

# WISCONSIN ELECTIONS COMMISSION

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COMMISSIONERS

BEVERLY R. GILL  
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ANN S. JACOBS  
JODI JENSEN  
STEVE KING  
MARK L. THOMSEN, CHAIR

ADMINISTRATOR MICHAEL HAAS

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August 4, 2017

The Honorable Gwen Moore

The Honorable Ron Kind

The Honorable Mark Pocan

Dear Representative Moore, Representative Kind and Representative Pocan:

Thank you for your correspondence of July 19, 2017 regarding the request of the Presidential Advisory Commission on Election Integrity (PACEI) for Wisconsin voter records.

Under Wisconsin's Public Records Law and other state statutes, the Commission is entitled to purchase the same public information about Wisconsin voters as any other candidate, political committee or individual.

I am enclosing the letter I sent on July 28 to Vice-Chair Kobach, informing him about Wisconsin's procedures for purchasing public voter data and cautioning him on the use of that data.

If you have other questions regarding this correspondence, please feel free to contact WEC Public Information Officer Reid Magney, at 608-267-7887 or [reid.magney@wi.gov](mailto:reid.magney@wi.gov), and he will provide you with a direct line to me.

As you will note in my letter, the WEC will discuss its response to other questions about election administration and integrity posed by the PACEI at next our next meeting at 10:00 a.m. on Tuesday, September 26 in Madison. We invite you to attend our meeting in person and welcome your further input on this matter.

Sincerely,

A handwritten signature in black ink that reads 'Mark Thomsen'.

Mark Thomsen  
Chair  
Wisconsin Elections Commission

Enclosure

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Sent by email to [ElectionIntegrityStaff@ovp.eop.gov](mailto:ElectionIntegrityStaff@ovp.eop.gov)

July 28, 2017

Mr. Kris W. Kobach  
Vice Chair  
Presidential Advisory Commission on Election Integrity  
Washington, DC

Dear Mr. Kobach:

As Chair of the bipartisan Wisconsin Elections Commission (WEC), which oversees the work of our agency staff, I am responding to your correspondence dated July 26, 2017 requesting that the State of Wisconsin provide publicly available data from its voter registration database to the Presidential Advisory Commission on Election Integrity (PACEI). The WEC's next meeting is scheduled for September 26, 2017, and the full Commission will publicly discuss all your requests for information at that time. I anticipate that the WEC will work with you and your fellow commissioners to the extent allowed by Wisconsin law. However, I wanted to provide you with a prompt preliminary response.

I am honored to report that Wisconsin state and local election officials along with many fellow citizens conducted a thorough statewide recount of the November 2016 Presidential Election in December 2016. We are confident that the results are accurate and do not contain any statistically significant number of votes cast by persons who were not eligible to vote.<sup>1</sup> We are proud of our open, honest and clean elections here in the Badger State.

The WEC maintains Wisconsin's voter registration database. Under Wisconsin law, certain limited data about Wisconsin voters is available for purchase from the WEC. The publicly available data includes the names, addresses and voter participation histories of individuals who are registered voters or have been registered voters at some point since 2005, as well as indicators that an individual is a military or permanent overseas voter.

Under Wisconsin law, the WEC must maintain the confidentiality of other voter data including birthdates, driver license numbers, and the last four digits of a Social Security number if it is included in the voter's record. The partial Social Security number data is limited to the relatively small number of voters who registered without providing a driver license or State ID number. A voter's request for an accommodation due to a disability and the name and address of confidential voters (who are victims of domestic or sexual abuse or assault) are also confidential data.

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<sup>1</sup> For the November 8, 2016 Presidential Election, 79 potential incidents of voting by ineligible felons have been referred to local prosecutors for investigation and potential charges, which represents 0.00263 percent of the 3,004,051 votes cast. We do not have accurate statistics regarding how many, if any, of those referrals resulted in further investigation or prosecution.

Confidential data may be shared only with law enforcement agencies for law enforcement purposes and with agencies of other states for official purposes.

Because Wisconsin and many other states are unable to disclose non-public data necessary to accurately match voters within or across states, I can only point out that the data being collected by the PACEI cannot be used to effectively assess the accuracy of Wisconsin's or our great country's voter rolls. Through our experience in various data matching processes conducted by the WEC (and its predecessor entities), we know that even matching the first and last names as well as the birthdates of individuals in separate databases will likely result in numerous false positives. Because of the certainty of false positive matches when using limited databases, I hope and trust that you will not draw any conclusions about the extent of voter fraud in Wisconsin or nationwide from any analysis of the data being collected.

Twenty states, including Wisconsin, are members of the Electronic Registration Information Center (ERIC), which has an excellent track record of applying advanced data-matching techniques to its members' voter lists and other official data sources to help them maintain current and accurate voter rolls. I encourage the PACEI to consult with the experts at ERIC regarding the powers and limitations of list matching as well as the necessary steps to be taken to ensure that voter data is anonymized and securely maintained.

Your letter asked that a member of our staff contact PACEI staff regarding transfer of available voter data. However, before that can occur, Wisconsin Statutes and administrative rules establish a fee schedule for the publicly available data in the voter registration database based upon the number of voter records requested. The fee schedule is capped at \$12,500 for the entire statewide list. Accordingly, the PACEI may purchase voter data and obtain it electronically from the WEC through our BADGER Voters website at <https://gabapps.wi.gov/BADGERVoters/default.aspx>. Payment must be received before a data request is fulfilled.

Please feel free to request Wisconsin's publicly available voter data directly from the BADGER Voters website, or have your staff contact WEC Public Information Officer Reid Magney, who can facilitate the fulfillment of your data request, at 608-267-7887 or [reid.magney@wi.gov](mailto:reid.magney@wi.gov). If you have other questions regarding this correspondence, please feel free to contact or call me by contacting Mr. Magney, who will provide you with a direct line to me.

The WEC will review and discuss all your additional questions at our September 26, 2017 meeting. Members of the PACEI and your staff are welcome to attend our meeting in Madison, Wisconsin, and we hope to see you in the Badger State. Forward, always Forward.

Sincerely,



Mark Thomsen  
Chair  
Wisconsin Elections Commission

Enclosures

**Congress of the United States**  
**Washington, DC 20515**

July 19, 2017

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

Dear Wisconsin Elections Commission,

We write today to strongly encourage you to disregard the request of the Presidential Advisory Commission on Election Integrity (the Commission) for the State of Wisconsin to provide it with a list of names, social security data, addresses, dates of birth, political affiliation, criminal background, voting history, and military status of Wisconsin registered voters. The request exposes the private information of the Wisconsin electorate to the potential of being compromised in order to prove the baseless claim of President Trump that millions of people cast illegal in-person ballots.

The Commission's Vice Chair, and sitting Kansas Secretary of State, Kris Kobach maintains that the requested information is needed to safeguard against in-person election fraud. However, as Secretary of State, Kobach has not been able to demonstrate that in-person voter fraud is a problem despite it being his top policy priority. It is worth noting, he is the only Secretary of State with prosecutorial authority over ballot fraud. His aggressive pursuit to prove voter fraud in Kansas has resulted in only a single conviction, but multiple lawsuits.

Never before has the personal voting data of so many—over 200 million Americans—been compiled and stored in one source. The collection of this information by the Commission creates an undue risk to the privacy rights of Wisconsin voters. While we note that your current position on this matter is to supply the Commission with publically accessible data and to charge a fee for the remaining information, we caution that your decision to even partially cooperate with this inquest exposes the Wisconsin electorate to significant, irreparable harm, especially in light of allegations of extensive efforts by Russia and others to interfere in our democracy. A price should not be placed on the privacy of our constituents.

We know from our intelligence community that a hostile foreign government indeed tried to influence our 2016 presidential election. Former FBI Director James Comey confirmed in his testimony to the House Intelligence Committee that Russian military intelligence attacked our nation's voter software in an effort to influence the election and weaken our democracy. We have also seen reports in recent days that the Trump Administration has colluded with that same foreign adversary of which our intelligence community has warned. President Trump has yet to

take any affirmative steps to secure both the state and federal voting rolls from further hostile foreign interference.

Given these facts, we find it reckless to increase voter data vulnerability by facilitating the Commission's request. Several studies at the state and federal levels confirm there is no evidence to validate President Trump's allegations of rampant illegal in-person voting during the 2016 elections. The inability of the Trump Administration to produce proof of in-person voter fraud does not necessitate the Commission or the collection of Wisconsin voter information.

It is also worth noting that neither Vice Chair Kobach's State of Kansas nor Commission Chair and Vice President Mike Pence's State of Indiana is participating in this request to provide data. Wisconsin should follow the example of the growing number of states that are rightfully choosing to protect their voters.

Sincerely,



Gwen S. Moore  
MEMBER OF CONGRESS



Ron Kind  
MEMBER OF CONGRESS



Mark Pocan  
MEMBER OF CONGRESS