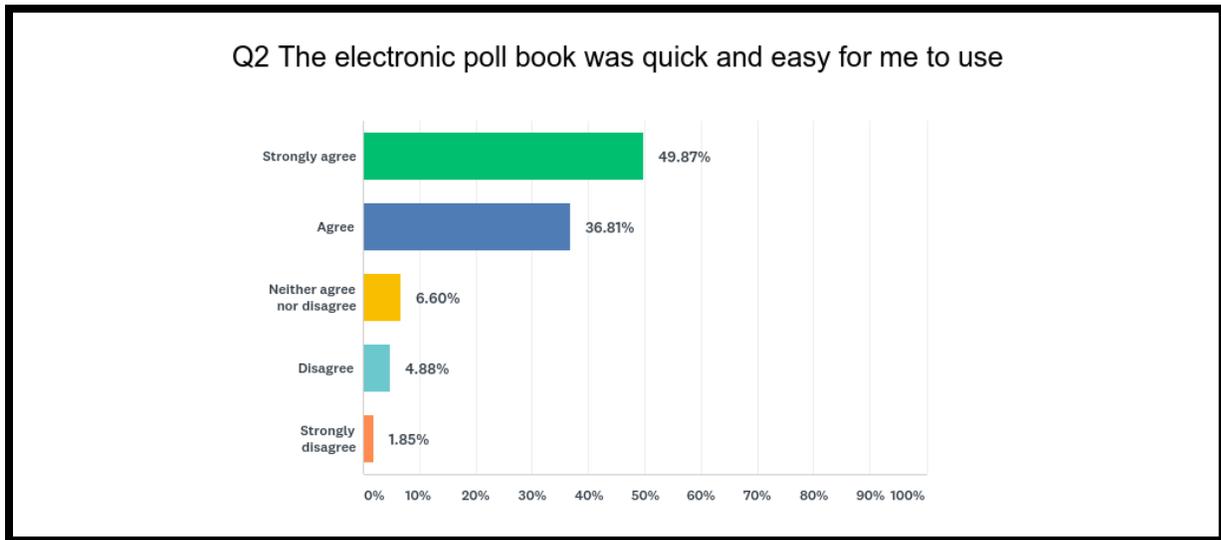
Poll workers were asked to evaluate the software elements and functionality by reading statements and responding using a 5-point Likert scale ranging from strongly agree to strongly disagree. Voters were invited to complete a short survey on their overall experience with the Badger Book and to share their concerns with their use in the polling location. Surveys were collected from 41 poll workers and 759 voters. During the pilot, the Badger Book processed 5,064 voters on Election Day, including absentee ballots.

### **A. Voter Experience**

86.7% of voters either “agreed” or “strongly agreed” that the electronic poll book was quick and easy to use (Figure 1). Over 95% of voters either “agreed” or “strongly agreed” that they had all the information they expected and needed at the point that they provided their signature. This second question is especially relevant because it informs future decisions and configuration on how many of the system’s screens need to be voter facing or interact with the voter rather than the poll worker.

According to this feedback, the current Badger Book check in process provides an appropriate level of voter facing information and meets their needs.

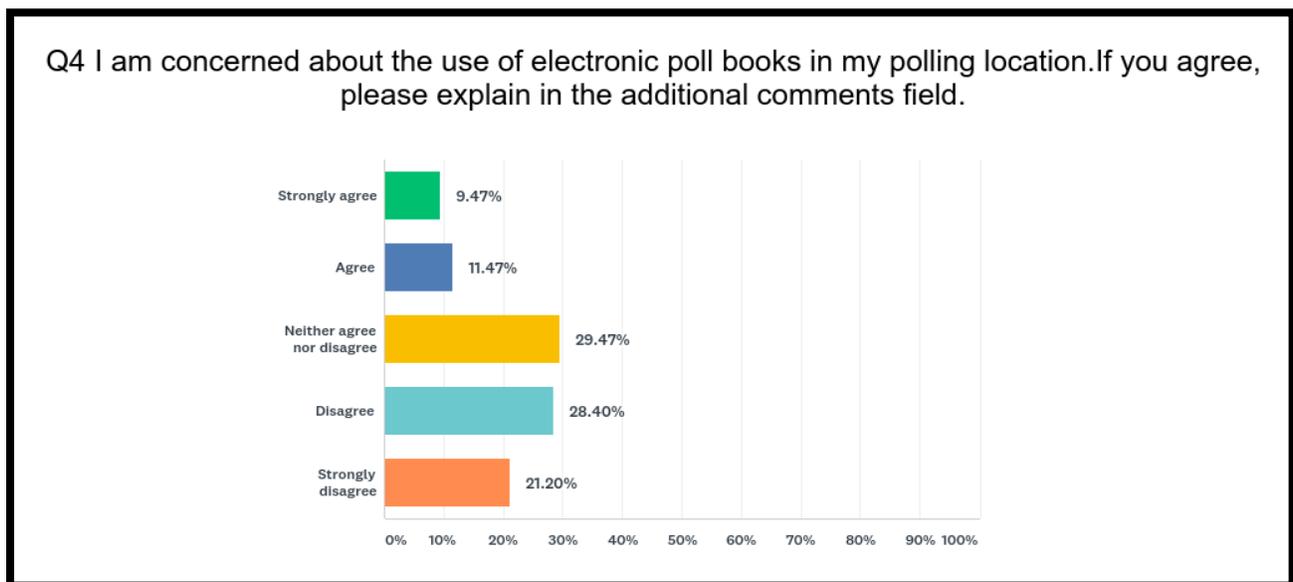
Figure 1 – Voter Ease of Use



**378 voters "strongly agree" the Badger Book was quick and easy to use.**

Voters were also provided an opportunity to report if they had concerns about the use of electronic poll books in their municipality (Figure 2) and if they were, to explain why in a free response section. Comments ranged from praise for the device and the service provided by the poll workers, to concerns over the potential for voter fraud, the stylus provided for signature capture, and cybersecurity. These responses help staff determine what hardware and voter education updates need to be made to improve the voter experience and voter confidence in the system in a larger rollout of the system.

Figure 2 – Voter Concern Over Electronic Poll Books



**\*Voters generally expressed concern over cybersecurity and the age of poll workers interacting with new technology.**

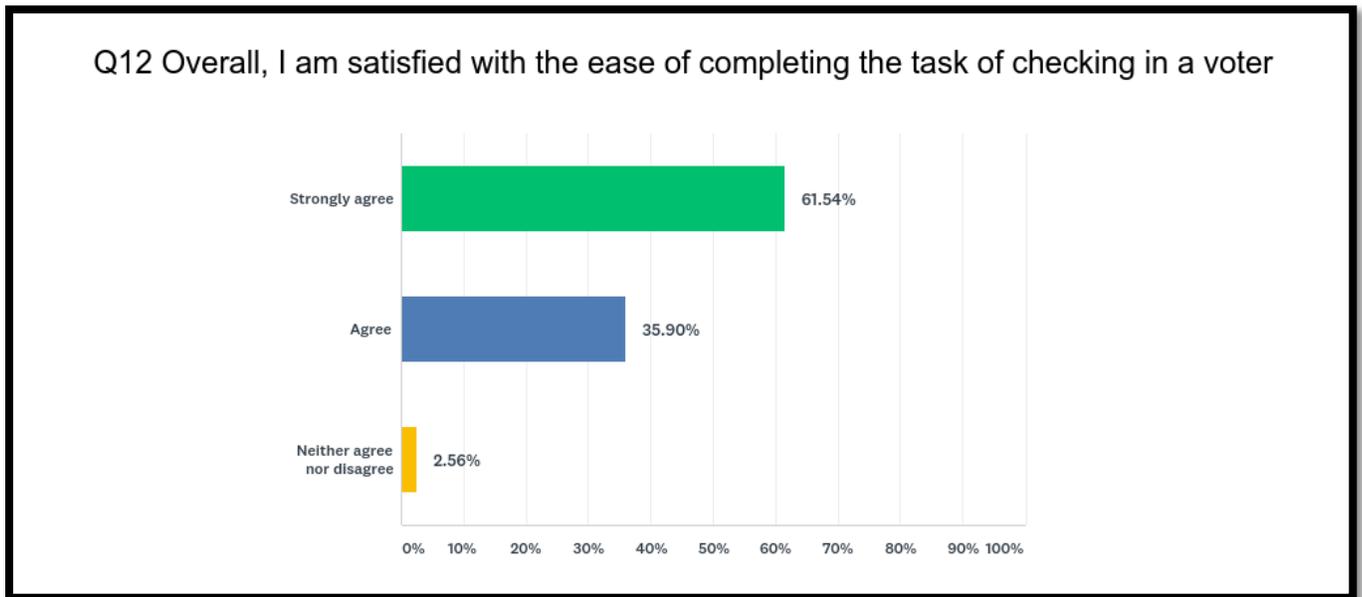
## B. Poll Worker Experience

Poll workers were asked to evaluate the Badger Book in five sections of the survey. The first three sections focused on the three main processes the Badger Book facilitated on Election Day– voter check in, processing absentee ballots, and Election Day Registration. Poll worker feedback was also collected regarding hardware and polling place configuration.

### 1. Check In

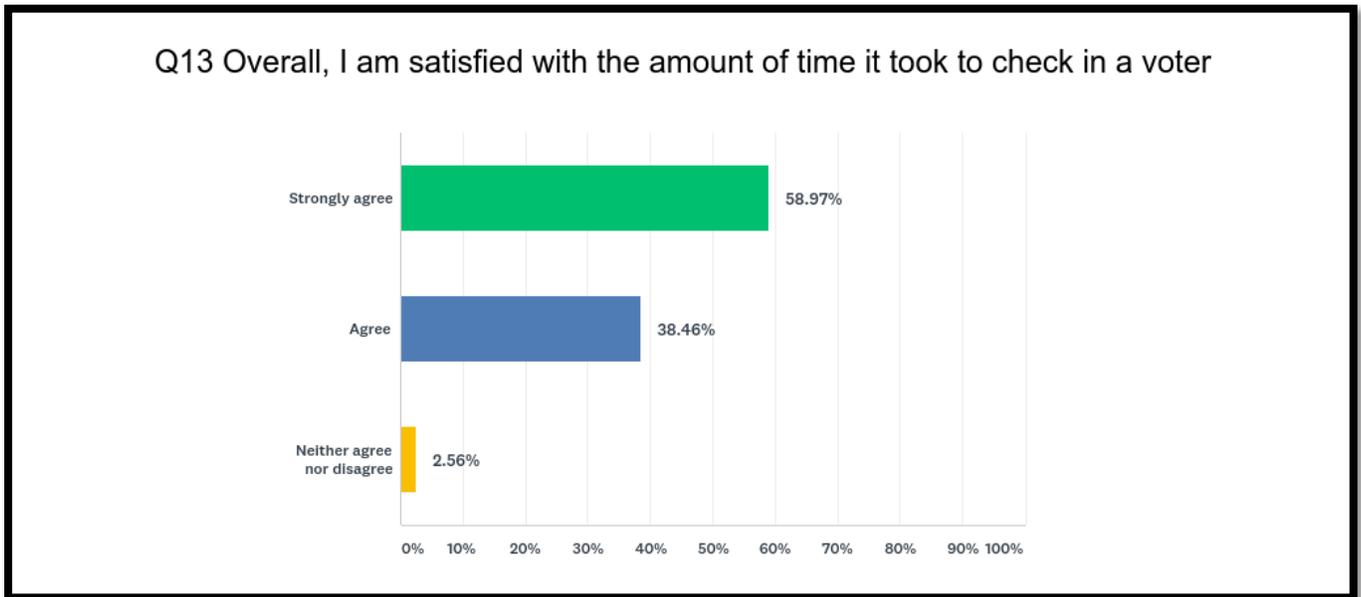
Overall, poll workers were resoundingly satisfied with the ease and amount of time it took to check in a voter using the Badger Book (Figure 3). Data collected on the check in process also indicates that poll workers agreed they were able to easily find the correct voter in the poll book and that they always knew which voter they were working with. 82.9% of poll workers either “agreed” or “strongly agreed” that the photo ID screens helped them perform their job. Poll workers were able to easily find both pre-registered voters and ERIC voters on the poll book. It was reported that voter searches conducted by scanning the barcode on a Wisconsin driver license or ID card were slow but accurate in finding the correct voter. Most poll workers opted to search for voter names by typing in the first three letters of the voters last name in place of scanning. Most voters took less than a minute to process when using the Badger Book (Figure 4).

Figure 3 – Voter Check In, Ease of Use



\*No poll workers disagreed or strongly disagreed with the above statement.

Figure 4 – Voter Check In, Time Satisfaction



**\*On average, checking in a voter took under a minute.**

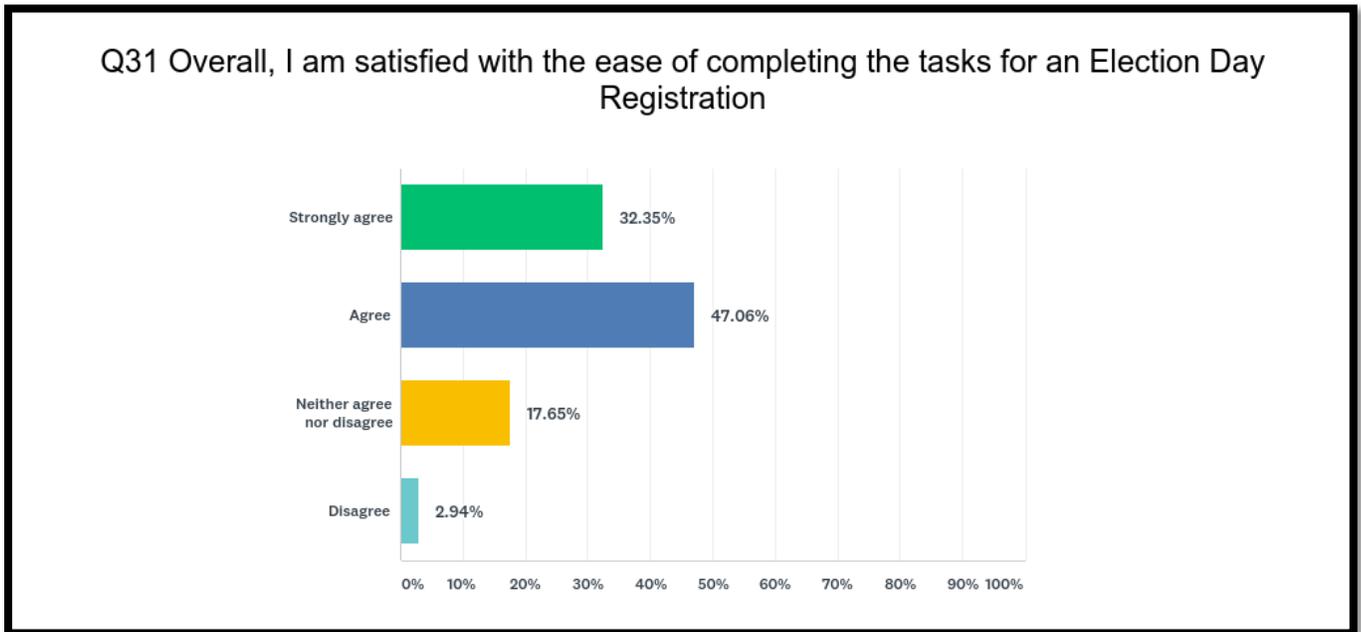
## 2. Absentee

Of the three processes, absentee ballot processing on the Badger Book received the highest amount of praise for its usability and efficiency. While clerks and poll workers found the steps to process an absentee ballot to be very straightforward, 23.08% of poll workers found it difficult to find the absentee voter using the available search options (voter name or mailing ID). Because poll workers were satisfied with the ability to scroll and find absentee voters alphabetically in the provided report, the next Badger Book iteration will hide search fields until the user needs to find a specific ballot outside of typical ballot processing.

## 3. Election Day Registration

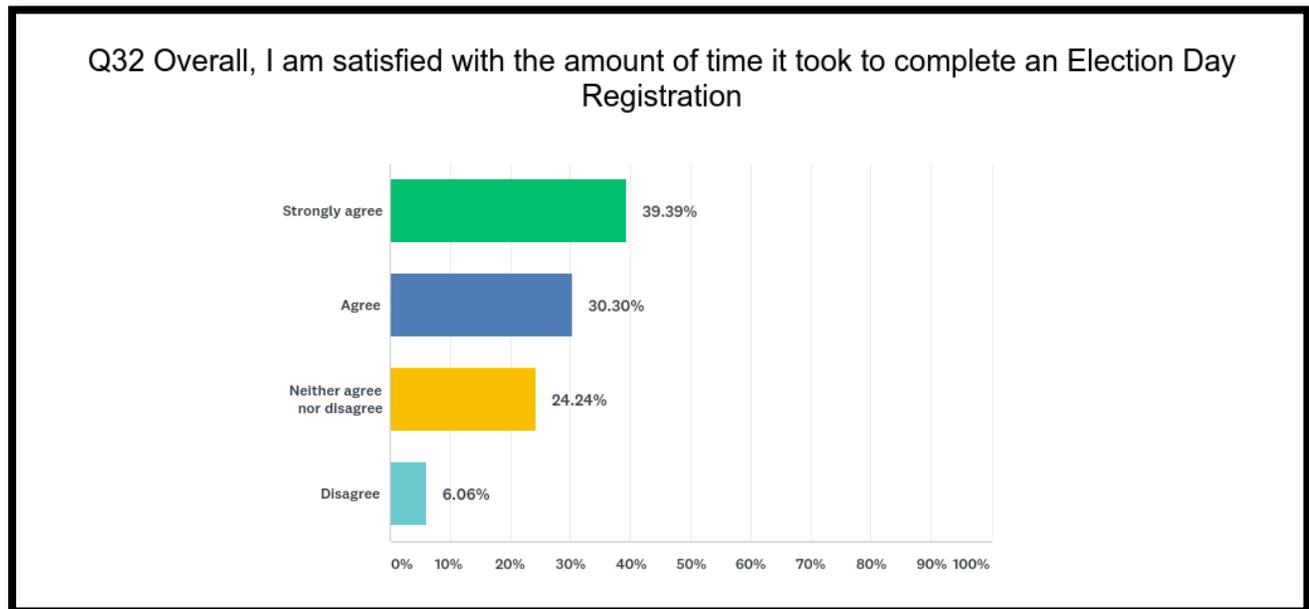
Poll workers also provided feedback on facilitating the Election Day Registration process using the Badger Book. Overall, poll workers were satisfied with the ease of completing the registration on the Badger Book (Figure 5). The process was heavily modeled after the voter registration process available to eligible voters through the MyVote Wisconsin website. Voters who needed to register or re-register to vote on Election Day, took more time on the Badger Book than voters who were preregistered, however poll workers reported they were satisfied with amount of time it took to complete a registration (Figure 6). Feedback indicates that poll workers would prefer to frontload the collection of voter eligibility information (birth date, felon status, etc.) before all other voter information is recorded. Poll workers did not express a strong preference for registering voters in the same line used for checking in voters. In the future, polling locations would be able to set up Election Day Registrations to be processed separately or in the same line as pre-registered voters depending on clerk and poll worker preference. The Badger Book could accommodate either setup option and would not require any changes to the software, however it would impact clerks who train poll workers only on specific responsibilities in a polling location.

Figure 5 – Election Day Registration, Ease of Use



\*Poll workers struggled with the process of adding a new address to the system which still requires use of paper maps.

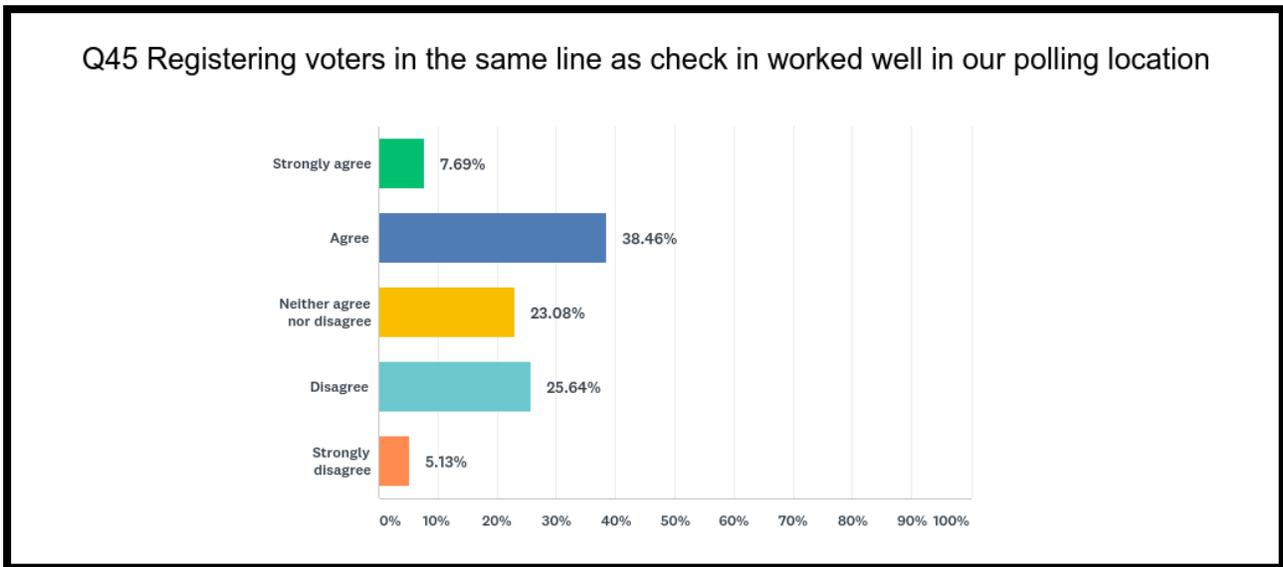
Figure 6 – Election Day Registration, Time Satisfaction



### C. Polling Place Logistics and Procedures

Poll workers were also asked to evaluate the impact of how the polling location was run because of the Badger Books. This included questions on how incorporating voters who need to register into the same line as preregistered voters impacted the process and if the number of machines provided adequately managed the lines throughout the day. Poll workers did not resoundingly agree or disagree that registering voters in the same line as check in worked well (Figure 7). In a debrief with the involved municipal clerks, four out five clerks said they would separate their Election Day Registration voters from their preregistered voters. The software can accommodate either option.

Figure 7 – Incorporated Registration Line Satisfaction

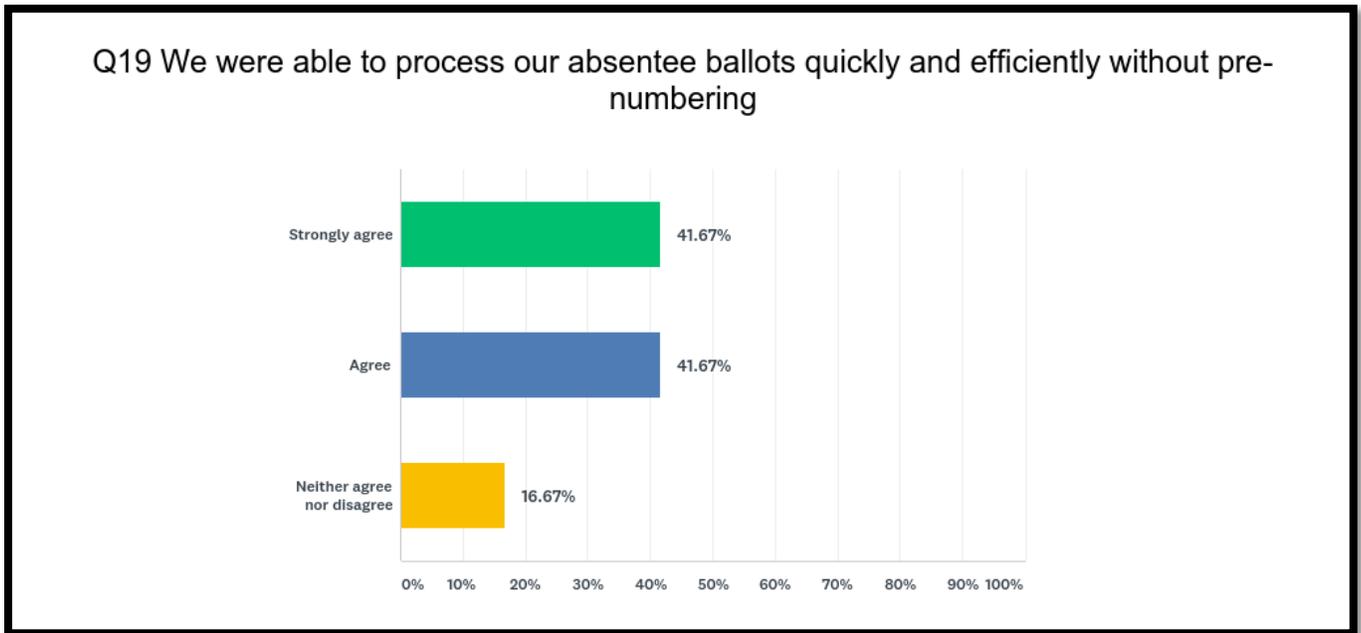


Responses indicate that while poll workers generally agreed that the 3 machines provided by the WEC for the pilot were enough to manage a Spring Election, more devices would be necessary to efficiently manage lines for an election with higher turnout. Staff will continue to work with Badger Book users to determine the appropriate amount of stations to effectively manage each type of election.

Absentee ballots were sent to the polls without a preassigned voter number as part of the guidelines for participating in the pilot. Poll workers successfully processed all the absentee ballots before polls closed. Additionally, poll workers who processed absentee ballots agreed that processing absentee ballots would require its own machine by a rate of two to one. The dedicated machine could then be used to check in or register voters after all absentee ballots were processed.

While survey questions did not collect feedback directly on training, clerks and poll workers both expressed a desire to have more hands-on time with the devices during training. Training covered every potential scenario the Badger Book can accommodate; however, poll workers expressed a desire to focus more time on the standard voter check in process.

Figure 8 – Processing Absentee Ballots



\*Pre-numbering is the process of assigning a voter number to an absentee voter on the poll book before Election Day.

#### D. Hardware

The pilot program was also an opportunity to test how the hardware performed with voters and poll workers under Election Day conditions. Two hardware configurations were used during the pilot and both were evaluated for usability, end user acceptance, and durability through repeated use. Mequon and Brookfield used the point of sale configuration while Beloit, Trenton, and Sun Prairie piloted with the tablet-based solution. Both options included a thermal printer, barcode scanner, wireless keyboard, and wireless mouse. Most poll workers felt the text on the screen was easy to read, but it would be helpful if the text size were adjustable. Additionally, voters and poll workers had the option to use a stylus to navigate the system and provide their signature. Poll workers observed that it was sometimes difficult for the voter to provide their signature due to the height and angle of the devices, and that voters liked the option to sign with a stylus or finger.

The point of sale configuration included two screens, one for the poll worker and one for the voter. The information on the voter screen always mirrored the information the poll worker was seeing and interacting with. The voter facing screen was also active on all screens, meaning the voter had the ability to interact with the same features the poll worker. This feature caused some concern to poll workers who suggested voters be locked out from interacting with certain pages in the future. During the April election, poll workers were generally able to keep voters from interacting with features meant for poll workers. The voter facing screen was also mounted on a printer stand. All voters were able to provide their signature with this set up, however there were issues with display cords being mistaken for a cord attached stylus. While this configuration was stationary, it required multiple cords and connections to function that WEC staff was on site to manage. In the future, staff are looking to replace this option with a device that requires less set up and connections.

The tablet-based solution did not have a separate screen for the voter to interact with. Instead, the tablet was mounted on a rotating stand that poll workers would spin to face the voter at the point that the voter needed to provide their signature or review their information. This presented a challenge in cord management for poll workers because both the scanner and printer need to be hooked up to the tablet while processing a voter. Staff will attempt to eliminate the need to manage cords and a spinning feature in the future. Staff and poll workers observed that voters had difficulty with the height and angle of the Badger Book when it was positioned to collect the voter signature. Some voters took a bent knee to sign the poll book. For this reason, staff recommends that the tablet not be used as the hardware for a main voter check in station but may decide to make it available for purchase as a dedicated station for other processes (absentee processing, administrative features, etc.).

#### **IV. Conclusion and Rollout**

The Badger Book performed well in all five pilot locations and no widespread issues were reported by local election officials or staff assigned to those locations on Election Day. Feedback from the pilot indicates poll workers, clerks, and voters were satisfied with the Badger Book during its first use. Over 5000 voters were processed on the Badger Book during the Spring Election and the software received positive reviews from users regarding the usability and functionality of its core features. In addition, the vast majority of voters who interacted with the Badger Book were satisfied with their experience, despite the electronic poll book processes being a departure from the familiar paper-based system. All voters were able to provide the poll workers and the Badger Book with all information required to register and cast a ballot.

The pilot was also an excellent opportunity to collect feedback on several aspects of the Badger Book. Staff have analyzed this information and will consider minor user interface changes to the signature capture page, absentee search options, and the order that Election Day Registration information is collected. Staff will also hold a mock election with the Accessibility Advisory Group to take feedback and suggestions on how the software and hardware can be more accessible to voters with disabilities.

A new survey was posted after the Spring Election to gather Badger Book interest and implementation plans from municipalities across the state to determine how many municipalities will require implementation support in 2018. Most interested municipalities indicated they would like to implement Badger Books in 2019 and beyond, however a handful plan to implement in 2018 for the August Primary and November General Election.

While the pilot program dictated and evaluated certain polling place configuration decisions, WEC staff does not expect to place these restrictions on clerks in a statewide rollout. This approach will allow clerks freedom to create a flow that works well for their poll workers and polling location. The software is designed to allow each station to be all-service, however clerks would be able to designate stations as “the registration station” or “absentee processing station” if they would prefer to keep processes separate. Using Badger Book stations for singular purposes for all or part of Election Day could impact the amount of stations purchased per polling location, and result in an increased implementation budget. Staff believes that 1 station per 1000 registered voters, plus one additional station per polling location will be sufficient for most elections. However, as more municipalities use the Badger Book in high turnout elections, staff may revise this recommendation in consideration of additional feedback. Each municipality should consider a variety of factors when deciding how many stations are needed for each

of their polling places and should choose an implementation plan that considers the number of registered voters assigned to a polling place, the expected turnout for an election, and other logistical or setup specifics preferred by the local election official or poll workers.

After the completion of the pilot, staff received price quotes from the hardware provider. Additionally, staff, clerks, and poll workers agreed that devices with less cords and connections would be more realistic for poll workers to set up on Election Day. Staff is pursuing new hardware configurations that will interact well with the Badger Book software, meet poll worker usability needs, and also fit into municipal budget parameters. Staff will work with the hardware vendor to create at least two configurations available for purchase as a package through WisBuy, the state's online portal for purchasing off the state contract. Staff estimates that the hardware packages will be available for purchase by the end of May 2018, with delivery estimated for July 2018.

Pre-election and Post-election activities such as configuring the Badger Book for the correct reporting unit, updating voter participation, and entering newly registered voters into WisVote were conducted by WEC staff on behalf of the pilot municipalities. Municipalities that decide to implement the Badger Book in August and after, will perform these tasks independently with the support of WEC staff. Training materials for how to perform these tasks will be available through the Wisconsin Elections Commission Learning Center by July 2018.

Staff will work with municipal and county clerks to develop a train-the-trainer strategy to support the Badger Book. This strategy will include a WEC-led training session with clerks to familiarize them with Badger Book functionality, set up, maintenance, security, and best practices. Clerks should then work with their chief election inspector, or another designated poll worker, to serve as the "super user" or point of contact for Election Day issues that arise in a polling location. This user should have admin level access to the Badger Books, be comfortable with new technology, and attend one-on-one training with their clerk. This user should also be present at Badger Book Poll Worker training, administered by the clerk to increase their familiarity with the software functionality and hardware setup. It is recommended that Badger Book training for poll workers should occur 1-2 weeks before Election Day for knowledge retention purposes.

Staff will continue to review and incorporate feedback from clerks, poll workers, voters, and voter advocates to improve Badger Book functionality and performance. Staff will also provide guidance and support local municipalities and counties during the 2018 Badger Book implementation, and for future implementations.



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INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the Meeting of May 24, 2018

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Interim Administrator

Prepared and Presented by:  
Sarah Whitt                      Jodi Kitts  
WisVote IT Lead              WisVote Specialist

**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, recommendations for using the same process at the 2018 August Partisan Primary and information concerning the 2018 mailing to voters who are Eligible but Unregistered.

### Background

On October 24, 2017, Commission staff identified approximately 340,000 registered voters who appeared to have moved based on data provided by the Electronic Registration Information Center (ERIC). These voters were then mailed a postcard and encouraged to re-register if they had moved, or were given an option to continue their registration at their current address within 30 days if they did not move. On January 9, 2018 Commission staff deactivated the registration of any voters who did not re-register or did not request continuation at their current address within the 30-day period.

During the 2018 Spring Primary, WisVote staff received an increased volume of calls from voters and/or local election officials indicating that some voters had been deactivated as a result of the ERIC mailing even though the voter indicated at the polls that they had not moved.

At the March 2, 2018 meeting of the Elections Commission, the Commission approved having WEC staff provide ERIC Supplemental Poll Lists for local election officials to use at the 2018 Spring Election. These lists included any voters who were deactivated as part of the ERIC process who had not subsequently re-registered or had not been deactivated for a different reason such as being deceased or being a felon. If a voter appeared at the polls, claimed they had not moved and appeared on the ERIC Supplemental List, the voter was allowed to sign an affirmation that they still lived at the address on the ERIC Supplemental List, and were allowed to vote without having to re-register on Election Day. Clerks were also permitted to contact their ERIC voters ahead of the election, or to investigate their

ERIC voters against other reliable government records available to the clerk to confirm their residency status and reactivate their voter record prior to Election Day.

### **Preparing the ERIC Supplemental Lists**

WEC staff had to make several changes to the WisVote system quickly in order to support the ERIC supplemental poll list process.

First, a new view was added in WisVote so clerks could easily view and print lists of their ERIC voters to research ahead of the election if they chose to. The new view filtered out any ERIC voters who had already been reactivated, had subsequently re-registered, or had been deactivated for a reason other than ERIC, such as being deceased or serving a felony sentence.

The new ERIC Supplemental Poll List report was then created in WisVote. Clerks were instructed to print the new report along with their poll books. The printed report filters out ERIC voters who had been reactivated, re-registered, or were marked as Deceased or as Felons. The report is grouped by reporting unit to match the poll list and has a signature box where the voter signs. The signature area includes confirmation language oriented so the voter can easily read it that confirms the voter still resides at the address listed on the ERIC Supplemental List. New training materials were prepared for the report and distributed to clerks ahead of the 2018 Spring Election.

Clerks were instructed to scan any pages of the ERIC supplemental list where voters signed, and email them to the Help Desk after Election Day. WisVote staff handled the processing of the ERIC supplemental voters, reactivating the voters and recording the votes in WisVote on behalf of the clerks, with an average turnaround time of 24 hours.

### **Election Day Observations**

The implementation of ERIC Supplemental Poll Lists for the 2018 Spring Election appeared to go smoothly. WEC staff did not take any ERIC-related phone calls from either voters or clerks on Election Day. The City of Milwaukee created a support team to assist with ERIC Supplemental List issues and they also reported they did not receive any ERIC-related phone calls on Election Day.

### **Statistics**

Currently, of the 1,853 Wisconsin municipalities, 1,327 municipalities have reported to WEC staff that they did not have any voters sign their ERIC Supplemental Poll Lists for the 2018 Spring Election or they signed in error because they actually did move.

419 municipalities reported to WEC staff that they did have voters use and sign the ERIC Supplemental Poll Lists, which resulted in 1,328 voter records being reactivated. Staff is still awaiting confirmation from the additional 107 municipalities regarding their usage of the ERIC Supplemental List.

### **Recommendations for Upcoming Elections**

The ERIC Supplemental Poll Lists worked well for the 2018 Spring Election, therefore WEC staff believes the same process should be put in place for the upcoming special elections and the 2018

Partisan Primary. Continuing the same process allows eligible voters to vote without having to re-register, while minimizing additional training of election workers. WEC staff wishes to review the process after the Partisan Primary to make sure no other unforeseen issues exist before making a recommendation for the 2018 General Election. Please see the recommended motion at the end of this memorandum.

### **Continuing Cooperation with DMV**

WEC staff has continued to work with the Wisconsin Department of Transportation, Division of Motor Vehicles (DMV), to investigate voters who were flagged as having potentially moved based on DMV data, but who indicated they did not. DMV investigated approximately 100 customers provided by WEC staff and confirmed that the data they provided to ERIC was correct for those customers. There was a range of situations represented by these customers. Some had updated their address on the DMV website. Some had been updated through DMV's National Change of Address process. Some customers listed the new address on a vehicle registration form, changed it at the counter at a DMV Service Center, or listed it at a dealership when they were purchasing a vehicle. DMV was able to provide back-up audit logging and paper forms to confirm that the customers did in fact update their address at DMV (except in the case of National Change of Address processing, which is driven by customers filling out a mover card with the United States Postal Service).

### **2018 Mailing to Eligible but Unregistered Voters**

In June of 2018, WEC Staff will send a mailing to Wisconsin residents that have been identified by ERIC as being eligible to register to vote, but who are not yet registered. The ERIC Eligible but Unregistered mailing is required in the ERIC Membership Agreement to be run a minimum of once every two years, ahead of the November General Election.

The first Eligible but Unregistered mailing under ERIC was performed in the fall of 2016, before online voter registration was available. Staff anticipates that the 2018 mailing will be more successful now that voters can simply go to [myvote.wi.gov](http://myvote.wi.gov) and complete their registration process online. The goal of the mailing is to get voters registered ahead of the 2018 General Election so there are fewer Election Day Registrations that local election officials need to process. This results in direct cost savings for local governments. A sample of the proposed postcard is attached to this memorandum.

### **Conclusion and Motion**

The ERIC Supplemental List process has proven to be an effective way to allow those voters who were removed through the ERIC Movers process but did not move to vote without unnecessary burdens. It also effectively identified voters who do need to re-register and required them to do so. The process was not overly burdensome or confusing to local election officials. The technical changes made in WisVote to support this process have already been made and continued use of the process does not present significant cost increases for Commission Staff.

### **Recommended Motion:**

The Elections Commission approves the staff plan described above to continue use of the ERIC Supplemental List process at the 2018 Partisan Primary.

Our records show you may not be registered to vote  
Save time on Election Day - register to vote now!



Upcoming elections  
August 14, 2018  
November 6, 2018

Wisconsin Elections Commission  
212 E Washington Avenue  
Madison, WI 53703-2855



NONPROFIT ORG  
US POSTAGE  
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MADISON WI  
PERMIT NO 1369

This postcard is an official mailing from the State of Wisconsin.

**Register to Vote Online - Visit [myvote.wi.gov](http://myvote.wi.gov) and click Register to Vote**

**Or you can register to vote before the election** by mail, at your municipal clerk's office, or at your polling place on Election Day. Don't forget your Proof of Residence document!

**Think you are already registered?** Go to [myvote.wi.gov](http://myvote.wi.gov) to verify your registration.

*MyVote está disponible en español*

To register to vote, you must be a U.S. citizen, at least 18 years of age on Election Day, and not otherwise disqualified for a reason such as currently serving a felony sentence.

\*\*\*\*\*AUTO\*\*3-DIGIT 535 1 3

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INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the May 24, 2018 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Interim Administrator

Prepared and Presented by:  
Michael Haas, Staff Counsel  
Nathan Judnic, Senior Elections Specialist

**SUBJECT:** Commission Recount Manual

The information contained in the Commission's Recount Manual is prepared pursuant to Wis. Stat. § 9.10(10) to ensure that uniform procedures for boards of canvassers conducting recounts are followed when possible. The purpose of the Recount Manual, and other manuals and guidance documents prepared by the Commission staff, is to help explain statutory requirements, offer guidance on ambiguous provisions of the statutes, if necessary, and when needed, expand upon statutory requirements with recommended best practices and procedures.

Unlike laws governing other topic areas, the construction and application of election laws is somewhat unique.

5.01 **Scope. (1) CONSTRUCTION OF CHS. 5 TO 12.** Except as otherwise provided, chs. 5 to 12 shall be construed to give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to fully comply with some of their provisions.

Wis. Stat. § 5.01(1). The Legislature's decision to construct Wisconsin's election statutes in this manner affects how the courts have interpreted these statutes which in turn influences advice provided by Commission staff when fact specific scenarios are presented, usually on a case by case basis. The construction of statutes to "give effect to the will of the electors" has resulted in three general concepts which provide the framework for advice rendered by Commission staff: 1) directory vs. mandatory application of election statutes, 2) election official error vs. voter error, and 3) board of canvassers decision-making discretion.

### **Directory vs. Mandatory Application of Statutes to “give effect to the will of the electors”**

Based on Wis. Stat. § 5.01(1) (and its identical predecessor statute), Wisconsin courts view the election statutes with an eye towards a voter’s ballot being counted as cast when possible, versus a ballot being set aside and not counted if the will of the elector can be determined, even if a statute directs – but does not mandate – a ballot to be set aside in certain circumstances. Especially during a recount, this construct can be important in reviewing ballots that may or may not have been issued, cast or counted in compliance with every specific step of the election statutes. The consistent application of this concept is illustrated by the following statements of the Wisconsin Supreme Court:

The difference between mandatory and directory provisions of election statutes lies in the consequences of nonobservance: An act done in violation of a mandatory provision is void, whereas an act done in violation of a directory provision, while improper, may nevertheless be valid. Deviations from directory provisions of election statutes are usually termed ‘irregularities,’ and, as has been showing in the preceding subdivision, such irregularities do not vitiate an election. Statutes giving directions as to the mode and manner of conducting elections will be construed by the courts as directory, unless a noncompliance with their terms is expressly declared to be fatal, or will change or render doubtful the result, as where the statute merely provides that certain things shall be done in a given manner and time without declaring that conformity to such provisions is essential to the validity of the election. *Sommerfeld v. Board of Canvassers*, 269 Wis. 299, 69 N.W.2d 235 (1955), *Olson v. Lindberg*, 2 Wis.2d 229, 85 N.W.2d 775 (1957).

In keeping with sec. 5.011, Stats. (which is now sec. 5.01(1)), this court has quite consistently construed the provisions of election statutes as directory rather than mandatory so as to preserve the will of the elector. *Grandinjan v. Boho*, 29 Wis.2d 674, 139 N.W.2d 557 (1966).

...We have held that the word ‘shall’ can be construed to mean ‘may.’ *George Williams College v. Williams Bay*, 242 Wis. 311, 7 N.W.2d 891 (1943).

In passing upon statutes regulating absentee voting, the court should look to the whole and every part of the election laws, the intent of the entire plan, the reasons and spirit for their adoption, and try and give effect to every portion thereof. *Sommerfeld*, 269 Wis.2d at 238.

The Court has consistently sought to preserve the will of the electors by construing election provisions as directory if there has been substantial compliance with their terms. *Grandinjan*, 29 Wis.2d at 682.

Throughout the statutes with reference to elections the intent of the legislature is apparent. It is to encourage and assist qualified electors to cast their ballots for candidates of their choice. To prevent fraud the legislature in some instance has specifically stated that there must be strict compliance with a statute or a ballot cannot be counted. In so far as we have been called upon to construe that statutes we have held that where the legislature has provided in explicit language that absentee ballots shall not be counted unless certain provisions of the statute are complied with, compliance with those provisions is mandatory.

Where it has not done so expressly and in clear language we have held that provisions regulating absentee voting are directory, and that strict compliance therewith is not required. *Petition of Anderson*, 12 Wis.2d 530, 533 (1961).

See also additional cases in which the Court has determined that election statutes shall be interpreted as directory and not mandatory as to give effect to the will of the electors: *State ex rel. Tank v. Anderson*, 191 Wis. 538, 211 N.W. 938 (1927), *State ex rel. Bancroft v. Stumpf*, 21 Wis. 586 (1867), *Ollman v. Kowalewski*, 238 Wis. 574, 300 N.W. 183 (1941), *State ex rel. Graves v. Wiegand*, 212 Wis. 286, 249 N.W. 537 (1933), *State ex rel. Oaks v. Brown*, 211 Wis. 571, 249 N.W. 50 (1933), *Lanser v. Koconis*, 62 Wis.2d 86, 214 N.W.2d 425 (1974), *McNally v. Tollander*, 302 N.W.2d 440, 100 Wis.2d 490 (1981).

One area of the election statutes that the Legislature has determined should be read as mandatory, are some provisions related to the absentee voting process – Wis. Stat. §§ 6.86, 6.87(3) to (7) - and how absentee ballots should be treated at a recount – Wis. Stat. § 9.01 (1)(b)2. and 4. See Wis. Stat. § 6.84(1) and (2). In those instances, for example, when an absentee ballot certificate envelope is unsigned by the voter or the witness, those ballots cannot be counted. If absentee ballots were originally counted by the local board of canvassers in contravention of the absentee ballot procedures, those ballots during a recount “may not be included in the certified result of any election.” This is the basis for separating probable absentee ballots from regularly cast ballots during a recount – the mandatory versus directory treatment of ballots cast in contravention of an absentee procedure contained in §§ 6.86 or 6.87(3) to (7).

With the noted exception above for certain absentee ballot procedures, the Commission staff (as well as the former State Elections Board staff and the former Government Accountability Board staff) provides guidance that is intended to give effect to the will of the electors which may apply a directory reading of the statutes, given a specific-fact scenario. This may happen when, for example, a question is received as to whether a drawdown should occur when the election officials can identify the issue, it was no fault of the voter that more ballots exist than voters, the total number of ballots issued at a polling place reconciles with the total number of voters (but not within the reporting unit, meaning incorrect ballots were likely issued), and there is no evidence of any fraud or malfeasance. In such cases Commission staff often advise that a draw down is not the best practice, although the final decision is up to the board of canvassers. Drawing down requires the removal of a ballot, or ballots, at random and is generally viewed as a last resort option because the result will likely disenfranchise a random voter – something that the Legislature was arguably trying to avoid by inserting the language contained in Wis. Stat. § 5.01(1).

### **Election Official Error vs. Voter Error**

Another line of cases which factors into advice provided by Commission staff, especially during a recount, concerns the identity of the individual that committed an error. The error is magnified when it results in the number of voters and ballots failing to reconcile which could trigger a random draw down of ballots prior to the counting of ballots at the recount. The question becomes whether a voter and their properly cast ballot should be subject to random removal and potential disenfranchisement if an error was committed by an election official and not the voter. Removing ballots through the draw down procedure when an election official issued a voter the wrong ballot or failed to initial a ballot

does not seem to agree with the Legislature's construction of election statutes set forth in Wis. Stat. § 5.01(1) and caselaw below.

The Wisconsin Supreme Court has stated:

...The voter's constitutional right to vote cannot be baffled by latent official failure or defect. *Ollmann*, 238 Wis. at 579.

In *State ex rel. Symmonds v. Barnett*, 182 Wis. 114, 195 N.W. 707 (1923), the ballot of certain voters were not counted, because the voter's names did not appear on the voter registration list. These voters were, however, duly registered voters who had voted in the preceding primary election. Only the failure of the registration board to update the registration list explained the omission of their names. This Court ordered that votes of these voters must be counted, stating: As a general rule a voter is not to be deprived of his constitutional right of suffrage through the failure of election officers to perform their duty, where the elector himself is not delinquent in the duty which the law imposes on him. *State ex rel. Wood v. Baker*, 38 Wis. 171 (1875); *Barnett*, 182 Wis. at 127.

Because the right to vote is so central to our system of government, this Court has consistently sought to protect its free exercise. *McNally v. Tollander*, 302 N.W.2d 440, 100 Wis.2d 490 (1981). In the *Ollmann* case, ballots were initialed by only one election official, rather than being initialed by two election officials per the statutory requirement. The Wisconsin Supreme Court held that the ballots with only one set of initials were properly counted, stating that: "The voter would not knowingly be doing wrong. And not to count his vote for no fault of his own would deprive him of his constitutional right to vote...A statute purporting so to operate would be void, rather than the ballots." *McNally*, 100 Wis.2d at 502 citing *Ollmann*.

When questions are asked by local officials regarding how to treat a ballot, especially in recount situations, who made the error is a factor that is considered when rendering advice based on the decisions issued in these cases. Without considering this factor, election officials with ill intentions could potentially manipulate election results by purposefully committing errors (issue wrong ballots, fail to apply required election official notations to the ballot), knowing that ballots will automatically be drawn down or a new election potentially ordered if errors are discovered and the statute requiring a draw down is applied in a mandatory fashion without considering the source of error.

In such cases, where it is clear that an error has been committed by an election official, the voter is not at fault and there is no evidence of fraud or malfeasance, Commission staff often advise that a draw down is not the best practice, although the final decision is up to the board of canvassers. Drawing down requires the removal of a ballot, or ballots, at random and is generally viewed as a last resort option because the result will likely disenfranchise a random voter – something that the Legislature was arguably trying to avoid by inserting the language contained in Wis. Stat. § 5.01(1).

### **Board of Canvassers Discretion**

Despite advice provided by Commission staff when asked by a board of canvassers, ultimately that statutory body retains the authority and discretion to make decisions it deems appropriate. Statutes specifically provide the board of canvassers the authority to count and recount ballots and correct errors that may have occurred during the initial canvassing of ballots and certification of results. See Wis. Stat. §§ 7.51, 7.52, 7.53, 7.60 and 9.01(1) and (5). The board of canvassers is comprised of an odd number of individuals and takes into account party balance when possible in its composition. Courts rely on the determination and reasoning of the board of canvassers when determining if a decision on appeal was properly decided and gave effect to the will of the electorate. See *DeBroux v. Board of Canvassers for the City of Appleton* (Three Cases), 557 N.W.2d 423, 206 Wis.2d 321 (Wis. App., 1996) (“As the SEB notes in its brief, the statutory scheme for a recount ‘places a premium’ on the Board’s judgment to give effect to the will of the electorate.”)

The Commission’s procedures set forth in the Recount Manual, as well as the advice provided when a local election official or member of the board of canvassers asks a specific question on the treatment of a ballot, many times in the context of a recount, strives to be consistent with the intent of the election statutes and the supporting caselaw.

While the draw down procedure for example, is effective at creating ballot and voter totals that reconcile, it is not an effective tool for determining and removing the exact offending ballot or ballots, which caused the number of ballots to not match the number of voters. Rather than recommend a procedure that will likely disenfranchise a random voter due to an error made by an election official, the Commission staff’s approach has been to advise a board of canvassers that they have some discretion to avoid a draw down if they can identify an explanation as to why the discrepancy occurred, considering the factors discussed above.

Ultimately, the decision of the board of canvassers is what is challenged in court, not the advice rendered by the Commission staff. The Commission staff, however, believes the board of canvassers should be provided with advice that considers the cases discussing the “directory vs. mandatory” application of election statutes as well as considering who made the error that has generated the question in the first place. Any decisions made should consider “the will of the electors, if that will can be ascertained from the proceedings, notwithstanding informality or failure to fully comply with some of their provisions.”

### **Recount Manual**

The Commission’s Recount Manual does not currently dive into the construction of the election statutes in general, the construction of absentee ballot procedures or the language contained in Wis. Stat. §§ 5.01(1) and 6.84(2).

There are likely several reasons as to why this comprehensive explanation has not made it into the manual, but part of the reason is that many of the scenarios in which determinations to give effect to the will of the elector during a recount are extremely fact specific and therefore the advice offered does not lend itself to “black and white” decisions that you would typically expect in a manual. The Commission staff receives questions on a case by case basis, and offers advice based on a very specific

set of facts taking into account the factors discussed above. Also, the advice regarding specific recurring circumstances has been clarified only in recent years due to issues that have been raised and resolved during various recounts and involving legislative changes to the ballot counting rules. The Recount Manual, like other agency manuals, is continually updated over time to improve its accuracy and maintain its currency.

If the Commission believes language in the Recount Manual should be added to account for advice rendered in these fact specific situations, language could be added to the “Procedures for Conducting the Recount” section (pages 4-13) of the manual. Another option could be to add a separate introductory page or new Appendix that discusses this topic. Direction to a board of canvassers to consult with the Commission staff could also be included, although that normally occurs regardless of whether such information is included in the manual. During a recount, the Commission staff is regularly consulted for its opinion on how to handle ballots in a variety of scenarios.

#### *Possible Manual Language*

*The board of canvassers conducting a recount should be mindful of the construction of election statutes contained in Wis. Stat. § 5.01(1), which states:*

*5.01 **Scope. (1) CONSTRUCTION OF CHS. 5 TO 12.** Except as otherwise provided, chs. 5 to 12 shall be construed to give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to fully comply with some of their provisions.*

*The board of canvassers conducting a recount should be mindful of the construction and interpretation of statutes governing absentee ballots contained in Wis. Stat. § 6.84(1) and (2), which states:*

#### *6.84 **Construction.***

*(1) **LEGISLATIVE POLICY.** The legislature finds that voting is a constitutional right, the vigorous exercise of which should be strongly encouraged. In contrast, voting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse; to prevent overzealous solicitation of absent electors who may prefer not to participate in an election; to prevent undue influence on an absent elector to vote for or against a candidate or to cast a particular vote in a referendum; or other similar abuses.*

*(2) **INTERPRETATION.** Notwithstanding s. 5.01 (1), with respect to matters relating to the absentee ballot process, ss. 6.86, 6.87 (3) to (7) and 9.01 (1) (b) 2. and 4. shall be construed as mandatory. Ballots cast in contravention of the procedures specified in those provisions may not be counted. Ballots counted in contravention of the procedures specified in those provisions may not be included in the certified result of any election.*

*Based on these statutes, the board of canvassers should consider whether a directory or mandatory reading of a statute is required when making a determination, and whether the errors were made by an*

*election official or a voter. Ultimately, the board of canvassers has the authority and discretion to make decisions and correct errors during a recount. All decisions should be clearly documented, including the reasoning of the board of canvassers so those decisions may be subjected to a review by a court if necessary.*

*Consideration of these statutes is especially relevant when a board of canvassers is faced with a decision regarding a draw down. Draw downs typically occur when a board of canvassers cannot reconcile the number of voters with the number of ballots cast. In these situations, it may be appropriate for the board of canvassers to determine, if possible, who is responsible for the discrepancy. It is not recommended that a draw down occur if it can be determined that the discrepancy was caused by election official error.*



# **ELECTION RECOUNT PROCEDURES**

**April 2018**

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# Introduction

Elections are often decided by a few votes. In many cases they are decided by one or two votes out of the several hundred or even several thousand votes that are cast. An election may even end in a tie vote. These circumstances encourage a candidate, typically the one who loses the election, to have all the ballots counted again to assure all legal votes are counted properly, any illegal votes are not counted, and the proper procedures for conducting the election were followed by the election officials.

The process of counting the ballots again is known as a recount. There is no automatic recount. The procedures for requesting and conducting a recount are spelled out in the election laws. A recount is the exclusive remedy to test in court the right of a candidate to hold office based on the number of votes cast at an election.

This manual explains the statutory requirements for requesting a recount, attempts to explain ambiguity in those statutes, expands on the statutory requirements with recommended procedures for conducting a recount, and contains sample forms for use during the recount. This information is prepared by the Wisconsin Elections Commission (“WEC” or “Commission”) pursuant to the requirements of [Wis. Stat. § 9.01\(10\)](#). If you have any questions about the recount process, please contact Commission staff through any of the methods below:

Phone: 608-261-2028

Toll Free: 866-VOTE-WIS

Fax: 608-267-0500

Email: [elections@wi.gov](mailto:elections@wi.gov)

# Procedures for Requesting a Recount

## **Who May Request a Recount?**

Any individual who voted at a referendum election may request a recount of the referendum results. Only an aggrieved candidate, defined as a candidate for an office whose total votes were within 1% of the winner's vote total when at least 4,000 votes were cast or within 40 votes of the winner's total if fewer than 4,000 votes were cast may request a recount of results for an office. [Wis. Stat. § 9.01\(1\)\(a\)1](#). There is no automatic recount, even if the unofficial results are extremely close.

## **How is a Recount Requested?**

A recount is requested by filing a sworn petition with the filing officer along with the filing fee, if required. For the office of the president, a petition for recount must be filed not earlier than the completion of the canvass and not later than 5 p.m. on the 1<sup>st</sup> business day following the day on which the WEC receives the last county board of canvassers statement. For all other offices, a petition for recount must be filed not earlier than the completion of the canvass and not later than 5 p.m. on the 3<sup>rd</sup> business day following the last meeting day of the board of canvassers determining the result for the office/referendum. [Wis. Stat. § 9.01\(1\)\(a\)1](#).

## **What is a Recount Petition?**

A recount petition is a sworn statement requesting that the votes at an election be counted again and setting out the reasons why the ballots should be recounted. A recount petition must be filed with the filing officer along with any applicable fee.

The recount petition must state the following information:

1. The petitioner must specifically request a recount or otherwise clearly indicate they desire a recount of particular election results. See [Wis. Stat. § 9.01\(1\)\(a\)1](#).
2. The petitioner must indicate he or she was an aggrieved candidate for the office in question [Wis. Stat. § 9.01\(1\)\(a\)5](#). If the results of a referendum election are at issue, the petition must state that the petitioner voted on the referendum question. [Wis. Stat. § 9.01\(1\)\(a\)2.a](#).
3. The basis for requesting the recount. This can consist of a general statement that the petitioner believes that a mistake or fraud was committed in a specified ward or municipality in the counting and return of the votes cast for the office; or more specific grounds, such as a particular defect, irregularity, or illegality in the conduct of the election, may be listed in the petition. The petitioner shall state if this information is based on personal knowledge of the petitioner or if the petitioner believes the information to be true based on information received from other sources. [Wis. Stat. § 9.01\(1\)\(a\)2.b](#).
4. The ward or wards to be recounted.<sup>1</sup> If a municipality consists of only one ward, the petition

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<sup>1</sup> If a candidate petitions for a recount in part, but not all, of the wards or municipalities within a jurisdiction or district, the opposing candidate may file a petition for a recount in any or all of the remaining wards or municipalities. The latter petition must be filed not later than 5:00 p.m. two days after the board of canvassers completes the first recount. The board of canvassers convenes at 9:00 a.m. on the next business day to count the remaining wards or municipalities. This right also applies to a referendum election. Any elector who voted at the election may petition to recount the remaining wards or municipalities in a referendum election. [Wis. Stat. § 9.01\(4\)](#).

need only list the municipality in which the recount is desired. If all wards in a municipality, county or district are to be recounted, the petition may list the municipality, county or district without specifying each ward to be recounted. The petitioner may also state “all wards” if the petitioner wants the entire election recounted. If no ward specifications are indicated, the filing officer will assume that all wards are included. [Wis. Stat. § 9.01\(1\)\(a\)3](#).

5. A verification signed under oath before a person authorized to administer oaths. The verification must state that the matters contained in the petition are known to the petitioner to be true except for allegations stated on information and belief, which the individual believes to be true. See Sample Recount Petition ([EL-186 or EL-186R](#)).

If a recount petition is not filed in the proper form, or not accompanied by the filing fee (if required) by the filing deadline, the petitioner loses his or her right to a recount of the election. See Wis. Stat. § [9.01\(1\)\(a\)2](#) & [\(ag\)3](#). A sample recount petition ([EL-186 or EL-186R](#)) is available in the Appendix.

After filing the recount petition, the petitioner may amend the petition. This may be done to include information discovered as a result of the facts gathered and determined by the board of canvassers during the recount. If the petitioner wants to amend his or her petition, the petitioner must file a motion to amend the petition with the board of canvassers as soon as possible after the petitioner discovers, or should have reasonably discovered, the new information, and show that the petitioner was unable to include the information in the original petition. [Wis. Stat. § 9.01\(1\)\(a\)4](#).

### **When is a Filing Fee Required?**

Determining if a filing fee is required depends on the total votes cast for the office<sup>2</sup> and the difference between the total votes cast for the “leading candidate” and the total votes cast for the petitioner. The “leading candidate” is typically the candidate who won the election. However, in an election where more than one candidate is elected to the same office, or in a primary election when two or more candidates are nominated, the “leading candidate” is the person who received the fewest votes, but is still elected or nominated; not the candidate with the most votes. When more than one candidate is elected or nominated, the number and percentage of votes cast is calculated by first dividing the total votes cast by the number of candidates elected or advancing. [Wis. Stat. § 9.01\(1\)\(ag\)5](#). Please see “Recount Fee Scenarios” in the Appendix for an example of how to determine if a filing fee is required.

#### If 4,000 or fewer votes are cast:

No fee is required if the difference in the total votes cast between the leading candidate and those cast for the petitioner or between the affirmative and negative votes cast at a referendum is less than 10. If the difference is at least 10 votes, a filing fee is required.

#### If more than 4,000 votes are cast:

No fee is required if the difference between the leading candidate and those cast for the petitioner or between the affirmative and negative votes cast at a referendum is 0.25% or less. If the difference is greater than 0.25%, a filing fee is required.

When a filing fee is required, the cost of the recount should be estimated by the filing officer

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<sup>2</sup> In an election in which more than one office of the same type is to be filled from the same territory, the total votes cast for the office is determined by dividing the total number of votes cast for the office by the number of offices to be filled. The difference between the total votes cast for the leading candidate and the petitioner is divided by the total votes cast for the office to calculate the percentage difference to determine when a fee is required. [Wis. Stat. § 9.01\(1\)\(ag\)5](#).

including the actual cost incurred by the Elections Commission to provide services for performing the recount, and pre-paid by the petitioner in cash or in another form of payment acceptable to the filing officer at the time of filing. [Wis. Stat. § 9.01\(1\)\(ag\)2 and 3](#).

If the recount results in the petitioner being elected or a reversal of the outcome of a referendum or the recount results in a difference in the votes cast that is at or above the threshold for paying the fee, the filing fee shall be refunded to the petitioner within 45 days after the board of canvassers makes its determination in the recount. If the results of the recount do not change the outcome of the election, or the recount results in a difference in the votes cast that is below the threshold for paying the fee, the petitioner shall pay any balance owing toward the actual cost of the recount within 45 days after the filing officer provides the petitioner with a written statement of the amount due. [Wis. Stat. § 9.01\(1\)\(ag\)3m](#).

### **Campaign Finance Note:**

Per Wis. Stat. § 11.1104(9), “Contributions used to pay legal fees and other expenses incurred as a result of a recount under s. 9.01” are not subject to contribution limits. These contributions may be collected from the time of the initial recount petition has been filed until the recount process ends. Legislative campaign committees and political parties are not subject to contribution limits, and can give unlimited amounts to candidate committees however reporting requirements still apply. For information regarding the campaign finance laws, please contact the Wisconsin Ethics Commission (<http://ethics.wi.gov/content/contact-us>).

### **Where Does the Petitioner File the Recount Petition?**

The petitioner files the recount petition with the filing officer with whom nomination papers or a declaration of candidacy are filed for that office. The filing officer for any federal or state office or referendum is the Wisconsin Elections Commission. The filing officer for any county office or referendum is the county clerk. The filing officer for a municipal office or referendum is the municipal clerk or the board of election commissioners. The filing officer for a school board office or referendum is the school district clerk. [Wis. Stat. §§ 8.10\(6\)\(d\), 9.01\(1\)\(ar\)1](#).

### **When Must the Petition be Filed?**

If a municipal or county board of canvassers determines the election results, the time frame for filing is not earlier than the completion of the canvass for the election and not later than 5:00 p.m. on the third business day after the last meeting day of the board of canvassers which determines the election or referendum results. [Wis. Stat. § 9.01\(1\)\(a\)1](#).

If the Wisconsin Elections Commission Chairperson or designee determines the election or referendum result, the petition must be filed no earlier than the last meeting day of the last county board of canvassers to make a statement in the election or referendum and no later than 5:00 p.m. on the third business day after the Wisconsin Elections Commission receives the last statement from the county board of canvassers. [Wis. Stat. § 9.01\(1\)\(a\)1](#).

For an election for President of the United States, the recount petition deadline is the 5:00 p.m. on the first business day after the Wisconsin Elections Commission receives the last statement from a county board of canvassers for the election.

## **What Happens When the Petition is Properly Filed?**

Upon receipt of a valid recount petition, the filing officer shall prepare a public notice of the recount (see Appendix for an example) pursuant to [Wis. Stat. § 19.84](#) describing when and where the recount will be held. The filing officer shall send a copy of the notice to the board of canvassers and deliver a copy of the petition and public notice to all candidates whose names were listed on the ballot for the same office. The Wisconsin Elections Commission recommends that the filing officer also deliver the notice to any registered write-in candidates. In a partisan primary, candidates from all parties for the same office must be notified by the filing officer. A candidate or agent designated by the candidate may personally accept delivery of the copy of the petition. Upon delivery, the candidate or agent shall be required to sign a receipt (see Appendix). If a candidate or agent does not personally accept delivery, the copies shall be given promptly to the sheriff. The sheriff shall promptly serve the copies on the candidates without fee. [Wis. Stat. § 9.01\(2\)](#).

The petitioner and other candidates are encouraged to obtain legal counsel to represent them in any recount proceedings. [Wis. Stat. § 9.01\(3\)](#). The board of canvassers should also make arrangements to obtain legal advice as needed during the recount proceedings. The Commission staff may also be made available via phone during the recount upon request.

Please note that the Wisconsin Elections Commission should be notified of all recounts. In the event of a recount for state or federal office involving more than one county, the boards of canvassers shall consult with the Commission staff in order to ensure that uniform procedures are used to the extent practicable. The Commission staff will make arrangements for a teleconference through the respective county clerks prior to beginning the recount. Candidates will be invited to participate and the teleconference will be open to the public. [Wis. Stat. § 9.01\(10\)](#).

## **Procedures for Conducting the Recount**

### **When Does the Recount Begin?**

The recount begins no earlier than 9 a.m. on the day following delivery of notice to all candidates and no later than 9 a.m. on the day following the last day for filing the recount petition. [Wis. Stat. § 9.01\(1\)\(ar\)3](#). In a recount ordered by the Wisconsin Elections Commission, the board of canvassers shall convene no later than 9 a.m. on the third day following receipt of the order by the county clerk. [Wis. Stat. § 9.01\(1\)\(b\)](#). If the following morning is a Saturday (or holiday) the Wisconsin Elections Commission recommends that the board of canvassers begin the recount on the Saturday (or holiday).

### **Who Conducts the Recount?**

The board of canvassers that determined the original election result conducts the recount, except for state and federal elections. For state and federal elections, the county boards of canvassers for the counties in which the contested votes are cast conduct the recount. The Wisconsin Elections Commission recommends that the board of canvassers be composed of the same people who initially canvassed the election results. However, in the event one of the original members is unavailable when the recount is scheduled to begin, other qualified individuals may be appointed to fill the temporary vacancy. [Wis. Stat. §§ 7.53\(1\)\(b\), \(2\)\(a\), 7.60\(2\)](#). If a member of the board of canvassers is unavailable for the recount, the clerk should be notified immediately and a list of

qualified replacements composed before the recount begins. The minutes of the recount should reflect any change in canvass board members and the reason for the substitution.

The board of canvassers may hire tabulators who work at the canvass board's direction and who assist in administering the recount. Tabulators may assist the board of canvassers in conducting the recount, but only members of the board of canvassers are competent to make any determination as to the validity of any vote tabulated. [Wis. Stat. § 9.01\(5\)\(b\)](#). The Wisconsin Elections Commission recommends that where possible, the election inspectors who worked the polls on Election Day serve as tabulators.

### **Who May Attend the Recount?**

Any person may attend the recount. This includes the candidates, their representatives or legal counsel, media representatives, and any other interested persons. [Wis. Stat. § 9.01\(3\)](#). If there are multiple representatives from a single campaign, a single representative shall be identified as the designated primary representative to the board of canvassers. Secondary representatives may ask clarifying questions of recount staff and request that ballots be set aside for further review by the board of canvassers, but any challenges or objections for the record must be made by the designated primary representative.

The canvass board members and the tabulators are the only persons who may handle and touch the ballots and other election materials. The board of canvassers must, however, allow the candidates and their representatives and/or legal counsel to view and identify the election materials. [Wis. Stat. § 9.01\(1\)\(b\)11](#).

The board of canvassers shall exercise reasonable control over the conduct of the recount to assure that the canvassers and tabulators do not experience interference from any person observing the recount. All persons who are not under the supervision of the board of canvassers are considered observers and are subject to the observer rules established by the Wisconsin Elections Commission and the board of canvassers. All observers shall wear badges or nametags identifying themselves and their role (candidate, media, etc.)

The board of canvassers may establish marked observer areas<sup>3</sup> and ask that observers remain within those areas unless otherwise permitted by the board of canvassers. If there is not sufficient room for all observers to view the election materials, preference shall be given to candidates or their representatives. The use of video or still cameras inside the recount room is permitted unless it is disruptive or interferes with the recount. The board of canvassers may enforce reasonable restrictions on items brought into the recount room such as marking devices, food, or drink.

If any observer engages in disruptive behavior that in the opinion of the board of canvassers threatens the orderly conduct of the recount, the board of canvassers shall issue a warning and if the observer does not cease the offending conduct, order the observer's removal.

### **Recount Preparations**

Unless a court orders otherwise, the board of canvassers may decide to either hand-count or use voting equipment to tabulate the ballots. The board of canvassers may also choose to hand-count certain wards, while using voting equipment to tabulate other wards. [Wis. Stat. § 5.90\(1\)](#). If

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<sup>3</sup> Unlike observation areas in the polling place, recount observations areas are not required to be placed at any specific distance as long as the candidates and their representatives can view and identify the election materials and the observers are not disruptive to the recount process.

voting equipment is used, it should be programmed to read and tally only the results for the contest to be recounted. Prior to the recount, the filing officer should consult individually with board of canvass members to inquire how each prefers the ballots be tabulated. Based on that informal polling, the filing officer can prepare for the recount. The formal decision on the tabulation method to be used should be made publicly when the recount begins so as to provide an opportunity for candidates or their representatives to object.

The filing officer administering the recount should ensure that all the supplies and materials needed for the recount have been acquired prior to the start of the recount. The filing officer should also acquire the necessary original election materials for each reporting unit to be recounted. A sample checklist of materials and supplies is available in the Appendix.

If the necessary materials are not on hand when the recount is scheduled to begin, the Wisconsin Elections Commission recommends that the board of canvassers convene by the deadline set by statute, document what materials are missing, what steps have been taken to procure them for the record, and adjourn until the materials are available.<sup>4</sup> In the event that the board of canvassers has the required materials for some, but not all the wards to be recounted at the time they are scheduled to begin the recount, the board of canvassers may begin the recount with those wards for which it has the required materials while the missing materials are being obtained.

The Wisconsin Elections Commission recommends that the board of canvassers note in the minutes if proper notice of the recount was given to all candidates. Also, the board of canvassers should note if the recount was properly noticed as a public meeting under [Wis. Stat. § 19.84](#).

The filing officer may choose to conduct an administrative review of the recount materials prior to the recount commencing to identify possible errors or anomalies (e.g., reconciliation of poll books). If any such review was conducted by the filing officer prior to the recount, the filing officer shall publicly present a full report to the board of canvassers of any errors or anomalies identified as well as any corrective action taken. The board of canvassers may choose to adopt or reverse any decision made by the filing officer during the administrative pre-recount review.

### **What Does the Board of Canvassers Do?**

The duty of the board of canvassers is to recount the votes cast for the office in question and to correct the errors, if any, that were made at the original determination of the election results. If necessary, the board of canvassers may also issue subpoenas to compel witnesses or documents for the recount. The board of canvassers is also required to make a complete written record of the recount. [Wis. Stat. § 9.01\(5\)\(a\)](#).

Each party to a recount must be given an opportunity to object and provide offers of evidence on:

- all objections to the recount itself,
- the composition of the board of canvassers,
- the procedures followed,
- any ballot cast at the election, and
- any other issues presented to the board of canvassers during the recount.

[Wis. Stat. § 9.01\(5\)\(a\)](#).

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<sup>4</sup> The Board of Canvassers may not adjourn for more than one day at a time. [Wis. Stat. § 9.01\(1\)\(ar\)3](#).

Any objections or offers of evidence, the canvass board's decisions, and any findings of fact regarding any irregularities discovered during the recount, must be recorded in the written minutes of the recount proceedings. While a court reporter is not required, an audio recorder is recommended to ensure detailed minutes are kept. A sample format for the recount minutes can be found in the Appendix.

### **How Does the Board Conduct the Recount?**

The board of canvassers conducts the recount by following the procedures in Wis. Stat. §§ [5.90](#); [7.50](#); [7.51](#); & [9.01\(1\)\(b\)](#). Please see the Appendix for checklists specific to the use of each type of tabulation method. These procedures are conducted separately for each municipality and reporting unit within the municipality. The board of canvassers shall announce each reporting unit before beginning the recount process for that reporting unit. Please note that the board of canvassers must keep complete minutes of each step completed, any objections made, any evidence introduced, any findings of fact made, and any decisions of the board of canvassers including the reasoning behind the decision.

#### 1. Reconcile Poll Lists – Wis. Stat. § 9.01(1)(b)1

The board reconciles the two poll lists and any supplemental lists to confirm the lists record the same voters, the same total number of electors who voted in the ward or municipality, and that the same supplemental information is noted. The canvassers determine from the poll lists the total number of voters, the number of absentee votes recorded, and identify any irregularities appearing on these lists. The canvassers note in the minutes the total number of persons who voted, how many absentee votes were recorded, and any irregularities found on the poll lists.

#### 2. Review Absentee Ballots and Materials – Wis. Stat. § 9.01(1)(b)2

##### *Determine Number of Absentee Voters*

The Wisconsin Elections Commission recommends that the board of canvassers determines the number of absentee voters by reviewing the poll lists, the absentee ballot certificate envelopes, the Inspectors' Statement (EL-104), and the absentee ballot log (EL-124).

##### *Examine Written Absentee Applications*

The board of canvassers then reviews the written applications for absentee ballots and the list of absentee voters maintained by the municipal clerk. There should be a written application for each absentee ballot envelope except those issued in-person in the clerk's office. In the case of indefinitely confined, a designation on a list prepared by the municipal clerk is sufficient if it indicates that an absentee ballot was delivered to and returned by an absentee voter.

Do not reject an absentee ballot if there is no separate written application.<sup>5</sup> Because of the variety of reasons that the board of canvassers may not be able to locate a specific written application, and the likelihood that a voter may be improperly disenfranchised, the board of canvassers should not reject an absentee ballot due to the lack of a written application. The board of canvassers records in the minutes the number of written absentee ballot applications on file as well as an explanation of any discrepancy, but any request to reject a ballot on this

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<sup>5</sup> See Informal Opinion of Staff Attorney Re: Recount of the Town of Walworth Recall Election (11/18/02); but see also [Wis. Stat. § 6.84\(2\)](#); [Walter V. Lee v. David Paulson, 2001 WI App 19](#).

basis should be determined by a reviewing court rather than the board of canvassers.

❑ *Review Rejected Absentee Ballots*

The board of canvassers examines the rejected absentee ballot certificate envelopes contained in the brown carrier envelope (EL-102). Rejected absentee ballot certificate envelopes are identified by the election inspectors on election night and marked “rejected.” The reason for the rejection should be noted on the Inspectors’ Statement (EL-104).

The board of canvassers should make their own determination for each rejected absentee ballot certificate envelope.<sup>6</sup> Any improperly rejected ballots should be marked and placed into the pool of ballots to be counted. If the number of voters is increased under this procedure the change should be recorded in the minutes. Any errors by election inspectors in rejecting absentee ballots should be documented in the minutes along with the corrective action taken.

❑ *Examine Defective Absentee Ballot Envelopes*

The board of canvassers examines the used absentee ballot certificate envelopes (EL-122) contained in the white carrier envelope (EL-103). If the board finds any defective<sup>7</sup> absentee ballot certificate envelope not identified on election night they should be marked as defective, assigned a serial number, set aside, and properly preserved. A notation including a description of the defect should be made in the minutes.

The number of voters determined at the beginning of the recount is reduced by the total number of absentee ballots set aside under this procedure. This adjusted number is noted in the minutes and used whenever the number of voters is referred to during the recount. Do not remove ballots from the pool yet.

3. Examine Ballot Bag or Container – [Wis. Stat. § 9.01\(1\)\(b\)3](#)

The board of canvassers examines the ballot bag or ballot container (EL-101) to determine that it has not been tampered with, opened, or opened and resealed. The board of canvassers should verify that the tamper-evident seal matches the serial number on the Ballot Container Certification (EL-101) and the Inspectors’ Statement (EL-104). The Wisconsin Elections Commission recommends the board of canvassers investigate any irregularities or possible tampering with the ballots and note its findings in the minutes.

4. Reconcile Ballot Count – [Wis. Stat. § 9.01\(1\)\(b\)4](#)

❑ *Ballot Count – [4.\(a\)](#)*

The board of canvassers opens the ballot bag or ballot container and removes the contents. The canvassers or tabulators count the number of ballots in the ballot bag, excluding any ballots that were set aside and not counted by the election inspectors on election night under the provisions of [Wis. Stat. § 7.51\(2\)](#). These “set aside” ballots should have been marked and bundled by the election inspectors on election night.

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<sup>6</sup> See [Wis. Stat. § 6.88\(3\)](#) for procedures and guidance on accepting or rejecting absentee ballot certificate envelopes.

<sup>7</sup> An absentee ballot is defective only if it is not witnessed, the witness did not provide an address, it is not signed by the voter, or if the certificate accompanying an absentee ballot the voter received by fax or email is missing. [Wis. Stat. § 9.01\(1\)\(b\)2](#).

The board of canvassers reviews all ballots marked rejected, defective, and objected to, to decide whether such ballots were correctly categorized when the ballots were first examined after the election.

❑ *Separate Probable Absentee Ballots – [4.\(b\)](#)*

The board of canvassers separate all “probable absentee ballots”<sup>8</sup> from the other ballots. The number of probable absentee ballots should equal the number of properly completed certificate envelopes (as determined by the board of canvassers in step 2 above), the number of absentee ballots recorded on the registration list on election night, and the number of written applications. Any discrepancies should be recorded in the minutes.

❑ *Reconciling the Number of Ballots with the Number of Voters*

If the number of voters is greater than or equal to the number of ballots, skip this step. Only in the situation where the number of ballots exceeds the number of voters should the board of canvassers engage in the following procedure.

If the board of canvassers previously determined that any absentee ballot certificate envelopes were defective, the board of canvassers draws at random, without inspection, from the pool of probable absentee ballots, the number of ballots equal to the number of envelopes that have been determined defective. If the board of canvassers finds more defective absentee ballot envelopes than probable absentee ballots, the board of canvassers shall set aside all probable absentee ballots. The probable absentee ballots shall not be counted, but shall be marked as to the reason for their removal, set aside and properly preserved. The board of canvassers notes in the minutes the steps taken under this procedure and the results determined. [Wis. Stat. § 9.01\(1\)\(b\)4.b.](#)

If the number of ballots still exceeds the number of voters, the board of canvassers or the tabulators shall place all the ballots face up to check for blank ballots. Any blank ballots (ballots which have not been marked for any office) shall be marked as to the reason for their removal, set aside and properly preserved. The board of canvassers should record this action in the minutes. [Wis. Stat. § 9.01\(1\)\(b\)4.c.](#)

If the number of ballots still exceeds the number of voters after removing all blank ballots, the board of canvassers shall place all ballots face down to check for initials. Any ballots not properly initialed by two inspectors or any probable absentee ballots not properly initialed by the municipal clerk or deputy clerk are set aside. The board of canvassers must, without inspection, randomly draw from the improperly initialed ballots as many ballots as are necessary to reduce the number of ballots to equal the number of voters determined to have voted on election day less any defective absentee ballot certificate envelopes. Any ballots removed for lack of proper initials shall not be counted, but shall be marked as to the reason for their removal, set aside and properly preserved. The board of canvassers should record this action in the minutes. [Wis. Stat. § 9.01\(1\)\(b\)4.d.](#)

If the number of ballots still exceeds the number of voters, the board of canvassers places the remaining ballots in the ballot bag and randomly draws, without inspection, the number of ballots equal to the number of excess ballots. These ballots shall not be counted, but shall be

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<sup>8</sup> The board of canvassers shall presume that a ballot initialed only by the municipal clerk, executive director of the board of election commissioners, deputy clerk or secretary is an absentee ballot. [Wis. Stat. § 9.01\(1\)\(b\)4.b.](#)

marked as to the reason for their removal, set aside and properly preserved. The actions taken under this procedure are recorded in the minutes. [Wis. Stat. § 9.01\(1\)\(b\)4.e.](#)

When the number of ballots equals the number of voters or if the number of voters exceeds the total number of ballots, the board of canvassers returns the ballots to the ballot bag or container and thoroughly mixes the ballots. [Wis. Stat. § 9.01\(1\)\(b\)5.](#)

## 5. Review Provisional Ballots

The board of canvassers shall examine the Inspectors' Certificate of Provisional Ballots (EL-108), Provisional Ballot Reporting Form (EL-123r), Provisional Ballot Certificate envelopes (EL-123), and Statement of the Municipal Board of Canvassers (EL-106AP) to determine if provisional ballots were correctly processed. The board of canvassers should determine if all ballots for voters providing the required information<sup>9</sup> have been included in the original result. The board of canvassers shall record any discrepancies in the minutes. [Wis. Stat. § 6.97.](#)

## 6. Count the Votes

When counting paper or optical scan ballots, questions often arise concerning the intent of the elector. Election officials have a duty to attempt to determine voter intent and give effect to that intent if it can be determined. Election officials are expected to use common sense to determine the will of an elector based on the marks made by the elector on the ballot. The decisions of the election inspectors may be reviewed by the board of canvassers conducting the recount. Wis. Stat. §§ [7.50](#), [7.51](#), [7.60](#).

Even if an elector has not fully complied with the provisions of the election law, votes should be counted as intended by the elector to the extent that the elector's intent can be determined. Wis. Stat. §§ [5.01\(1\)](#), [7.50\(2\)](#). The Wisconsin Elections Commission has a manual titled "Counting Votes," which is designed to assist election officials in determining voter intent. A copy of the "[Counting Votes](#)" manual is available on the agency website and should be reviewed by the board of canvassers prior to the recount.

The exact steps for tabulating the votes will vary depending on the method or combination of methods of tabulation selected by the board of canvassers:

### 1. Hand Count

The Wisconsin Elections Commission recommends that hand counts be conducted using teams of at least two tabulators. These tabulators will double-check each other's work throughout the process to ensure that an accurate count is maintained.

### *Sort Ballots by Candidate*

Each tabulation team should begin by sorting the ballots into stacks: One stack for each candidate (ballots that clearly indicate a vote for a ballot candidate or a valid write-in candidate) and one stack for ballots where no vote may be counted (defective ballots, votes for invalid write-in candidates, etc). Candidate representatives should be given the opportunity to review each ballot as it is sorted, and may request that the tabulators set aside questionable ballots for

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<sup>9</sup> See [Wis. Stat. § 6.97](#) and [Wis. Admn. Code Ch. EL § 3.04](#).

closer examination and determination of voter intent by the board of canvassers.<sup>10</sup> The board of canvassers may consult with its legal counsel or the Wisconsin Elections Commission staff regarding any questionable ballots. The Wisconsin Elections Commission recommends that any such consultation should be recorded in the minutes.

*Create Stacks of a Fixed Number*

Set aside the stack of ballots for which no vote can be counted. For each stack of ballots marked for a candidate, each tabulator should create sub-stacks of a fixed number (e.g., 25 ballots) with a remainder stack for any number left over from creating the full-size stacks. Each stack should be double-checked by a second tabulator to ensure the stack contains exactly the number expected.

*Tally Stacks to Determine the Total Vote*

The board of canvassers then carefully counts the number of stacks for each candidate. The counts should be recorded by two individuals on clearly labeled tally sheets (EL-105). After all of the counts have been recorded, the two tally sheets should be compared against each other to ensure an accurate count is determined. The recount vote totals are recorded in the minutes.

A reconciliation of the ballots for which no vote could be counted should be recorded in the minutes. This documentation should list the reasons the ballots could not be counted and the number of ballots not counted for each reason.

## 2. Optical Scan

If an optical scan tabulator is used, the Wisconsin Elections Commission recommends that where possible the tabulator should be programmed to only tally the results for the contest to be recounted. If the tabulator is not reprogrammed to tally only the contest to be recounted, the Wisconsin Elections Commission recommends that the counts for other contests be separated, set aside and preserved. The recounted results for the other contests should not be included in the board of canvassers report of recount results.

Note: The original memory device for the voting equipment from election day cannot be cleared and reprogrammed for use at the recount, so an alternative memory device must be acquired for use at the recount. [Wis. Stat. § 7.23\(1\)\(g\), \(2\)](#).

*Examine the optical scan tabulator*

The board of canvassers shall make a record of the number of the tamper evident seal, protective counter, or other device, if any, before opening any of the voting equipment. The board of canvassers examines the electronic voting equipment to determine that any other tamper evident seals are intact and match the log maintained by the election inspectors and the municipal clerk. The board of canvassers notes in the minutes any irregularities or possible tampering with the device. Wis. Stat. §§ [5.90\(1\)](#) & [9.01\(1\)\(b\)6](#).

*Test the optical scan tabulator*

The board of canvassers tests the automatic tabulating equipment to ensure it is programmed correctly for the recount using a pre-audited group of ballots marked to record a predetermined

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<sup>10</sup> Please refer to the [Counting Votes Manual](#) on the WEC website for detailed rules and examples of when to count or not count a mark as a vote.

number of valid votes for each candidate or contest choice (test deck). The test deck should include at least one ballot with more selections than permitted (overvote) and for recounts in a partisan primary, at least one ballot with votes in more than one party primary (crossover) in order to test the ability of the tabulator to reject such ballots. The results of the test deck tabulation should be compared to the pre-audited results to ensure accuracy and a record of the test results should be noted in the minutes. Wis. Stat. §§ [5.84\(1\)](#), [5.90\(1\)](#). The board of canvassers may choose to test the tabulator for all reporting units at once and skip this step in subsequent reporting units if using the same memory device for all reporting units.

❑ *Compare Duplicate Ballots with Original Ballots*

On election day, some ballots cannot be processed by the optical scan tabulator due to overvotes or other defects. When this happens, election officials create a duplicate ballot to honor as much of the elector's intent as possible. The duplicate ballot is then tallied by the equipment and the original is set aside and not counted. Both the duplicate and original ballots should be marked as such and contain identical serial numbers so they can be matched up.

The board of canvassers compares any duplicate ballots with their respective originals to determine the correctness of the duplicates. If any duplicate ballots were remade incorrectly, the board of canvassers should set aside the incorrectly remade duplicate ballot, mark it with the reason for its removal, create a new duplicate ballot, and mark it as such. [Wis. Stat. § 5.90\(1\)](#).

❑ *Insert Ballots Into the Optical Scan Tabulator*

Each ballot shall be reviewed by the board of canvassers and may be inspected by the candidates or their representatives before being inserted into the tabulator. If it appears the ballot may not be recorded correctly by the tabulator, or if the ballot is objected to, the ballot is set aside to be examined by the board of canvassers for voter intent and counted separately by hand.

❑ *Generate Results*

The board of canvassers places the optical scan tabulator into post-election mode and generates a results tape for the reporting unit. The board of canvassers adds in any votes counted separately by hand using new tally sheets and records the total results as part of the revised canvass statement, see Step #9.

If the equipment needs to be used for another reporting unit, the board of canvassers shall ensure that all ballots have been removed from the tabulator and re-secured in ballot bags or containers before proceeding to reset the equipment for use with the next reporting unit.

### 3. Direct Record Electronic (DRE)

In many polling places across the state direct record electronic (DRE) voting equipment is used in conjunction with paper ballots or optical scan ballots to enable individuals with disabilities to vote privately and independently. As a result, the paper ballots and optical scan ballots should be counted first by following the steps described above, if applicable.

❑ *Separate the Voter Verified Paper Audit Trail into Individual Ballots*

DRE equipment records votes two separate ways: electronically and on a paper tape that the voter can view to verify the equipment is recording their votes correctly before casting their ballot. In a recount, the board of canvassers is required to use the paper record. [Wis. Stat. § 5.90\(1\)](#). The paper tape consists of a pre-election readiness report, a zero-report showing that no votes are currently in the memory of the machine, individual ballot records, and a closing results report.

To facilitate counting of the individual ballot records and to preserve the confidentiality of an individual's vote, the board of canvassers may cut the paper record to separate the individual voter records and then further cut the paper tape into the individual ballots, which would then be randomized. When cutting the paper tape be careful that only the section of the tape covering election day is used. When separating the tape into individual ballots, watch for "voided" ballots which appear the same as other ballot entries except they will be followed by a "void" entry on the tape. The "void" entry may appear far below the record of votes cast on the tape. These "voided" ballots should not be counted as they were not cast.

As an alternative to cutting the paper tape, the boards of canvassers may retain the paper record in its original format and simply scroll through the tape to count each individual ballot. However, if the tape is not cut, the board of canvassers must take the appropriate precautions to ensure the confidentiality of votes as the entries on the paper record will be in the order that the voters used the equipment.

If due to a paper jam or misprint some individual ballot records are not available, the board of canvassers may consult with the voting equipment vendor to determine if the missing records can be recreated. The board of canvassers may be able to obtain records from the vendor, such as cast ballot records, that will allow them to tally votes from the missing ballot records. Any such tallying should be documented in the recount minutes.

#### ☐ *Tally Individual Ballots to Determine the Total Vote*

The board of canvassers carefully counts each individual ballot record as recorded on the tape. The counts should be recorded by two individuals on clearly labeled tally sheets (EL-105). After all of the counts have been recorded, the two tally sheets should be compared against each other to ensure an accurate count is determined. The recount vote totals should be compared against the original results as generated by the DRE and any discrepancies shall be recorded in the minutes.

#### 7. Secure Original Materials

After concluding the recount for a particular reporting unit, the board of canvassers shall gather and account for all original election materials. All ballots shall be placed into a ballot bag or container and resealed. The board of canvassers shall document in the minutes the serial number of any new security seals or tags used.

All election materials should be accounted for before proceeding to the next reporting unit to prevent the accidental mixing of materials from different reporting units.

#### 8. Prepare New Canvass Statement

If any corrections were made to the results, the board of canvassers shall prepare a statement of revised election results using the canvass reporting form (EL-106). [Wis. Stat. § 9.01\(1\)\(b\)9](#).

# After the Recount

## What does the board of canvassers do after completing the recount?

- If the recount is for a municipal election, the board of canvassers promptly forwards the results and minutes to the municipal clerk.
- If the recount is for a school board election, the board of canvassers promptly forwards the results and minutes to the school board clerk.
- If the recount is for a county election, the county board of canvassers promptly forwards the results and minutes to the county clerk.
- If the recount is for a state or federal election, the results and minutes of the recount are to be forwarded immediately to the Wisconsin Elections Commission and should be received no later than 13 days after the recount is ordered. [Wis. Stat. § 9.01\(1\)\(ar\)3](#).

A copy of the minutes of any recount should be sent to the Wisconsin Elections Commission. For federal, state, and county elections, the board of canvassers should also send copies of the minutes to the chief officers of the state or county committee for any registered political party who ran candidates for that office. [Wis. Stat. § 9.01\(5\)\(bm\)](#).

No certificate of election may be issued by the filing officer until the deadline for filing all appeals has passed and the election results are final.

## How Does a Candidate or Petitioner Challenge the Recount Results?

The candidate or petitioner has a right to appeal the recount determination in circuit court. The appeal must be filed with the circuit court within five (5) business days of the completion of the recount in all counties concerned. Notice must also be served in person or by certified mail on all other candidates and persons who filed a written notice of appearance before the board of canvassers. If the recount affects a state or federal office or referendum, notice of the appeal must be served on the Wisconsin Elections Commission. See Wis. Stat. §§ [9.01\(6\)](#), [\(7\)](#), [\(8\)](#), & [9](#).

The recount process and the subsequent judicial appeals is the exclusive remedy for testing the right to hold an elective office as the result of an alleged irregularity, defect, or mistake committed during the voting or canvassing process. [Wis. Stat. § 9.01\(11\)](#).

## Conclusion

This information is prepared pursuant to [Wis. Stat. § 9.01\(10\)](#). Petitioners, candidates, and filing officers should seek legal counsel when they are involved in a recount. If you have any questions, concerns, suggestions or recommendations about the recount process, please contact the:

### **Wisconsin Elections Commission**

**P.O. Box 7984**

**Madison, WI 53707-7984**

**Phone: 608-261-2028**

**Fax: 608-267-0500**

**Email: [elections@wi.gov](mailto:elections@wi.gov)**

**Website: <http://elections.wi.gov>**

# Appendix

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# SAMPLE RECOUNT PETITION

---

In Re: The Election for  
(specify office)

Verified Petition  
for Recount

---

Petitioner (name of petitioner) alleges and shows to (specify the clerk or body with whom nomination papers are filed for that office):

1. That Petitioner was a candidate for the office of (specify office) in an election held on (specify\_date of election);
2. The Petitioner is an aggrieved party as defined in [Wis. Stat. § 9.01\(1\)\(a\)5](#).
3. That Petitioner is informed and believes that a (mistake or fraud) has been committed in (specify each ward or municipality) in the counting and return of votes cast for the office of (specify office); and/or
4. That Petitioner (is informed and believes) or (knows of his/her own knowledge) that:

(Specify other defects, irregularities or illegalities in the conduct of the election).

Wherefore: Petitioner requests a recount of (specify each ward or municipality in which a recount is desired; each ward need not be specified if a recount is requested for all wards within a jurisdiction).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

I, (name of petitioner), being first duly sworn, on oath, state that the matters contained in the above petition are known to me to be true except for those allegations stated on information and belief, which I believe to be true.

\_\_\_\_\_  
Petitioner

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public (or other person authorized to administer oaths)

My Commission Expires \_\_\_\_\_  
(specify expiration date)

The information on this form is required by Wis. Stat. § 9.01. This form is prescribed by the Wisconsin Elections Commission, 212 E. Washington Avenue, 3<sup>rd</sup> Floor, P.O. Box 7984, Madison, WI 53707-7984, (608) 261-2028

**EL-186** (Rev.4/18)

# SAMPLE RECOUNT PETITION FOR REFERENDUM

In Re: The Election for  
(specify referendum)

Verified Petition  
for Recount

Petitioner (name of petitioner) alleges and shows to (specify the clerk or body with whom the referendum was filed):

1. That Petitioner was an elector who voted upon the referendum in the election held on (specify\_date of election);
2. That Petitioner is informed and believes that a (mistake or fraud) has been committed in (specify each ward or municipality) in the counting and return of votes cast for the referendum of (specify referendum); and/or
3. That Petitioner (is informed and believes) or (knows of his/her own knowledge) that:  
  
(Specify other defects, irregularities or illegalities in the conduct of the election).

Wherefore: Petitioner requests a recount of (specify each ward or municipality in which a recount is desired; each ward need not be specified if a recount is requested for all wards within a jurisdiction).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

I, (name of petitioner), being first duly sworn, on oath, state that the matters contained in the above petition are known to me to be true except for those allegations stated on information and belief, which I believe to be true.

\_\_\_\_\_  
Petitioner

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public (or other person authorized to administer oaths)

My Commission Expires \_\_\_\_\_  
(specify expiration date)

The information on this form is required by Wis. Stat. § 9.01. This form is prescribed by the Wisconsin Elections Commission, 212 E. Washington Avenue, 3<sup>rd</sup> Floor, P.O. Box 7984, Madison, WI 53707-7984, (608) 261-2028  
**EL-186R** (Rev.11/09/16)

# SAMPLE ORDER FOR RECOUNT

STATE OF WISCONSIN – (County)

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<b>In the matter of:</b>	)	
	)	<b>ORDER FOR RECOUNT</b>
A Recount of the (Election)	)	
for (Title of Office)	)	
for the (District), held	)	
on (Date)	)	

---

On (Date Recount Petition was filed), a recount petition was filed by (Petitioner’s Name), a candidate for the office of (Office Title) for the (District), at the (Election) held on (Date).

The petition requests a recount of (list specific wards or municipalities) for the office of (Office Title).

The filing officer has reviewed the petition. The petition is sufficient. Any applicable fee has been received and accepted.

Pursuant to Wis. Stat. § 9.01:

**IT IS ORDERED THAT:**

1. A recount be conducted of all the votes cast for the office of (Office Title) for the (District) at the (Election) held on (Election Date) in (list of specific wards or municipalities).
2. The boards of canvassers convene at (Time) on (Date) at (Location), to begin the recount.
3. The recount be completed by the board of canvassers immediately.
4. The clerk transmit a certified canvass report of the result of the recount and a copy of the minutes of the recount proceedings to the Wisconsin Elections Commission immediately after the completion of the recount.

Dated: \_\_\_\_\_

---

(Clerk’s Name)  
(Clerk’s Title)

# SAMPLE PUBLIC NOTICE

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## Notice of Recount for the Office of (Office Title) for the (District) in the (Election)

---

TO: All Candidates On The Ballot For The Office of (Office Title) for the (District) and  
Other Interested Persons

FROM: (Clerk)

SUBJECT: Recount of the Votes Cast for the Office of (Office Title) for the (District) in the  
(Election)

DATE: (Date)

A recount of the votes cast at the (Election Date) (Election) for the office of (Office Title) for the  
(District) will begin at the time and location set forth below:

**(Municipality)** – 9:00 a.m. on (Date), at (Location).

A copy of the recount petition is attached. This notice is given pursuant to Wis. Stat. § 9.01(2).

You have the right to be present and to be represented by counsel to observe and challenge the votes  
cast and the board of canvassers' decisions at the election.

Attachment

# Sample Acceptance of Service

## MEMORANDUM

**DATE:** (Date)  
**TO:** (Clerk)  
**FROM:** Candidate for (Office)  
**SUBJECT:** Service of Recount Petition

Pursuant to Wis. Stat. § 9.01(2) on this day, I have personally received delivery of copies of the notice of recount, recount petition, and order for recount for the office of (office) at the (election date) (election name). I agree to waive service and accept delivery.

---

(Signature of Candidate)

---

(Print Name)

## Sample Recount Minutes

Date of Recount:

County:

Office to be Recounted: *(Include District Number)*

Original Result: *(Candidates' Names and Votes for Each Candidate. If there was a tie, explain how it was broken.)*

Canvass Board Members: *(If substitute, give reason for substitution.)*

Other Personnel: *(Tabulators, Corporation Counsel, Clerical Support)*

Others Present:

Notification: *(Were candidates notified and was public notice given?)*

Electronic Voting Equipment Test Results:

*For Each Reporting Unit:*

Name of Municipality:

Reporting Unit:

Original Vote Totals for Reporting Unit:

Number of Voters from Registration List:

Number of Absentee Ballot Applications:

Number of Absentee Ballots:

Notes: *(Include a description of any discrepancies, irregularities, errors, problems, objections raised by observers. Record any decision of the board of canvassers. Identify any exhibits by description and number.)*

Recount Vote Totals for Reporting Unit:

Recount Results:

An electronic or hard copy of the minutes from any recount must be sent to:

Wisconsin Elections Commission  
P.O. Box 7984  
Madison, WI 53707-7984  
elections@wi.gov

## Recount Fee Scenarios

### Scenario #1: Village President

Candidate	Votes
A	4,500
B	4,410

In this scenario, candidate A would currently be elected to office. If a recount was requested, the fee is determined by first calculating the total votes cast for the office ( $4,500+4,410 = 8,910$ ). The difference between the leading candidate and the petitioner (90 votes) is divided by the total votes cast (8,910) and then multiplied by 100 to get the percentage difference (1.01%).

Candidate B would be required to pay a filing fee as the percentage difference is greater than .25%. However, the vote difference between the leading candidate and the petitioner is more than 1% so the contest is not eligible for a recount.

### Scenario #2: School Board (vote for up to 3)

Candidates	Votes
A	3,500
B	3,000
C	2,920
D	2,910
E	2,900
F	2,800

In this scenario, candidates A-C would currently be elected to office. If a recount was requested, the fee is determined by adding up all the votes cast for the office (18,030 total) and dividing it by the number of offices to be filled (3 in this scenario) to get a total of 6,010. The difference between the leading candidate (C, as he or she is the candidate with the lowest number of votes still being elected to office) and the petitioner is divided by 6,010 and multiplied by 100 to get the percentage difference.

So in this case:

- If Candidate D requested a recount, there would be no fee required as the difference is .17%, which is not greater than .25%
- If Candidate E requested a recount, a filing fee would be required as the difference is .33%, which is greater than .25%
- If Candidate F requested a recount, the difference would be 2% so the contest is not eligible for recount.

### **General Checklist of Supplies and Materials Needed for the Recount:**

- Paper and Pens (To record the minutes of the recount!)
- Tape Recorder (Optional)
- Speaker Phone (for consultation with WEC staff or counsel)
- Test Deck for Electronic Voting Equipment Test
- New *Tally Sheets* (EL-105)
- New *Canvass Reports* (EL-106)
- Copies of any informational memoranda relating to the election and the recount prepared by the Wisconsin Elections Commission staff and sent to county and municipal clerks.
- Recount checklists and the *Elections Recount Procedures Manual* available from the Wisconsin Elections Commission

### **Election Materials from Each Reporting Unit:**

- All ballots to be recounted, contained in the original ballot bag or ballot container (EL-101), including any provisional ballots processed after Election Day;
- All paper audit trails from direct record electronic (DRE) voting devices;
- All logs of security seals for ballot boxes or electronic voting equipment;
- Both copies of the original poll lists, including any supplemental voter lists;
- All absentee ballot applications (See page 7);
- Any rejected absentee ballots, contained in the original brown carrier envelope (EL-102);
- Any used absentee ballot certificate envelopes, contained in the white carrier envelope (EL-103);
- The original Inspectors' Statement (EL-104);
- The MBOC Record of Activity (EL-104P) created during the processing of provisional ballots, if any;
- The original tally sheets (EL-105) and any results tapes generated by electronic voting and tabulating devices;
- The original canvass report of the election results (EL-106);
- The amended canvass report of the election results created after any provisional ballots were tabulated (EL-106P);
- Any provisional ballot documentation (EL-108 & EL-123);
- The absentee ballot log (EL-124); and
- The test deck for any electronic voting equipment.

# Recount Checklist

Hand Counted Paper Ballots

Municipality \_\_\_\_\_ Date \_\_\_\_\_  
Reporting unit \_\_\_\_\_ Contest \_\_\_\_\_

**This checklist is designed to facilitate uniform practices and is to be completed simultaneously with the recount process for each reporting unit in the recount.**

- Compare and reconcile poll lists.
- Absentee ballot review: number, applications, rejected, defective envelopes.
- Verify tamper evident serial number on ballot container matches seal number written on Inspectors' Statement (EL-104) and Ballot Container Certification (EL-101).
- Ballot count.
  - Review ballots marked "rejected," "defective," or "objected to."
  - Separate absentee ballots and drawdown (*May be skipped if the number of absentee ballots equals the number of proper envelopes*).
  - Reconcile the number of ballots with the number of voters.
  - Treatment of excess ballots (*May be skipped if the number of voters equals or exceeds the number of ballots.*)
- Review provisional ballots.
- Hand count paper ballots.
  - Sort ballots by candidate.
  - Create stacks of a fixed number.
  - Tally the stacks using duplicate original tally sheets (EL-105).
- Add in any votes counted separately by other methods.
- Secure the original election materials.
- Prepare canvass statement.
- Prepare minutes for each reporting unit and attach completed checklist to minutes.

# Recount Checklist

Optical Scan Voting Equipment

Municipality \_\_\_\_\_ Date \_\_\_\_\_  
Reporting unit \_\_\_\_\_ Contest \_\_\_\_\_

**This checklist is designed to facilitate uniform practices and is to be completed simultaneously with the recount process for each reporting unit in the recount.**

- Compare and reconcile poll lists.
- Absentee ballot review: number, applications, rejected, defective envelopes.
- Verify tamper evident serial number on ballot container matches seal number written on Inspectors' Statement (EL-104) and Ballot Container Certification (EL-101).
- Ballot count.
  - Review ballots marked "rejected," "defective," or "objected to."
  - Separate absentee ballots and drawdown (*May be skipped if the number of absentee ballots equals the number of proper envelopes*).
  - Reconcile the number of ballots with the number of voters.
  - Treatment of excess ballots (*May be skipped if the number of voters equals or exceeds the number of ballots.*)
- Review provisional ballots.
- Verify voting equipment tamper evident serial number seal number written on Inspectors' Statement (EL-104) contains Chief Inspector's initials for pre-election and post-election verification.
- Test the automatic tabulator (*The Board of Canvassers may choose to test the tabulator for all reporting units at once and skip this step in subsequent reporting units if using the same memory device for all reporting units.*)
- Compare duplicate ballots with original ballots.
- Feed ballots into the optical scan tabulator.
- Generate results.
- Add in any votes counted separately by other methods.
- Secure the original election materials.
- Prepare canvass statement.
- Prepare minutes for each reporting unit and attach checklist to minutes.

# Recount Checklist

Direct Recording Electronic (DRE)/Touch Screen Voting Equipment

Municipality \_\_\_\_\_ Date \_\_\_\_\_  
Reporting unit \_\_\_\_\_ Contest \_\_\_\_\_

**This checklist is designed to facilitate uniform practices and is to be completed simultaneously with the recount process for each reporting unit in the recount.**

- Compare and reconcile poll lists.
- Absentee ballot review: number, applications, rejected, defective envelopes.
- Verify tamper evident serial number on ballot container matches seal number written on Inspectors' Statement (EL-104) and Ballot Container Certification (EL-101).
- Ballot count.
  - Review ballots marked "rejected," "defective," or "objected to."
  - Separate absentee ballots and drawdown (*May be skipped if the number of absentee ballots equals the number of proper envelopes*).
  - Reconcile the number of ballots with the number of voters.
  - Treatment of excess ballots (*May be skipped if the number of voters equals or exceeds the number of ballots.*)
- Review provisional ballots.
- Verify voting equipment tamper evident serial number seal number written on Inspectors' Statement (EL-104) contains Chief Inspector's initials for pre-election and post-election verification.
- Separate voter-verified paper audit trail into individual ballots (may be skipped if canvass board members take appropriate precautions to ensure the confidentiality of individual electors' votes)
- Hand count permanent paper record of votes generated by DRE and record on duplicate tally sheets (EL-105).
- Add in any votes counted by other methods.
- Secure the original election materials.
- Prepare canvass statement.
- Prepare minutes for each reporting unit and attach checklist to minutes.



# WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR  
POST OFFICE BOX 7984  
MADISON, WI 53707-7984  
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ELECTIONS@WI.GOV  
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COMMISSIONERS

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ANN S. JACOBS  
JODI JENSEN  
DEAN KNUDSON  
MARK L. THOMSEN, CHAIR

INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the May 24, 2018 Commission Meeting  
**TO:** Members, Wisconsin Elections Commission  
**FROM:** Meagan Wolfe  
Interim Administrator, Wisconsin Elections Commission

Prepared and Presented by:  
Michael Haas, Staff Counsel

**SUBJECT:** Representative Zamarripa Request Regarding Address on Ballot Access Documents

Due to harassing and threatening postcards she has received from an individual over the past three years, State Representative JoCasta Zamarripa has requested that the Elections Commission accept her nomination papers and Declaration of Candidacy form without her full apartment address. Instead, Representative Zamarripa requests that she be allowed to list a post office box as her address or her street address without the apartment number. Representative Zamarripa requests the Commission's guidance in advance of filing her ballot access documents to provide certainty and to avoid the issue arising as part of a challenge to her nomination papers. Based upon decisions of the State Elections Board and the Government Accountability Board in similar cases, Commission staff recommends permitting Representative Zamarripa to list a post office box or her street address without the apartment unit on her nomination papers and Declaration of Candidacy form.

### Applicable Law

Wis. Stat. § 8.15(5) governs the language required on candidate nomination papers for the Partisan Primary and states as follows:

(5)(a) Each nomination paper shall have *substantially* the following words printed at the top:

I, the undersigned, request that the name of (insert candidate's last name plus first name, nickname or initial, and middle name, former legal surname, nickname or middle initial or initials if desired, but no other abbreviations or titles) *residing at (insert candidate's street address)* be placed on the ballot at the (general or special) election to be held on (date of election) as a candidate representing the (name of party) so that voters will have the opportunity to vote for (him or her) for the office of (name of office). I am eligible to vote in (name of jurisdiction or district in which candidate seeks office). I have

not signed the nomination paper of any other candidate for the same office at this election.

(b) Each candidate shall include his or her mailing address on the candidate's nomination papers. (*Emphasis added*).

Nomination papers must be accompanied by a Declaration of Candidacy form which lists the candidates' name as it should appear on the ballot, and which includes a sworn statement that the candidate meets or will meet applicable age, citizenship, residency, and voting qualification requirements at the time of taking office. Wis. Stat. 8.21(4)(b) also requires that the Declaration of Candidacy form include a "statement that discloses the candidate's municipality of residence for voting purposes, and the street and number, if any, on which the candidate resides."

### **Circumstances of Request**

Representative Zamarripa has informed Commission staff that she has received numerous unsigned postcards since 2015 which appear to be sent by the same individual and which contain threatening and harassing messages. She provided reports from the Capitol Police from August and September of 2015 describing the content of postcards which she had received at her state office and home address. The police report notes that the postcards contained racist and derogatory comments about Mexicans and illegal immigrants, and at least two postcards contained a threatening message. The police report also indicates that the handwriting appears to have been written by the same person and the postcards do not include a return address but have a Milwaukee postmark.

Representative Zamarripa indicated that she has continued to receive similar postcards at her office and home, including within the last month. She does not know the identity of the sender. Representative Zamarripa lives in an apartment building and Commission staff has confirmed that the address is located within her State Assembly District. She requests that she be allowed to list a post office box address rather than her apartment street address on her nomination papers and Declaration of Candidacy form. If the Commission determines that a post office box is not acceptable, she requests that she be allowed to list the street address of her residence, but not the apartment number.

### **Agency Precedent**

During previous election cycles, the State Elections Board and Government Accountability Board (G.A.B.) have permitted candidates to omit their residential address on ballot access documents when security concerns have been documented on a case-by-case basis. In some cases, judges with security concerns have been permitted to list a post office box rather than a street address. This issue was addressed most thoroughly when the G.A.B. considered and resolved a challenge to nomination papers of Candidate Tammy Baldwin in 2010, when she was a candidate for U.S. House of Representatives. Staff has reviewed the G.A.B.'s analysis and decision in that matter.

Candidate Baldwin's nomination papers were challenged because they listed a campaign office address rather than her residential address, a practice which the Elections Board and G.A.B. had approved in previous election cycles. The G.A.B. approved the use of a campaign office address again in its 2010 decision and clarified that its decision was intended to apply to future election cycles absent evidence establishing that she no longer resides within the 2<sup>nd</sup> Congressional District.

The G.A.B.'s decision concluded that the use of the campaign office address achieved substantial compliance with the requirements of Wis. Stat. § 8.15(5)(a) based on the following specific factors: (1) the security concerns documented by the candidate; (2) Candidate Baldwin's sworn statement on her Declaration of Candidacy that she meets the residency requirements prescribed by the federal and state constitutions and laws; (3) the lack of evidence to the contrary in the challenge complaint; and (4) staff's verification that Candidate Baldwin's voting address was located within the 2<sup>nd</sup> Congressional District in which she wished to be a candidate.

### **Staff Analysis and Recommendation**

Based upon the security concerns documented by Representative Zamarripa, staff recommends that the Commission permit the use of a post office box rather than her residential address on her nomination papers and Declaration of Candidacy forms. Consistent with the G.A.B.'s 2010 decision related to Candidate Baldwin, Representative Zamarripa is required to include a sworn statement on her Declaration of Candidacy form indicating that she meets the required residency qualifications and Commission staff has verified that her voting address is located within the 8<sup>th</sup> Assembly District in which she is a candidate.

Absent any evidence to the contrary that might be filed as part of a challenge, staff believes Representative Zamarripa's use of a post office address constitutes substantial compliance related to nomination paper requirements under Wis. Stat. § 8.15. The Declaration of Candidacy form is governed by Wis. Stat. § 8.21, which requires the candidate's municipality of residence for voting purposes, and the street and number where the candidate resides. Requiring Representative Zamarripa to disclose the street address on the Declaration of Candidacy form would defeat the purpose of, and security provided by, omitting it from her nomination papers. If the Commission concludes that a street address is required on either the nomination papers or Declaration of Candidacy form filed by Representative Zamarripa, staff recommends that the documents be accepted without the apartment unit being included.

### **Recommended Motion:**

The Commission approves the use of a post office box address rather than a residential address on the nomination papers and Declaration of Candidacy form submitted by Candidate JoCasta Zamarripa. This decision also applies to future election cycles, absent a change in evidence establishing that Candidate Zamarripa no longer resides in the district in which she is a candidate.



# WISCONSIN ELECTIONS COMMISSION

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INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the May 24, 2018 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared and Presented by:  
Richard Rydecki  
Elections Supervisor

**SUBJECT:** Concerns Regarding the Landscape Version of the Absentee Ballot Certificate Envelope

On May 1, 2018, the Wisconsin Elections Commission (WEC or 'Commission') received a request from the League of Women Voters Wisconsin (LWV) regarding the use of absentee ballot certificate envelopes in the 'landscape' format. This request outlined issues that two voters reported during the 2018 Spring Election when they attempted to vote by returning their absentee ballot by mail. Both voters had their ballot returned to them by the Postal Service as 'undeliverable' despite the voters reporting that they had used the return envelope provided by their clerk and had mailed their ballot back well in advance of Election Day. One of the voters cited by the LWV was provided the landscape version of the absentee ballot certificate envelope, while the voter from the City of Glendale was issued a return envelope with the portrait version.

The WEC no longer maintains and updates the landscape version of the absentee certificate envelope for municipal clerks after the redesign of the envelope in September 2017. In response to concerns about voters omitting required information, the Commission directed staff to incorporate changes into the envelope that provide voters with numbered steps that identify required fields. During this redesign process, staff determined the formatting adjustments needed to accomplish the changes requested by the Commission did not leave adequate space on the landscape envelope for the mailing labels generated out of WisVote. In addition, staff has previously received reports concerning the inability of postal equipment to reliably process the landscape version of the absentee certificate envelope. Staff outlined these concerns in a [memo to local election officials announcing the new version of the envelope](#) and presented these concerns as such:

**Postal Equipment issues:** There are at least three addresses on the certificate envelope: The clerk's, the voter's and the witness'. When using the landscape design, the text of the certificate and the address of the clerk on the other side of the envelope are both positioned horizontally. The horizontal placement of the certificate has occasionally caused postal equipment to pick up an address on the certificate resulting in the voted ballot being returned to the voter or to the witness, rather than to the clerk. Because the portrait design is positioned perpendicular to the clerk's address and other information on the other side of the envelope, the likelihood that the postal equipment will pick up an address other than the clerk's is reduced.

Staff provided guidance in this communication that stated clerks may use their discretion and continue to use existing stock of previous versions of the absentee certificate envelope, provided that version contains all statutorily-required information. The LWV communication requested that the WEC take corrective actions regarding this issue and identified several possible options. First, it suggested that the WEC could issue a directive that clerks may no longer use the existing stock of the landscape version of the absentee certificate envelope. This suggested approach may reduce the number of ballots subject to postal delivery problems, but it will not solve all problems related to this issue. As evidenced by the two examples reported by the LWV, the voters who experienced ballot delivery issues were each issued different versions of the absentee certificate envelope and both versions were not delivered to the municipal clerk in timely fashion.

The LWV also requested the WEC research this issue to determine if the revised version of the absentee certificate envelope is responsible for delivery issues. Staff has not received any reports of issues processing this version of the envelope by the postal equipment. Several municipal clerks have, however, reported general issues with the delivery of various forms of election-related mail. Processing errors and significant delivery delays have been identified with election mail such as election day registration address verification postcards and the ERIC postcards sent to voters who may have moved. Staff view this issue as significant, but it is not clear that continued redesign of the current version of the absentee certificate envelope will improve the delivery rate of absentee ballots. Staff have previously submitted the absentee certificate envelope for review by a U.S. Postal Service representative responsible for reviewing election mail. All suggested changes to the absentee certificate envelope were incorporated into the final portrait version that is available on the agency website.

In addition, staff received several reports of delivery anomalies that impacted election mail for the City of Glendale during the 2018 Spring Election. Voters contacted our office and the municipal clerk for the City of Glendale to report absentee ballots that were returned to the voter marked as "address unknown" despite the delivery address on the ballot envelope listed as the address for Glendale City Hall. The municipal clerk also stated that they experienced delivery problems with other municipal mail and the problems were not confined to election mail. The postal equipment did not recognize the mailing address on several different types of mail and there has been no indication from the Postal Service that the design of the portrait version of the absentee certificate envelope contributed to the processing issues.

These issues were reported by WEC staff to the U.S. Postal Service on April 17, 2018. We received a response from a Customer Service Representative the next day that contained an apology for the misdirected mail and an outline for how similar situations will be handled in the future. This process involves postal staff alerting a station manager if election mail is identified for misdirection in the future, so that these pieces of mail can be reviewed and an appropriate delivery outcome can be determined.

Given that the scope of the problem with the landscape certificate envelope is not clear and that other postal issues have also been reported, the Commission may consider several alternatives. Some clerks have remaining stock of the landscape version and prefer that version for administrative purposes as they believe it is easier to organize before Election Day and process by election inspectors.

- Commission staff could continue to research this matter and obtain input from clerks before a recommendation is brought to the Commission.
- Commission staff could reiterate to clerks the potential risks in using the landscape version of the envelope and that the Commission does not recommend using it.
- The Commission could take a firmer position that clerks may not use the landscape certificate envelope for mail-in absentee voting, but may use it for in-person absentee voting and voting with special voting deputies where postal delivery is not an issue.
- The Commission could direct that clerks may use their existing stock of landscape envelopes, but future printing orders may include only the portrait version.

**Recommended Motion:**

The Commission directs staff to continue to recommend that clerks use the portrait version of the absentee certificate envelope and also research this issue and make future recommendations regarding potential changes to the by-mail absentee process, including, but not limited to, the potential redesign of the absentee certificate envelope or the discontinuation of the use of the landscape version of the document.





**LEAGUE OF WOMEN VOTERS®**  
**WISCONSIN**

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May 1, 2018

Meagan Wolfe  
Interim Administrator  
Wisconsin Elections Commission

**RE:** Concerns over Absentee Ballot Envelopes

Dear Ms. Wolfe:

We have received reports from two voters who attempted to vote absentee in the spring 2018 elections, only to have said ballots returned to them undelivered by the post office after being filled out and mailed to the clerk's office. The first report was from a voter in Monona. She attempted to vote absentee in the spring primary. On Election Day, she checked her mail, and her ballot had been returned to her by the post office. She has a disability and was unable to deliver her ballot to her polling place on Election Day. The second report was made by one of our League members. A voter from Glendale who attempted to vote absentee in the spring election contacted her. The ballot was sent well before Election Day but was returned back to her mailbox on April 10, 2018, as "undeliverable mail" and therefore the voter was unable to cast her vote in the election.

After looking into the issue, we think that the most likely cause of the incident was a flaw in the design of the envelopes themselves. Indeed, the Wisconsin Elections Commission noted this problem with the then-standard absentee ballot envelopes in a September 18, 2017 memorandum to the municipal clerks. The memorandum noted that sometimes the horizontal orientation of the envelope's certificate side can fake out the post office's machines. This can lead the machines to misidentify the delivery address as the voter's address and cause the absentee ballot's return. Accordingly, the Commission's memorandum had announced that the envelope's design would be revised in order to reduce the likelihood of such occurrences in the future.

We are concerned that some clerks have continued to use the older envelope design despite the notification by the Commission. The Monona clerk informed us that she wanted to use up the supply of older envelopes. If this is not the case, then there may still be a design flaw in the revised envelopes which is perpetuating this problem. If there is some other cause of these absentee ballot returns, further investigation will be required to discover it.



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We hope that you share our concerns. To prevent this issue from recurring in the future, the Wisconsin Elections Commission should require clerks to cease all use of the old envelopes and only use envelopes with the revised design going forward. The League is committed to ensuring fair and legitimate elections that guarantee the voting rights of Wisconsin residents. We hope that this issue can be resolved by a new directive from the Commission or by further investigation and action, should the revised envelope design still result in absentee ballot returns. We appreciate all the work that you do to ensure Wisconsin voters have a voice and to safeguard the integrity of our electoral process. Thank you.

Sincerely,

Erin Grunze  
Executive Director  
League of Women Voters Wisconsin

Cc: Reid Magney

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INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the May 24, 2018 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared and Presented by:  
Diane Lowe  
Elections Specialist

**SUBJECT:** 2018 Partisan Primary and General Election Ballot Design Format

The sample ballots that accompany this memorandum represent the proposed ballot formats for the 2018 Partisan Primary and General Election, and are presented to the Wisconsin Elections Commission (WEC) for approval.

Ballot format is essentially the same as the format approved by the Commission for the 2018 Spring Primary and Election. However, the partisan nature of the ballots requires additional notations to separate the party sections on the Partisan Primary ballot and to alert the voter to candidate party affiliation on the general election ballot.

The Partisan Primary ballot includes party headers that clearly indicate the beginning of each party's section of the ballot as well as a notification to the voter when he or she has reached the end of a party section. The ballot provides additional instructions for voting in a partisan primary at the beginning of the ballot after the general instructions and a reminder beneath each party header that the voter must limit his or her votes to one party.

The General Election ballot includes a party notation under each candidate's name. There is also a reminder to the voter that when voting for Governor and Lieutenant Governor, only one oval or one arrow may be filled in for that office.

There are currently over 30 candidates registered for the Office of Governor. As a rule, only a few candidates who register for the top office on the ballot see the ballot-access process through. However, the list of registered candidates is not ordinarily this long. In anticipation of an exceptionally high number of candidates achieving ballot access, staff reached out to the four voting equipment vendors to

alert them to the possibility that the offices and candidates may not fit on a normal ballot. The representatives from the four voting equipment companies seemed undaunted by the prospect of an oversized ballot and reassured staff that, regardless of the number of offices and candidates, ballot size is not an issue and the voting equipment is able to accommodate a longer ballot size, if needed.

In keeping with our protocol for partisan ballots, the fall primary and general election ballot drafts were sent to the state Republican and Democratic Party chairs and the chairs of the two elections committees of the Legislature. The recipients were asked to review the ballots and provide any suggestions or comments they may have.

The sample ballots for the Partisan Primary and General Election will be posted to the WEC website upon approval by the Commission.

**Recommended Motion:**

The Commission approves the ballot design presented by staff and directs its staff to utilize the ballot design for the Partisan Primary and General Election in 2018.

Attach: Partisan Primary OS Ballot  
Partisan Primary Paper Ballot  
General Election OS Ballot  
General Election Paper Ballot

**Official Primary Ballot**  
**Partisan Office**  
**August 14, 2018**

**Notice to voters:** If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials. (See end of ballot for initials.)

General Instructions	Republican Party Primary (Cont.)	Democratic Party Primary (Cont.)
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters: Contact your municipal clerk.)</p> <p>To vote for a name on the ballot, fill in the arrow next to the name like this:  <input type="radio"/> ●</p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the arrow next to the name like this:  <input type="radio"/> ●</p>	<b>Congressional</b>	<b>Statewide (Cont.)</b>
	<b>United States Senator</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> write-in:	<b>Secretary of State</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:
	<b>Representative in Congress</b> <b>Dist. _</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:	<b>State Treasurer</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:
<b>Special Instructions for Voting in a Partisan Primary</b>	<b>Legislative</b>	<b>Congressional</b>
<p><b>In the Partisan Primary:</b></p> <ul style="list-style-type: none"> <li>You may vote in only ONE party's primary.</li> <li>If you choose a party, votes cast in that party will be counted. Votes cast in any other party will not be counted.</li> <li>If you do not choose a party, and you vote in more than one party, no votes will be counted.</li> </ul> <p><b>You must vote for individual candidates.</b></p>	<b>State Senator</b> <b>District _</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:	<b>United States Senator</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:
<b>Choose a Party Primary</b>	<b>Representative to the Assembly</b> <b>District _</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> write-in:	<b>Representative in Congress</b> <b>District _</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> write-in:
<p>Fill in the oval next to your party choice, like this: <input type="radio"/> ● Choose only ONE.</p> <input type="radio"/> <b>Republican</b> <input type="radio"/> <b>Democratic</b> <input type="radio"/> <b>Libertarian</b> <input type="radio"/> <b>Wisconsin Green</b> <input type="radio"/> <b>Constitution</b>	<b>County</b>	<b>Legislative</b>
<b>Republican Party Primary</b>	<b>Sheriff</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> write-in:	<b>State Senator</b> <b>District _</b> <b>Vote for 1</b> <input type="radio"/> write-in:
<p>If you vote in this party's primary, you may not vote in any other party's primary.</p>	<b>Coroner</b> <b>Vote for 1</b> <input type="radio"/> write-in:	<b>Representative to the Assembly, Dist. _</b> <b>District _</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> write-in:
<b>Statewide</b>	<b>Clerk of Circuit Court</b> <b>Vote for 1</b> <input type="radio"/> write-in:	<input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:
<b>Governor</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:	<b>End Republican Party Primary</b>	<b>County</b>
<b>Lieutenant Governor</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:	<b>Democratic Party Primary</b>	<b>Sheriff</b> <b>Vote for 1</b> <input type="radio"/> write-in:
<b>Attorney General</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> write-in:	<p>If you vote in this party's primary, you may not vote in any other party's primary.</p>	<b>Coroner</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:
<b>Secretary of State</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> write-in:	<b>Statewide</b>	<b>Clerk of Circuit Court</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> write-in:
<b>State Treasurer</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:	<b>Governor</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:	<b>End Democratic Party Primary</b>
<b>Attorney General</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> write-in:	<b>Lieutenant Governor</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:	<b>Libertarian Party Primary</b>
<b>Republican Party continues at top of next column.</b>	<b>Democratic Party continues at top of next column.</b>	<p>If you vote in this party's primary, you may not vote in any other party's primary.</p>
		<b>Statewide</b>
		<b>Governor</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> write-in:
		<b>Lieutenant Governor</b> <b>Vote for 1</b> <input type="radio"/> Candidate <input type="radio"/> write-in:
		<b>Libertarian Party continues on back of ballot.</b>

Libertarian Party Primary (Cont.)	Wisconsin Green Party Primary (Cont.)	Constitution Party (Cont.)
<b>Statewide (Cont.)</b>	<b>Legislative</b>	<b>Legislative</b>
United States Senator Vote for 1 <input type="radio"/> write-in:	State Senator District _ Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	State Senator District _ Vote for 1 <input type="radio"/> write-in:
Representative in Congress Dist. _ Vote for 1 <input type="radio"/> write-in:	Representative to the Assembly District _ Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	Representative to the Assembly District _ Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:
<b>Legislative</b>	<b>County</b>	<b>County</b>
State Senator District _ Vote for 1 <input type="radio"/> write-in:	Sheriff Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	Sheriff Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:
Representative to the Assembly, District _ Vote for 1 <input type="radio"/> write-in:	Coroner Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	Coroner Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:
<b>County</b>	<b>County</b>	<b>County</b>
Sheriff Vote for 1 <input type="radio"/> write-in:	Clerk of Circuit Court Vote for 1 <input type="radio"/> write-in:	Clerk of Circuit Court Vote for 1 <input type="radio"/> write-in:
Coroner Vote for 1 <input type="radio"/> write-in:	<b>End Constitution Party Primary</b>	<b>End Constitution Party Primary</b>
Clerk of Circuit Court Vote for 1 <input type="radio"/> write-in:	<b>End Wisconsin Green Party Primary</b> <b>Constitution Party Primary</b> If you vote in this party's primary, you may not vote in any other party's primary.	<b>Official Primary Ballot</b> Partisan Office August 14, 2018 for _____ Municipality and ward number(s) _____ Ballot issued by _____ Initials of election inspectors _____ Absentee ballot issued by _____ Initials of Municipal Clerk or Deputy Clerk _____ If issued by SVDs, both SVDs must initial _____ <b>Certification of Voter Assistance</b> I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance. _____ Signature of assistor _____ <b>For Official Use Only</b> <b>Inspectors: Identify ballots required to be remade:</b> _____ <b>Reason for remaking ballot</b> <input type="checkbox"/> Overvoted <input type="checkbox"/> Damaged <input type="checkbox"/> Other Original Ballot No. or Duplicate Ballot No. _____ _____ Initials of inspectors who remade ballot _____ _____
<b>End Libertarian Party Primary</b> <b>Wisconsin Green Party Primary</b>	<b>Statewide</b>	
If you vote in this party's primary, you may not vote in any other party's primary.	Governor Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	
<b>Statewide</b>	Lieutenant Governor Vote for 1 <input type="radio"/> write-in:	
Governor Vote for 1 <input type="radio"/> write-in:	Attorney General Vote for 1 <input type="radio"/> write-in:	
Lieutenant Governor Vote for 1 <input type="radio"/> write-in:	Secretary of State Vote for 1 <input type="radio"/> write-in:	
Attorney General Vote for 1 <input type="radio"/> write-in:	State Treasurer Vote for 1 <input type="radio"/> write-in:	
Secretary of State Vote for 1 <input type="radio"/> write-in:	<b>Congressional</b>	
State Treasurer Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	United States Senator Vote for 1 <input type="radio"/> write-in:	
<b>Congressional</b>	Representative in Congress District _ Vote for 1 <input type="radio"/> write-in:	
United States Senator Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:		
Representative in Congress District _ Vote for 1 <input type="radio"/> write-in:		
Wisconsin Green Party continues at top of next column.	Constitution Party continues at top of next column.	

Page 2 of 2-sided ballot. Ballot begins on other side.



# Official Primary Ballot

Partisan Office

\_\_\_\_\_ Party

August 14, 2018

**Notice to Voters:** If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials.

(See back of ballot for initials.)

**Instructions to voters:**

If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee Voters: Contact your municipal clerk.)

To vote for a name on the ballot, make an "X" or other mark in the square next to the name, like this:

To vote for a name that is not on the ballot, write the name on the line marked "write-in."

**If you vote on this party ballot, you may not vote on any other party ballot.**

Statewide	Congressional	County
<b>Governor Vote for 1</b>	<b>United States Senator Vote for 1</b>	<b>Sheriff Vote for 1</b>
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
write-in:	write-in:	write-in:
<b>Lieutenant Governor Vote for 1</b>	<b>Representative in Congress District _ Vote for 1</b>	<b>Coroner Vote for 1</b>
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
write-in:	<input type="checkbox"/> Candidate	write-in
<b>Attorney General Vote for 1</b>	write-in:	<b>Clerk of Circuit Court Vote for 1</b>
<input type="checkbox"/> Candidate	<b>Legislative</b>	<input type="checkbox"/> Candidate
<input type="checkbox"/> Candidate	<b>State Senator District _ Vote for 1</b>	<input type="checkbox"/> Candidate
write-in:	<input type="checkbox"/> Candidate	write-in:
<b>Secretary of State Vote for 1</b>	<input type="checkbox"/> Candidate	
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	
<input type="checkbox"/> Candidate	write-in:	
write-in:	<b>Representative to the Assembly District _ Vote for 1</b>	
<b>State Treasurer Vote for 1</b>	<input type="checkbox"/> Candidate	
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	
<input type="checkbox"/> Candidate	write-in:	
write-in:		<b>When you finish voting:</b>
<i>The instruction cover sheet is placed on top, followed by the ballots in descending party order (REP, DEM, LIB, WGR, CON).</i>		Place your <b>VOTED</b> ballot in the <b>ballot box</b> .
		Place your <b>UNVOTED</b> ballots in the discard box.



# Official Ballot

## Partisan Office and Referendum

### November 6, 2018

**Notice to voters:** If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials. (See end of ballot for initials.)

General Instructions	Statewide (Cont.)	Legislative (Cont.)
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters: Contact your municipal clerk.)</p> <p>To vote for a name on the ballot, fill in the arrow next to the name like this ←</p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the arrow next to the name like this ←</p>	<p><b>Secretary of State</b> Vote for 1</p> <p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Republican)</p>	<p><b>Representative to the Assembly</b> District _ Vote for 1</p> <p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Republican)</p>
	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Democratic)</p>	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Constitution)</p>
	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Better Schools)</p>	<p>write-in: ←</p>
	<p>write-in: ←</p>	<b>County</b>
<b>Statewide</b>	<b>State Treasurer</b> Vote for 1	<b>Sheriff</b> Vote for 1
<b>Governor/ Lieutenant Governor</b> Vote for 1	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Libertarian)</p>	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Independent)</p>
<p><i>Connect only 1 arrow for this office.</i></p> <p style="text-align: right;">Candidate / ←</p> <p style="text-align: center;">Candidate</p> <p style="text-align: center;">(Republican)</p>	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Wisconsin Green)</p>	<p>write-in: ←</p>
<p style="text-align: right;">Candidate / ←</p> <p style="text-align: center;">Candidate</p> <p style="text-align: center;">(Democratic)</p>	<p>write-in: ←</p>	<b>Coroner</b> Vote for 1
<p style="text-align: right;">Candidate / ←</p> <p style="text-align: center;">Candidate</p> <p style="text-align: center;">(Libertarian)</p>	<b>Congressional</b>	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Republican)</p>
<p style="text-align: right;">Candidate / ←</p> <p style="text-align: center;">Candidate</p> <p style="text-align: center;">(Wisconsin Green)</p>	<b>United States Senator</b> Vote for 1	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Democratic)</p>
<p style="text-align: right;">Candidate / ←</p> <p style="text-align: center;">Candidate</p> <p style="text-align: center;">(Constitution)</p>	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Republican)</p>	<p>write-in: ←</p>
<p style="text-align: right;">Candidate / ←</p> <p style="text-align: center;">Candidate</p> <p style="text-align: center;">(Wisconsin Green)</p>	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Democratic)</p>	<b>Clerk of Circuit Court</b> Vote for 1
<p style="text-align: right;">Candidate / ←</p> <p style="text-align: center;">Candidate</p> <p style="text-align: center;">(Libertarian)</p>	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Libertarian)</p>	<p>write-in: ←</p>
<p style="text-align: right;">Candidate / ←</p> <p style="text-align: center;">Candidate</p> <p style="text-align: center;">(Constitution)</p>	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Wisconsin Green)</p>	<b>Referendum</b>
<p style="text-align: right;">Candidate / ←</p> <p style="text-align: center;">Candidate</p> <p style="text-align: center;">(statement of principle)</p>	<p>write-in: ←</p>	<p>To vote in favor of a question, fill in the arrow next to "Yes," like this: ←.</p> <p>To vote against a question, fill in the arrow next to "No," like this ←.</p>
<p style="text-align: right;">Candidate / ←</p> <p style="text-align: center;">Candidate</p> <p style="text-align: center;">(statement of principle)</p>	<b>Representative in Congress</b> District _ Vote for 1	<b>Level of government conducting referendum (State, County, Municipal, School District...)</b>
<p>----- / ←</p> <p>write-in (Governor)</p>	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Republican)</p>	<p>QUESTION 1: Shall the...?</p>
<p>write-in (Lieutenant Governor)</p>	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Democratic)</p>	<p style="text-align: right;">Yes ←</p>
<b>Attorney General</b> Vote for 1	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Libertarian)</p>	<p style="text-align: right;">No ←</p>
<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Republican)</p>	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Constitution)</p>	
<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Democratic)</p>	<p>write-in: ←</p>	
<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Libertarian)</p>	<b>Legislative</b>	
<p>write-in: ←</p>	<b>State Senator, District _</b> Vote for 1	
<b>Continue voting at top of next column.</b>	<p style="text-align: right;">Candidate ←</p> <p style="text-align: center;">(Democratic)</p>	
	<p>write-in: ←</p>	
	<b>Continue voting at top of next column.</b>	

**Official Ballot  
Partisan Office  
And Referendum  
November 6, 2018  
for**

\_\_\_\_\_  
Municipality and ward number(s)

**Ballot issued by**

\_\_\_\_\_

\_\_\_\_\_  
Initials of election inspectors

**Absentee ballot issued by**

\_\_\_\_\_  
Initials of Municipal Clerk or Deputy Clerk

\_\_\_\_\_  
Initials of municipal clerk or deputy clerk  
(If issued by SVDs, both SVDs must initial.)

**Certification of Voter Assistance**

I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance

\_\_\_\_\_  
Signature of assistor

**For Official Use Only**

**Inspectors:** *Identify ballots required to be remade:*

**Reason for remaking ballot**

- Overvoted
- Damaged
- Other

*Original Ballot No. or Duplicate Ballot No.*

\_\_\_\_\_

\_\_\_\_\_  
Initials of inspectors who remade ballot

# Official Ballot

## Partisan Office and Referendum

### November 6, 2018

**Notice to Voters:** If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials. (See back of ballot for initials.)

Instructions to Voters	Statewide (Cont.)	Legislative
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters: Contact your municipal clerk.)</p> <p>To vote for a name on the ballot, make an "X" or other mark in the square next to the name like this: <input checked="" type="checkbox"/></p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in."</p> <p><i>Vote only once in each contest.</i></p>	<p><b>Secretary of State</b> <b>Vote for 1</b></p> <p><input type="checkbox"/> Candidate (Republican)</p> <p><input type="checkbox"/> Candidate (Democratic)</p> <p><input type="checkbox"/> Candidate (Wisconsin Green)</p> <p>write-in: _____</p> <p><b>State Treasurer</b> <b>Vote for 1</b></p> <p><input type="checkbox"/> Candidate (Republican)</p> <p><input type="checkbox"/> Candidate (Democratic)</p> <p><input type="checkbox"/> Candidate (Wisconsin Green)</p> <p>write-in: _____</p>	<p><b>State Senator</b> <b>Vote for 1</b></p> <p><input type="checkbox"/> Candidate (Democratic)</p> <p><input type="checkbox"/> Candidate (Libertarian)</p> <p>write-in: _____</p> <p><b>Representative to the Assembly</b> <b>District</b> _ <b>Vote for 1</b></p> <p><input type="checkbox"/> Candidate (Republican)</p> <p><input type="checkbox"/> Candidate (Democratic)</p> <p><input type="checkbox"/> Candidate (Wisconsin Green)</p> <p>write-in: _____</p>
<b>Statewide</b>	<b>Congressional</b>	<b>County</b>
<p><b>Governor/ Lieutenant Governor</b> <b>Vote for 1</b></p> <p><input type="checkbox"/> Candidate/ Candidate (Republican)</p> <p><input type="checkbox"/> Candidate/ Candidate (Democratic)</p> <p><input type="checkbox"/> Candidate/ Candidate (Libertarian)</p> <p><input type="checkbox"/> Candidate/ Candidate (Wisconsin Green)</p> <p><input type="checkbox"/> Candidate / Candidate (Constitution)</p> <p><input type="checkbox"/> Candidate/ Candidate (Better Schools)</p> <p><input type="checkbox"/> Candidate/ Candidate (Independent)</p> <p>(Gov.) write-in: _____ (Lt. Gov.) write-in: _____</p>	<p><b>United States Senator</b> <b>Vote for 1</b></p> <p><input type="checkbox"/> Candidate (Republican)</p> <p><input type="checkbox"/> Candidate (Democratic)</p> <p><input type="checkbox"/> Candidate (Constitution)</p> <p><input type="checkbox"/> Candidate (Independent)</p> <p>write-in: _____</p> <p><b>Representative in Congress</b> <b>District</b> _ <b>Vote for 1</b></p> <p><input type="checkbox"/> Candidate (Republican)</p> <p><input type="checkbox"/> Candidate (Libertarian)</p> <p><input type="checkbox"/> Candidate (Wisconsin Green)</p> <p><input type="checkbox"/> Candidate (Constitution)</p> <p>write-in: _____</p>	<p><b>Sheriff</b> <b>Vote for 1</b></p> <p><input type="checkbox"/> Candidate (Democratic)</p> <p>write-in: _____</p> <p><b>Coroner</b> <b>Vote for 1</b></p> <p><input type="checkbox"/> Candidate (Republican)</p> <p><input type="checkbox"/> Candidate (Ready for any Undertaking)</p> <p>write-in: _____</p> <p><b>Clerk of Circuit Court</b> <b>Vote for 1</b></p> <p><input type="checkbox"/> Candidate (Republican)</p> <p><input type="checkbox"/> Candidate (Democratic)</p> <p>write-in: _____</p>
<p><b>Attorney General</b> <b>Vote for 1</b></p> <p><input type="checkbox"/> Candidate (Republican)</p> <p><input type="checkbox"/> Candidate (Democratic)</p> <p><input type="checkbox"/> Candidate (Libertarian)</p> <p>write-in: _____</p>	<p>write-in: _____</p>	<p style="text-align: center;"><b>Referendum</b></p> <p>To vote in favor of a question, make an "X" or other mark in the square next to "Yes," like this: <input checked="" type="checkbox"/></p> <p>To vote against a question, make an "X" or other mark next to "No," like this: <input checked="" type="checkbox"/></p> <p style="text-align: center;"><b>Level of government conducting referendum (County, Municipal, School District...)</b></p> <p>QUESTION 1: Shall the...?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<b>Voting continues at top of next column.</b>	<b>Voting continues at top of next column.</b>	

For Official Use Only	
<p><b>Inspectors:</b> Identify ballots required to be remade.</p> <p><b>Reason for remaking ballot:</b></p> <p><input type="checkbox"/> Overvoted  <input type="checkbox"/> Overvoted  <input type="checkbox"/> Overvoted</p> <p>Original Ballot No. or Duplicate Ballot No.            _____</p> <p>_____</p> <p>Initials of inspectors who remade ballot</p>	<div style="text-align: center;"> <p><b>Official Ballot</b>  <b>Nonpartisan Office</b>  <b>and Referendum</b></p> <p>If issued by SVDs, both SVDs must initial.)</p> <p><b>November 6, 2018</b></p> <p><b>for</b></p> <p>_____</p> <p>Municipality and Ward(s)</p> </div> <hr/> <p><b>Ballot issued by</b></p> <p>_____</p> <p>Initials of election inspectors</p> <hr/> <p><b>Absentee ballot issued by</b></p> <p>_____</p> <p>Initials of municipal clerk or deputy clerk</p> <p>_____</p> <p>If issued by SVDs, both SVDs must initial.</p> <hr/> <p><b>Certification of Voter Assistance</b></p> <p>I certify that I marked or read this Ballot aloud at the request and direction of a voter who is authorized under Wis. Stat. § 6.82 to receive assistance.</p> <p>_____</p> <p>Signature of assistor</p>

# WISCONSIN ELECTIONS COMMISSION

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

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

INTERIM ADMINISTRATOR MEAGAN WOLFE

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**DATE:** For the May 24, 2018 Meeting Commission Meeting

**TO:** Members, Elections Commission

**FROM:** Meagan Wolfe  
Commission Interim Administrator

Prepared and Presented by:  
Sharrie Hauge  
Chief Administrative Officer

**SUBJECT:** Summary of the 2019 – 21 Biennial Budget Process

Commission staff will soon begin planning for the agency's 2019-21 Biennial Budget submission, which is statutorily due on September 15, but since that date falls on a Saturday, the due date is extended to September 17, 2018. The biennial budget process is designed to maintain the agency general program revenue (GPR) funded operations and federal spending authority for the biennium. The 2019-21 biennium begins on July 1, 2019 and runs through June 30, 2021. This memorandum provides an overview of the budget process.

## **Budget Process**

The 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. The requests are compiled by the State Budget Office for review by the Governor. The Governor is required by law to deliver the budget message to the new Legislature on or before the last Tuesday in January (January 29, 2019), although the Legislature can extend the deadline at the Governor's request.

To meet the state's budgetary cycle, the budget should be signed by July 1 of the odd-numbered year. If there is a delay, state agencies operate at their appropriation authority from the prior budget until the new budget is in effect.

## **Agency Responsibility**

In preparation, before the development of individual budget decision item requests can be made, several technical budget tasks need to be completed. Staff needs to ensure that agency program and appropriation structures that are defined in the budget system correctly reflect current law.

The first formal step in biennial budget development is to complete the base year reconciliation. The goal of the base reconciliation is to obtain a level of funding and positions for each current law appropriation/program which is approximated by what is available as of July 1 at the start of the second year of the biennium (July 1, 2018). All agency spending requests are built on (or are changes to) the adjusted base funding level. See table below for the estimated base level funding for the 2019 and 2020 fiscal years.

<b>Wisconsin Elections Commission GPR Budget for FY19</b>	<b>\$</b>	<b>FTE</b>
Permanent Position Salaries	1,374,200.00	
LTE/Misc. Salaries	2,400.00	
Fringe Benefits	538,000.00	
Supplies and Services	2,200,500.00	
Permanent Property	4,800.00	
One-time Financing (MS Software Assurance Renewal)	300,000.00	
Classified Positions Authorized		23.75
Unclassified Positions Authorized		2
<b>Grand Total</b>	<b>4,419,900.00</b>	<b>25.75</b>

<b>Wisconsin Elections Commission GPR Base for FY20</b>	<b>\$</b>	<b>FTE</b>
Starting GPR Base for FY20	4,419,900.00	
One-time Financing (MS Software Assurance Renewal)	-300,000.00	
Classified Positions Authorized		23.75
Unclassified Positions Authorized		2
<b>Grand Total</b>	<b>4,119,900.00</b>	<b>25.75</b>

After the base budget reconciliation is completed, staff will complete a full salary and fringe benefit funding calculation under standard budget adjustments to determine salary and wage levels. After the reconciliation process is complete the agency budget request decision items can be developed.

**Major Budget Policies 2019-21**

On May 11, the Department of Administration issued its Major Budget Policies for preparing agency 2019-21 biennial budget requests. The instructions stated that all agencies should assume there will be zero growth in overall GPR appropriations in each fiscal year during the 2019-21 biennium, meaning that agencies are required to hold their overall GPR expenditures to the level of fiscal year 2019, the current fiscal year. The Wisconsin Elections Commission’s total base budget for fiscal year 2019 is \$4,419,900 minus one-time funding of \$300,000 for software assurance, for a total base budget of \$4,119,900 (see table above).

As part of the budget process, agencies are also required by 2015 Act 201 to include a plan for how the agency will meet the zero-growth target 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. Agencies are also required to report on performance measures from previous biennial budgets. For the 2019-21 budget agencies are required to report actual outcome measures through fiscal year 2016-17 and fiscal year 2017-18.

Base budget review reports are a new requirement in the budget policies this biennium. Agencies are required to submit a base budget review report with its 2019-21 Biennial Budget submission and then again by May 15 in every even-numbered year in every biennium thereafter. The report includes: a description of each agency appropriation (The WEC currently has 13); an accounting of all expenditures in every quarter in each of the previous 3 fiscal years; an analysis of where the appropriations contribute to the mission of the agency and whether the objectives of the appropriation justify our expenditures; a determination of the minimum level of funding needed to achieve the appropriation’s funding and not to exceed the prior fiscal year’s adjusted base and an accounting of the appropriation’s current funding; and a description of our agency mission or guiding principles.

Below is a task chart and internal timeline for preparing the request.

<b>Task</b>	<b>Due Date</b>
Titles Maintenance and Base Budget Reconciliation	August 15, 2018
Creation of the Adjusted Base	August 24, 2018
Agency Description	August 24, 2018
Agency Program Goals	August 29, 2018
Report on Agency Goals from last biennium	August 31, 2018
“DRAFT” Decision Item Narratives Due for Review	September 3, 2018
Review of “DRAFT” Decision Item Narratives Due	September 5, 2018
Mgmt. Team Finalize Budget Item Narratives (meet)	September 10, 2018
Finalized Decision Item Narratives Due	September 13, 2018
Formal Budget Requests Due	September 17, 2018

While no definite budget decisions are required at this time, staff will shortly commence development of the biennial budget and include an update in the June 11, 2018 Commission Meeting materials for your guidance and approval. The Commission may wish to conduct preliminary consideration of overall budget objectives and specific decision items once identified to provide staff with any appropriate directions and determine when it wishes to approve the agency’s budget request.

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JODI JENSEN  
DEAN KNUDSON  
MARK L. THOMSEN, CHAIR

INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the May 24, 2018 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

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

Prepared and Presented by:  
Michael Haas  
Staff Counsel

**SUBJECT:** U.S. Department of Justice Request Regarding Temporary Overseas Electors

As part of its legislative agenda, the Elections Commission requested that the Legislature address possible discrepancies between state law and federal law related to the treatment of temporary overseas electors. Unlike most other states, Wisconsin Statutes create a distinction between Wisconsin voters who are overseas permanently and have no intent to return to Wisconsin, and those who are out of the country on a temporary basis and do intend to return to the state. Electors in the latter category may be traveling overseas on a short vacation or working on a short- or long-term basis in another country. Regardless of the length of their stay overseas, these voters are considered temporary overseas electors if they have an intent to return to Wisconsin. They may cast votes for all offices on the ballot, unlike permanent overseas electors who may vote only in contests for federal offices.

The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) affords certain rights to overseas electors, including the right to obtain a ballot electronically and the right to use the Federal Write In Absentee Ballot (FWAB) to cast their votes. The FWAB is a back up ballot which overseas electors may download, write in candidates, and submit to their municipal clerk, and which is counted if the elector does not have time to obtain and return an official ballot. Wisconsin clerks typically receive relatively few FWAB's and temporary overseas electors are permitted to use them as an absentee ballot application, but not as an actual ballot.

UOCAVA does not distinguish between permanent and overseas electors, and because of the definitions used in the federal and state laws, there has been some discussion over the past several years as to whether Wisconsin law complies with UOCAVA regarding the electronic transmission of ballots to temporary overseas electors and the use of the FWAB by those voters. The Government Accountability Board and the WEC have advised clerks that Wisconsin Statutes do

not permit the electronic transmission of ballots to temporary overseas electors but do afford those two options to permanent overseas electors. The One Wisconsin Institute court decision which is on appeal to the 7<sup>th</sup> Circuit Court of Appeals has modified that guidance by giving municipal clerks the option to transmit ballots electronically to all absentee voters upon their request.

The Federal Voting Assistance Program (FVAP) in the Department of Defense, and more recently the U.S. Department of Justice, have requested that Wisconsin resolve any uncertainty regarding compliance with UOCAVA by making it clear that temporary overseas electors may receive ballots electronically and may use the FWAB to cast votes. At the Commission's direction, staff worked with the Legislature to draft a legislative remedy regarding use of the FWAB by, and electronic transmission of ballots to, temporary overseas electors. These changes were included in Assembly Bill 947, which was passed by the Assembly in February but not by the Senate prior to the end of the legislative session. There was a public hearing in the Senate to use AB 947 as the vehicle to amend the timeline for the Governor to call special elections for legislative vacancies, but the bill did not receive a vote in committee or by the full Senate. Commission staff provided periodic updates to FVAP and the U.S. Department of Justice (US DOJ) regarding the status of the legislation.

On May 9, 2018, the Commission received a copy of the attached correspondence from U.S. DOJ addressed to the Attorney General. Absent legislative changes, U.S. DOJ has advised that it is prepared to file litigation to require that Wisconsin permit the use of the FWAB and the electronic receipt of absentee ballots by temporary overseas electors. The correspondence indicates that U.S. DOJ wishes to work cooperatively with the WEC and State of Wisconsin to resolve the litigation.

On May 10, 2018, U.S. DOJ provided a draft consent decree for the WEC's review outlining proposed terms for resolving potential litigation, which has been provided to Commissioners. In short, the draft consent decree would require that Wisconsin permit temporary overseas electors to receive absentee ballots electronically and to use the Federal Write In Absentee Ballot. It would require the WEC to provide guidance regarding these changes to clerks, alter forms and instructions, and publicize the changes through a press release and on the agency website. Finally, the consent decree would require the WEC to pursue legislative and administrative solutions to ensure the changes continue for future elections, and to file a status report with the federal court regarding those efforts.

Commission staff seeks the Commission's direction regarding whether or not to enter into a consent decree with U.S. DOJ to resolve this matter. The Commission has the option to discuss this potential litigation and proposed consent decree in closed session. Given that these issues, and the federal government's involvement, have previously been discussed in the context of the Commission's legislative agenda, and given that implementing the requested changes would require some time in preparation for the Partisan Primary, the Commission may wish to consider this matter in open session. Doing so would lend increased transparency to the Commission's decision for policymakers, election officials and the public. Assistant Attorney General Tom Bellavia, who is representing the WEC, will also be available to discuss specific terms of the consent decree in closed session if necessary.

U.S. Department of Justice

Civil Rights Division

REC 10MAY2018 AM09:41

950 Pennsylvania Ave. NW  
Washington, DC 20530

MAY 09 2018

VIA FEDEX AND EMAIL

The Honorable Brad Schimel  
Attorney General  
State of Wisconsin  
114 East, State Capitol  
P.O. Box 7857  
Madison, Wisconsin 53707-7857

Dear Attorney General Schimel:

This is to notify you that I have authorized a lawsuit against the State of Wisconsin and appropriate state officials to enforce the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), 52 U.S.C. §§ 20301, *et seq.*

UOCAVA guarantees “overseas voters”—defined as active-duty members of the uniformed services absent from the United States by reason of active duty or service and their eligible family members, as well as United States citizens residing overseas, *see* 52 U.S.C. § 20310(5)—the rights “to vote by absentee ballot in general, special, primary, and runoff elections for Federal office,” “to use Federal write-in absentee ballots . . . in elections for Federal office,” and to receive absentee ballots electronically, *id.* § 20302(a)(1), (3), and (7). UOCAVA extends these protections to all “overseas voters,” regardless of their intention to return to the United States. *Id.* §§ 20302, 20310. UOCAVA places upon Wisconsin the responsibility to ensure that these protections are extended to all overseas voters in federal elections conducted by the State. *See id.* § 20302.

On September 5, 2017, the Department sent a letter notifying the Wisconsin Elections Commission that Wisconsin state law does not comport with UOCAVA because it fails to extend some UOCAVA protections to a subset of overseas voters. *See* Attachment. Specifically, Wisconsin law extends UOCAVA’s protections only to “military electors” and those “overseas electors” who do not “intend[] to return” to the State, Wisc. Stat. §§ 6.10(1), 6.22, 6.24, but not to “overseas electors” who do “intend[] to return” to the State, *id.* § 6.10(1). Thus, as the Wisconsin Elections Commission’s website explains, a voter is an overseas elector to whom Wisconsin law affords UOCAVA protections only if “you are a U.S. citizen who last resided in Wisconsin . . . before moving to a foreign country, and you have no intent to return to your prior municipality in Wisconsin. These voters are often called ‘permanent’ overseas voters.” *See* <http://elections.wi.gov/voters/overseas>. By contrast, “[v]oters who are temporarily overseas on Election Day, and have an intent to return are NOT considered overseas voters.” *Id.*

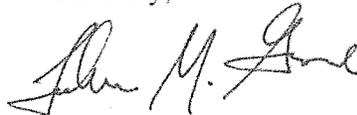
Wisconsin law fails to accord these “temporary” overseas voters at least two important protections required by UOCAVA. First, Wisconsin law does not provide temporary overseas voters the right to submit a Federal Write-In Absentee Ballot (FWAB) if they do not receive a ballot from their local election office in time to return it by the receipt deadline. *Compare* *Wisc. Stat. § 6.25, with 52 U.S.C. § 20302(a)(3)*. Second, Wisconsin state law prevents temporary overseas voters from receiving ballots electronically (*e.g.*, via fax or email). Notwithstanding the injunction issued in private litigation preventing the State from enforcing that law, *see One Wisconsin Inst. v. Thomsen*, 198 F. Supp. 3d 896, 946–48 (W.D. Wis. 2016), we understand that the State has advised local clerks that electronic transmission of ballots to temporary overseas voters is discretionary under the injunction, even though it is mandatory under UOCAVA, *see 52 U.S.C. § 20302(a)(7)*.

We first raised these issues with the Wisconsin Elections Commission several months ago. We have encouraged the State to take action to bring state law into conformity with UOCAVA, and have delayed any federal enforcement action in deference to the State’s recent effort to adopt a legislative fix. We appreciate the Wisconsin Elections Commission’s cooperation and efforts to keeping us apprised of its review of this issue, including its work with members of the state legislature to explore a possible legislative change. We understand that while a bill passed the State Assembly earlier this year (AB 947), the State Senate has now adjourned without adopting that bill or otherwise enacting a legislative fix. Thus, with the 2018 federal election cycle fast approaching, it is important that this matter be resolved promptly so that all eligible overseas citizens can exercise their right to vote as guaranteed by UOCAVA.

We hope to resolve this matter amicably and to avoid protracted litigation. Accordingly, we will delay filing the complaint for a short period to permit us to try to negotiate a settlement to be filed with the complaint. Kaycee Sullivan, an attorney with the Voting Section, will call your office shortly to discuss the State’s interest in settlement. She may be reached at (202) 305-6828.

We look forward to working with you to achieve a prompt resolution.

Sincerely,



John M. Gore  
Acting Assistant Attorney General

cc: Meagan Wolfe  
Interim Administrator, Elections Commission

Nathan Judnic  
Counsel, Elections Commission

Thomas Bellavia  
Attorney, Office of the Attorney General



U.S. Department of Justice  
Civil Rights Division

Voting Section - NWB  
950 Pennsylvania Ave, NW  
Washington, DC 20530

September 5, 2017

Michael Haas  
Administrator  
Wisconsin Elections Commission  
212 East Washington Avenue  
Madison, Wisconsin 53707-7984

Dear Mr. Haas:

We write to you as the administrator of the Wisconsin Elections Commission, the entity primarily responsible for Wisconsin's compliance with the requirements of the Uniformed and Overseas Citizens' Absentee Voting Act (UOCAVA), 52 U.S.C. §§ 20301, *et seq.* As discussed in the Federal Voting Assistance Program's March 13, 2017 letter to your office and in subsequent telephone conversations with our office, concerns remain that Wisconsin's state law and election administration procedures concerning absentee voting by overseas citizens are inconsistent with the requirements of UOCAVA.

UOCAVA guarantees active-duty members of the uniformed services and their eligible family members, and United States citizens residing overseas the right "to vote by absentee ballot in general, special; primary, and runoff elections for federal office." 52 U.S.C. § 20302(a)(1). Under UOCAVA, Wisconsin is responsible for ensuring that all voters covered by UOCAVA are afforded specific federal protections in accordance with its terms. 52 U.S.C. § 20302.

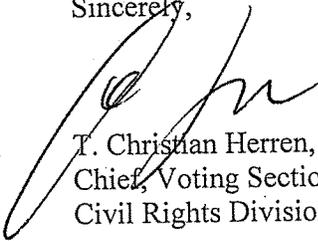
As you know, the concerns identified involve the State's classifications of overseas voters for purposes of eligibility for UOCAVA protections. Specifically, Wisconsin's statute governing federal overseas voters excludes overseas voters with an intent to return to the United States from its definition of "overseas elector." Specifically, it defines an "overseas elector" as: "a U.S. citizen . . . who does not qualify as a resident of this state under [Wis. Stat. § 6.10], but who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote or voting in any other state, territory or possession." Wis. Stat. § 6.24. The relevant section of Wis. Stats. § 6.10 sets forth that "when absent" a "person who intends to return" to the State qualifies as a resident of Wisconsin. Wis. Stat. § 6.10(1). Thus, pursuant to Wisconsin state law, a voter residing overseas with an intent to return to the State is not considered an "overseas elector." UOCAVA's definition of "overseas voter" makes no distinction between United States citizens who are overseas and intend to return to the United States and those who intend to remain overseas indefinitely. 52 U.S.C. § 20310(5).

The absentee voting information and instructions provided on the Wisconsin Elections Commission's website likewise distinguish between voters who are overseas temporarily and permanently, stating that, except for service member overseas, overseas voters who intend to return to the United States are not considered UOCAVA voters. The Commission's website states that an "overseas voter" is: "...a U.S. citizen who last resided in Wisconsin, or your parent last resided in Wisconsin, before moving to a foreign country, and you have no intent to return to your prior municipality in Wisconsin. These voters are often called 'permanent' overseas voters."<sup>1</sup> In addition, the Commission's website explains that: "Voters who are temporarily overseas on Election Day, and have an intent to return are NOT considered overseas voters."<sup>2</sup>

Because Wisconsin's state law and election administration procedures make a distinction between "permanent overseas voters" and voters who are "temporarily overseas," certain classes of the State's overseas voters are being deprived of UOCAVA protections they are entitled to under federal law. Namely, the State is not permitting all overseas voters to use a Federal Write-In Absentee Ballot (FWAB) for federal elections or to request and receive an absentee ballot electronically as is required by UOCAVA. Also, we note that in order to cast an absentee ballot, overseas voters with an intent to return are subject to additional photo identification requirements from which military voters and "permanent overseas voters" are exempt.

We greatly appreciate your cooperation in our continuing efforts to ensure that Wisconsin's military and overseas voters are afforded the full voting opportunities guaranteed by UOCAVA. For the reasons discussed above, we believe certain provisions of Wisconsin's state law are precluding the State from meeting all of its obligations under UOCAVA. We look forward to discussing the legislative and administrative measures Wisconsin is considering to address this issue and ensure UOCAVA compliance in all future federal elections. Please feel free to call Catherine Meza in the Voting Section at (202) 305-0132 if you have any questions.

Sincerely,



T. Christian Herren, Jr.  
Chief, Voting Section  
Civil Rights Division

cc: Beverly R. Gill, Elections Commissioner  
Julie M. Glancey, Elections Commissioner  
Ann S. Jacobs, Elections Commissioner  
Steve King, Elections Commissioner  
Don Millis, Elections Commissioner  
Mark L. Thomsen, Elections Commissioner

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<sup>1</sup> See <http://elections.wi.gov/voters/overseas>

<sup>2</sup> *Id.*

# WISCONSIN ELECTIONS COMMISSION

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COMMISSIONERS

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

INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the May 24, 2018 Commission Meeting

**TO:** Members, Elections Commission

**FROM:** Meagan Wolfe  
Interim Administrator

**SUBJECT:** Selection of Chair and Other Officers

The process for selecting a Chair for the Elections Commission is governed by Wis. Stat. §5.06(2)(b)1. which reads:

The chairperson of the elections commission shall be chosen from the members appointed under s. 15.61 (1) (a) 1. to 4. by affirmative vote of at least two-thirds of the commission members at the commission's first meeting every 2 years. The chairperson shall serve a 2-year term. The first chairperson shall be chosen from the commissioners affiliated with the same major political party. The major political party from which to select the first chairperson shall be determined by lot. The 2nd chairperson shall be chosen from the commissioners affiliated with the other major political party. Each subsequent chairperson shall be chosen from the commissioners affiliated with the 2 major political parties on a rotating basis.

This provision ensures that the position of Chair will rotate between the two major political parties every two years. The Democratic Party was chosen by lot to be represented by the Commission Chair in June 2016.

To clarify the implementation of Wis. Stat. §5.06(2)(b)1., at its meeting of June 30, 2016, the Commission passed the following motion:

### MOTION:

That the term of the Chair of the Wisconsin Elections Commission by political party be effective upon selection at this meeting and a new Chair is selected from the opposite political party biannually at the June meeting when the Commission addresses nomination papers. Moved by Commissioner Millis, seconded by Commissioner Thomsen. Motion carried unanimously.

Based upon this motion, the term of the new Chair begins with the Commission's ballot access meeting on June 11, 2018. Pursuant to that motion, the Commission may wait until that meeting to select a new Chair, or the Commission may pass a new motion to select the Chair at the May 24<sup>th</sup> meeting, which would permit the new Chair to be prepared in advance for the meeting to resolve ballot access challenges and certify candidates.

Pursuant to Wis. Stat. § 15.06(2)(a), the Commission may also select a Vice Chair and Secretary. Selecting a Vice Chair establishes predictability in conducting meetings or performing other tasks in the Chair's absence. The main function of the Secretary is to certify the minutes of Commission meetings.

At its June 30, 2016 meeting, the Commission also passed the following motion:

**MOTION:**

That the Vice-Chair of the Commission be a member of the same political party as the Chair and the secretary of the Commission be a member of the opposite party. Moved by Commissioner Thomsen, seconded by Commissioner Millis. Motion carried unanimously.

Wis. Stat. §5.06(2)(b)1. requires that the Commission Chair be selected from among the Commissioners appointed by the legislative leaders, which excludes the Commissioners who are former clerks appointed by the Governor. For the 2018 – 2020 term, the Chair is selected from the Commissioners appointed to represent the Republican Party. Therefore, Commissioner Jenson and Commissioner Knudson are eligible to serve as Commission Chair beginning with the June 11, 2018.

The Commission should determine whether it wishes to select new officers at this meeting or at the meeting of June 11, 1018. At that time, the Commission should first select the new Chair, then the Vice Chair, and then the Secretary.

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MARK L. THOMSEN, CHAIR

INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the March 24, 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 (March 13, 2018), staff of the Commission has focused on the following tasks:

### 1. **General Activities of Election Administration Staff**

#### 2018 Spring Election

The Spring Election for Judicial Offices was conducted on April 3, 2018. Chairperson Thomsen signed the certification on April 18, 2018 for all offices except Circuit Court, Branch 3 in Sauk County. Certification of that office was delayed due to a recount and was certified on April 27, 2018.

#### Spring Election Recounts

One state-level contest, Sauk County Circuit Court Judge, Branch 3, was subject to a recount. Commission staff worked with the Sauk County Clerk to coordinate the issuance of the Recount Order and appropriate notices. The Sauk County Board of Canvassers convened on Friday, April 13<sup>th</sup> to begin the recount. The recount concluded on April 14, 2018 and confirmed the original candidate the winner.

Thirteen county/local contests were subject to recount, as well as one school district referendum. While the Commission staff is not as involved with county/local recounts, Commission staff still answered questions on proper procedures and received and reviewed minutes from the recounts after the fact, per statute. Two county/local recounts have been appealed to circuit court: Village of Bloomfield (trustee) and St. Croix County (supervisor). Per statute, a certificate of election is not issued to a candidate when a pending appeal of the recount is still active.

Amended Certification for Referendum

After the canvasses were signed on April 18<sup>th</sup>, staff discovered that Washburn County had failed to include the referendum results on their canvass statement. The county clerk was notified immediately and an amended canvass including referendum results was received on May 1, 2018. The amended canvass will be signed at the May 24, 2018 Commission meeting.

Data quality checks are being incorporated into the redesign of the agency’s Canvass Reporting System that would identify errors such as these before certification. Additional information on the canvass system modernization project has been provided in section 10 of the Commission Staff Update.

Special Partisan Elections

A special partisan primary will be held on May 15, 2018 for Offices of State Senator District 1 and Representative to the Assembly, District 42. The special election is scheduled for June 12, 2018. Staff processed ballot access documents for nine total candidates for these special elections, and the Commission approved both slates of candidates on April 23, 2018. Staff has offered extended hours in support of counties and municipalities in these districts in advance of the Special Primary and on Election Day.

2018 General Election

The first day to circulate nomination papers for the November 6, 2018 General Election was April 15, 2018. The offices up for election and the minimum number of signatures required for each are listed below:

<b>State Constitutional Offices</b>	<b>Congressional Offices</b>	<b>State Offices</b>
All: <b>2,000</b>		
Governor	United States Senator: <b>2,000</b>	17 State Senate districts: <b>400</b>
Lieutenant Governor	8 Congressional districts: <b>1,000</b>	99 Assembly districts: <b>200</b>
Attorney General		
Secretary of State		
State Treasurer		

- There are currently 295 candidates registered for the election.
- Approximately 10% of the 295 are registered for the office of Governor
- In the fifth week of a seven-week circulation period, only twenty-seven sets of nomination papers have been filed.
- There are nine open seats (3 State Senate, 7 Assembly).

### Partisan Primary Ballots

A partisan primary ballot has been drafted for the Commission's approval of format. The ballot can be found with the *2018 Fall Primary and Election Ballot Design Format* memo. The sample is a "fill in the oval" ballot. A "complete the arrow" ballot will also be provided to county clerks and ballot printers. The "arrow" ballot format is identical to the "oval" ballot except for the method of marking the ballot. Ballot format has not changed since the Commission's format approval for 2017 Spring Election ballots and 2016 fall primary and election ballots.

Citing concerns about the continuously expanding field of candidates, Commission staff reached out to voting equipment vendors regarding the probability of an uncommonly crowded Partisan Primary ballot. Staff became concerned that the number of candidates would require a two-page ballot for the Partisan. A conference call on this topic was held between agency staff and representatives from Dominion Voting Systems, Clear Ballot Group, and Elections System and Software. After reviewing documentation based on current candidate projections, each of the three vendors were confident that, with adjustments to ballot layout and an increase in ballot size, all the candidates could be listed on a single-page ballot.

### Post-Election Audit Research Project

Public concern with respect to the accuracy of electronic voting equipment has prompted staff to investigate methods to verify electronically tabulated election results. Staff has begun an analysis of the efficacy of implementing risk-limiting audits, or other forms of post-election audits. A risk limiting audit is a manual review of selected election ballots to ensure that voting equipment and vote counting results identify the actual winner of an election. The process is designed to ensure that vote totals are accurate and have not been impacted by voter marking errors, equipment malfunctions, programming errors or fraud.

A risk limiting audit is essentially a hand recount and comparison of randomly selected election results to verify that results are accurate within a pre-determined margin of error. The risk limiting audit process requires continuous sampling until a sufficient level of confidence in the results is obtained. Larger margins of victory between the winning and losing candidates and accurate initial results will result in a fewer number of ballots that will require hand-counting. The level of confidence is reached when the manual review produces results that are either the same or within the risk limit to the original results. After several years of development, the State of Colorado recently conducted its first statewide risk-limiting audit and staff have reviewed documentation from their development process and discussed risk-limiting and other post-election audit options with representatives from several other states.

### Website Review Project

Over the past month, staff has been working on reviewing the Wisconsin Elections Commission website to provide timely and necessary updates in preparation for the upcoming 2018 fall elections. The goal of the project is to ensure that the website contains the most up-to-date information for quick reference by election officials and electors in Wisconsin. This process entails reviewing current information posted on the Commission's website for content, accuracy, and quality, and making any necessary changes.

Improved organization of the website is also a project goal, so information can be accessed in a more convenient manner. All updates are projected to be completed prior to the fall election cycle.

Fall 2018 UOCAVA Deadlines

The federal Uniformed and Overseas Citizens Absentee Voter Act (UOCAVA) requires, among other things, that military and permanently overseas voters who have absentee ballot requests on file, have their ballots transmitted no later than 45 days prior to any federal election. Along with Wisconsin’s slightly more stringent 47-day requirement, the law ensures that members of the uniformed services, their family, and those living outside the United States can timely receive, vote, and return their ballot (which must be returned by mail, per current law). The U.S. Department of Justice (USDOJ) has again asked Wisconsin, along with all other states, to track and report information concerning all military and permanent overseas absentee ballots to ensure that they are issued in accordance with the federal deadlines.

To that end, staff has begun preparing resources for clerks regarding the UOCAVA requirements. To date, these materials include a clerk memo, a UOCAVA deadlines chart, common UOCAVA receipt/response scenarios, and revised fax/email ballot instructions. In addition, staff have begun introducing the UOCAVA requirements to clerks at clerk conferences and meetings, beginning in May 2018. Continuing efforts such as additional communications, personal contacts with the clerks, and additional resources will be forthcoming to ensure that military and overseas voters receive their ballots in a timely fashion and that all deadline and reporting requirements are completed per the requirements of the law and the USDOJ.

**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 May 11, 2018.

<b>Fiscal Year</b>	<b>Total Number of Requests</b>	<b>Requested Files Purchased</b>	<b>Percentage of Requests Purchased</b>	<b>Total Revenue</b>
<b>FY2018 to date</b>	645	469	72.7%	\$151,361.00
<b>FY2017</b>	643	368	57%	\$234,537.35
<b>FY2016</b>	789	435	55%	\$235,820.00
<b>FY2015</b>	679	418	61.56%	\$242,801.25
<b>FY2014</b>	371	249	67.12%	\$125,921.25
<b>FY2013</b>	356	259	72.75%	\$254,840.00
<b>FY2012</b>	428	354	78.04%	\$127,835.00

### **3. WEDCS**

Commission staff continues to monitor municipal and county clerk compliance with reporting requirements following the 2018 Spring Primary and Spring Election. Since the previous commission report, all reporting has been finalized for the 2017 Spring Primary, 2017 Spring Election, as well as for the 2017 Spring Special Election and 2018 Special Election for Senate District 10 and Assembly Districts 58 and 66.

Pursuant to Statutes, the EL-190F Election Administration and Voting Statistics Report was due to be entered into the Wisconsin Elections Data Collection System (WEDCS) by March 22, 2018 for the 2018 Spring Primary. As of May 15, 2018, all municipalities have completed their reports in WEDCS. 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 May 15, 2018, 23 municipalities have not yet entered their reports.

The Election Day Registration (EDR) Postcard Statistics initial report for the 2018 Spring Primary has a statutory deadline to be posted to the Elections Commission website by May 21, 2018 and by July 2, 2018 for the 2018 Spring Election. By statute this report is to be updated monthly until there is a full accounting of all EDR postcards for the Spring Primary. Due to the WEDCS modernization project of incorporating this reporting into WisVote, reporting for this requirement has just begun. The report became available for clerks to enter postcard data on May 11, at which time they were advised of the platform change and the reporting deadlines for those two elections.

Due to the development priorities, Commission staff have initially deployed only the EDR postcard reporting entity into WisVote, as mentioned above. The extended reporting timeframes associated with the EDR postcard report provided the opportunity to complete development of this entity prior to statutory reporting deadlines. By doing so, staff can lessen the amount of time both versions of WEDCS will need to be supported by several months. Commission staff continues to work on the WEDCS modernization project. Staff does not currently have an estimate of when the full project will be completed, although we are hoping for later this summer.

### **4. Education/Training/Outreach/Technical Assistance**

Following this memorandum as Attachment 1 is a summary of information regarding core and special election administration training recently conducted by WEC staff. Following the April election, the training team and elections specialists are continuing to focus on providing information related to elections security and contingency planning, upcoming UOCAVA deadlines, the photo identification requirement, One Wisconsin Institute court decision, and initial and continuing education for clerks and local election officials. Staff is also developing new election administration and WisVote webinar training series, scheduled to begin in late July. Staff is currently reviewing nomination papers for the fall elections and attending to tasks and support related to the May Special Primary, June Special Election, August Partisan Primary and November General Election.

Commission staff is continuing development of a series of mini-webinars designed to provide WisVote users with a basic and standard level of IT security training.

Commission staff continues to work on the election security training series and has completed electronic learning modules (ELMs) for Password Security, Phishing and an introduction to securing WisVote. Staff is nearing completion of ELMs for personal computer security, browser security and an overview of the updated WisVote User Policy. All online elections security training will be released on the Learning Center to coincide with the upcoming changes to the WisVote Access Policy, which will require all new and existing users to complete the Securing WisVote Series and electronically sign a new WisVote User Agreement and updated Confidentiality Agreement. Commission staff will continue to review WisVote security needs and will add additional security topics as needed.

## **5. E-Poll Books**

The Badger Book was used in a live election for the first time on April 3, 2018 during the Spring Election. The system was piloted in a total of 5 polling locations in Brookfield, Beloit, Mequon, Sun Prairie, and Trenton. In total, the Badger Book software processed over 5,000 voters.

Leading up to the election, staff completed development and testing on processes for checking a voter in, processing an absentee, registering a voter, and generating election participation and other reports. Staff also incorporated ERIC voters into the Badger Book, who could be found through the same process as previously registered voters. All processes functioned as expected on Election Day, however some user interface changes will be made according to poll worker and voter feedback. Additionally, staff administered training to all poll workers who would use the Badger Book and provided on-site support on Election Day.

Staff completed the import of the election data, including all election participation and election day registrations for pilot sites, on May 2. Next, staff will develop, test, and deploy WisVote features that will enable clerks to manage their Badger Book files and election data from start to finish, with support from WEC staff. Staff will also develop a process for clerks to purchase Badger Book hardware from the state contract and develop training materials for clerks to use to support their Badger Book implementation. Badger Books will be available for use for the August 2018 Partisan Primary.

## **6. Accessibility**

Staff recently participated in two events with the Council for the Blind and Visually Impaired. On March 7, WEC staff and the City of Madison clerk's office demonstrated how to use the ExpressVote accessible voting equipment to high school students preparing for independent living. Staff also participated in an event on April 16, in which blind and visually impaired participants evaluated the accessibility of the Badger Book system. Participants offered several improvements the Badger Book team will consider for future upgrades. Staff will also participate in a webinar produced by the Council for the Blind and Visually Impaired, highlighting the different ways a voter can cast their ballot in the coming elections.

The Accessibility Advisory Group will meet on May 30. The group will discuss their initiatives for the year including the future of the polling place audit program, provide feedback on the new election security funds, and participate in a mock election on the Badger Books to gain additional feedback.

## 7. Voting Equipment

Commission staff has received, and begun processing, in coordination with Administrator Wolfe, three electronic change order (ECO) approval requests. Two of the ECO requests come from Dominion Voting Systems, and the third from ES&S. These ECO applications request the approval of voting equipment changes to be considered as *de minimis*. Dominion Voting Systems requests *de minimis* change approval for replacement of two voting equipment components that are no longer produced by the manufacturer; the secondary monitor for the ImageCast Evolution, and the client workstation for the Democracy Suite Election Management System. ES&S requests *de minimis* change approval for a security component software patch in the election management system.

## 8. WisVote

WisVote staff developed, tested and deployed a new version of WisVote, 2018 Sprint 1, on May 8, 2018. The new version contained 39 work items and addresses several issues reported by clerks. The new version also included the first installment of the WEDCS Modernization project. The statutory EDR postcard reporting is now available in WisVote. More information about WEDCS Modernization is available in the WEDCS section of this memo. A clerk communication was published on Wednesday, May 9 outlining the changes in 2018 Sprint 1. The next WisVote update, 2018 Sprint 2, is scheduled for June 21.

The special partisan elections for Assembly District 42 and Senate District 1 are to be held on June 12, 2018, with the special partisan primary elections having been on May 15, 2018. In addition, the newly incorporated Village of Yorkville will hold its first Village Election (Wis. Stat §66.0213(4)) on June 12, 2018 and the City of Oconomowoc will have special election to fill an aldermanic vacancy on July 10, 2018. WisVote staff have been diligently working on making sure all involved municipalities have their necessary steps completed in WisVote, including polling place and reporting unit set-up, checkpoints marked, absentee applications and ballots processed, and data quality updated and corrected. Clerks will also be using the ERIC Supplemental Poll List process for these special elections. More information about the ERIC Supplemental Poll List process is available in the memo for Agenda Item G.

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 May 1, 2018 to prepare the system to generate polling places and ballot styles based on the most recent boundary changes in anticipation of the May and June special elections.

## 9. Canvass Reporting System

WEC IT staff continue to work on the WisVote replacement to the WEC Canvass Reporting System. The primary purpose of the WEC Canvass Reporting System is for counties to submit certified canvass results for federal and state offices to the state. The WEC Canvass System has been in use since 2010 and the new WisVote Elections Results functions will bring needed improvement to the current process.

Current development is focused on improving data validation to prevent users from making obvious typographical errors, such as the one that was discovered in the 2018 Spring Election for the statewide

referendum contest. In the current system it is possible for a county to enter zeros for an entire contest and verify results to the state without the user receiving a warning of the potential error. Also, WEC staff do not receive a warning to alert them of a potential error. The WEC Canvas Reporting System has no data validation functions, and this limitation allowed Washburn County to verify and submit zero results for the statewide referendum in the 2018 Spring Election. With the new data validations being developed for the WisVote Election Results functions, users will be alerted when the results entered are not within a set margin of error. The alerts will help prevent counties from submitting results with obvious typographical errors. However, no computer system can replace the county board of canvassers' duty to carefully review the returns and certify the official results. With better data validations in place the new WisVote Election Results process will prevent obvious errors in the canvass and improve the data quality of election results submitted to the WEC for certification.

Staff anticipates that the Canvass system will be available for UAT testing mid-summer 2018. The WEC Canvass Reporting System will be used for the 2018 Special Primaries and Special Elections in May and July.

## **10. 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 for the 2018 Spring Primary Election was run on May 2, 2018 and three potential matches were identified. After DOC and them municipal clerks completed their initial review, no matches remained; the audit is complete and closed.

The Voter Felon Audit for the 2018 Spring Election has not been run yet, as there are several outstanding municipalities working on their reconciliation efforts.

## **11. Legislation**

Elections Commission staff continued to track election related legislation through the end of the 2017 legislative session. Three pieces of legislation were signed into law by Governor Walker on April 16, 2018.

- Assembly Bill 85 was signed into law as 2017 Wisconsin Act 326. Act 326 removes the prohibition on local elected officials serving as election inspectors. The prohibition on local elected officials serving as election inspectors remains in effect for 1<sup>st</sup> class cities and at any election where the official is a candidate on the ballot.
- Assembly Bill 332 was signed into law as 2017 Wisconsin Act 321. Act 321 allows the school board of a school district to adopt a resolution reducing the number of signatures required on nomination papers submitted by candidates for school district officer to not less than 20 and not more than 100 if the school district territory lying within a second-class city or cities is less than or equal to 10 percent of the school district's territory.

- Assembly Bill 840 was signed into law as 2017 Wisconsin Act 360. Act 360 clarifies duties for municipal clerks related to notifying their counties of municipal boundary changes.

## 12. 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, 66 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.

## 13. Communications Report

Between March 1, 2018 and April 30, 2018, the Public Information Officer (PIO) engaged in the following communications activities in furtherance of the Commission's mission:

Media: The PIO logged 103 media and general public phone calls and 280 media email contacts. This period includes numerous stories about election security, the transition in agency leadership and the Spring Election. 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 seven news releases on a variety of subjects including cyber security funding, the administrator transition, and the Spring Election.

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. 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 working on upgrading the main agency website.

Public Records: The Commission received no formal public records requests between March 1, 2018 and April 30, 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.

#### 14. Elections HelpDesk/Customer Service Center

The Elections Help Desk staff is supporting more than 2,000 active WisVote users, 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, WisVote clerk contact and listserv email lists. Staff is processing lists of voters that registered in other states and notifying clerks of the registration cancelation. Staff is coordinating and assisting with upgrade projects such as the migrating various Commission website, Win 10, VoIP and the Security projects initiated by the Department of Administration (DOA) Data Center, and administering Elections Commissions Exchange email system.

Help Desk staff are onboarding new clerk users with credentials for the WisVote system and the WisVote Learning Center as they request access, also assisting 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>Dates</u>	<u>Elections Help Desk Call Volume</u> (608-261-2028)	<u>Front Desk Call Volume</u> (608-266-8005)
March, 2018	1,291	913
April, 2018	1,150	840
<b>Total Calls for Reporting Period</b>	<b>2,441</b>	<b>1,753</b>

#### 15. Financial Services Activity

- Staff worked on the HAVA reconciliation to verify the remaining HAVA balance. As of May 10<sup>th</sup>, 2018, our remaining balance is roughly \$2,007,000.
- Staff worked on creating the new Election Security grant in Finance and setting up Project Costing. Task profiles were created so labor and fringe can be coded to the project in HCM. A preliminary budget has been established based on the previous committee approvals to allocate spending of the Federal Funds.
- Staff is initiating prep work for year end. This includes cleaning up old invoices, PO's, and vouchers as well as closing completed projects such as FVAP and ACCO261.
- Budget-to-actual operating results for the second-fiscal quarter ending March 31 were summarized and communicated to management. A copy of the second quarter financial statement for GPR and HAVA is in the supplemental Board meeting folder.

## 16. Procurements

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

- \$5,665.92 in a Purchase Order was written for hardware for E-Poll books.
- \$3,052 in a Purchase Orders were written for temporary staff to assist in election administration tasks prior to the Spring primary.
- \$24,480 in a Purchase Order was written for a long-term temporary services Advanced Accountant for work from April 9, 2018 through the end of the fiscal year.
- \$4,950 in a Purchase Order was written for contracted services to create a new agency logo.

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

## 17. Staffing

Currently, the agency is not recruiting for any positions and does not have any vacancies. Once our 16.54 request for 6.0 project full-time employees is approved, staff will commence recruitments immediately.

## 18. Meetings and Presentations

On March 22-24 WEC staffers Richard Rydecki, Michelle Hawley, and Riley Willman attended the Harvard Belfer Center's Defending Digital Democracy (D3P) training event. The D3P event provided training to state election officials on how to conduct election security table top exercises and election security educational events to train local election officials. D3P held a "dress rehearsal" for their event on March 23 and invited states to attend who were unavailable for the full event on March 27-28. WEC opted to send three staff members to the event on the 23rd to ensure adequate staff coverage in the office to provide support to clerks leading up to the April election. Tony Bridges and Meagan Wolfe then attended the full D3P event on March 27-28. Principals and resources from the D3P event will be used to conduct table top exercises and training with Wisconsin's county and municipal clerks.

On March 28 WEC Elections Supervisor Richard Rydecki provided testimony to the Assembly Committee on Science and Technology regarding election cyber security in Wisconsin. At the same time, Staff Counsel Mike Haas presented testimony to the Senate Committee on Elections and Utilities regarding proposed legislation to address the definition of overseas voter and to modify the timing for special elections.

On April 13 and May 2, WEC staff met with media and ad agency KW2 to discuss the development of a new logo for the agency. KW2 provided WEC staff with five logo options for consideration and asked WEC staff to make a determination by May 24, 2018.

On April 16, WEC staff attended a meeting with administration and technical staff of the Wisconsin

Division of Motor Vehicles (DMV) to discuss next steps and lessons learned in the ERIC list maintenance process.

On April 17-20 Administrator Wolfe attended the U.S. Elections Assistance Commission's Standards Board meeting as the state designee to the Board. During the meeting, new Voluntary Voting System Guidelines (VMSG) were approved by the Board. The state's local election representative, Barb Goeckner was also in attendance.

On April 23-25 WEC staffer Sarah Whitt attended the National Association of Secretaries of State (NASS) Tech Talk meeting. The meeting covered important election security topics relevant to Wisconsin's security planning and implementation.

On May 2 and throughout March and April, WEC staff held conference calls with ERIC regarding next steps in the list maintenance and EBU processes.

Administrator Wolfe, Election Supervisor Rydecki, and other staff have participated in several teleconferences with staff of the Division of Enterprise Technology, the Department of Homeland Security, and Department of Administration to discuss election security planning and the new election security HAVA funds.

## **19. Delegated Authority**

Administrator Wolfe took the following actions pursuant to the Commission's delegation of authority:

- A. Consultation with agency legal representation at the Wisconsin Department of Justice regarding the potential litigation with the U.S. Department of Justice pertaining to the definition of overseas elector.
- B. Authorization of the purchase orders outlined in Section 17 of this memo.