

Friday, April 19, 2024 at 12:42:39 Eastern Daylight Time

Subject: Attn: Sarah Colombo - Public Records Request (-12) - Documents from Meagan Wolfe to LAB
Date: Thursday, April 18, 2024 at 6:40:22 PM Eastern Daylight Time
From: Sharpe, Angela B - ELECTIONS
To: AO Records
CC: Ben Sparks, Christa Westerberg
Attachments: image001.png, Responsive to Modified Request (Memos Only) - 4.18.24.pdf

EXTERNAL SENDER

Dear Ms. Colombo,

The Wisconsin Elections Commission received your public records request on October 21, 2021. You requested a complete copy (including any attachments) of any report, memorandum, or other analysis provided to the Legislative Audit Bureau by Wisconsin Elections Commission Administrator Meagan Wolfe in connection with its review of the state's elections system.

On April 3, 2024, I confirmed with American Oversight counsel, Atty. Ben Sparks, that this request could be narrowed to solely the memos prepared by Commission staff during the LAB audit process. Each time the Commission provided documents to the LAB as part of this audit process, it also provided a memorandum that explained the documents in the context of what the LAB was requesting. Those memoranda are attached, and accordingly fulfill this public records request.

To the extent that this response denies any part of your public records request, the WEC's determination is subject to review in an action for mandamus under Wis. Stat. § 19.37(1), or by application to a district attorney or the Attorney General.

Best,

Angela

	<p>Angela O'Brien Sharpe Staff Attorney Wisconsin Elections Commission</p> <p>Phone 608-264-6764 Fax 608-267-0500 Email angela.sharpe@wisconsin.gov Web www.elections.wi.gov</p> <p>201 W Washington Ave, Madison, WI 53703</p>
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MEMORANDUM

DATE: March 23, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Robert Kehoe, Technology Director

SUBJECT: Data Request Dated March 11, 2021 (Absentee Ballots)

1. **Purpose.** This memorandum provides an explanation of data files provided to the LAB via FTP site on or about March 19, 2021. The initial request, dated March 11, 2021, covered four data sets: (1) absentee ballots; (2) voter registrations; (3) death audits; and (4) felon audits. This memorandum addresses only absentee ballot data.

2. **Absentee Ballot Information.** The LAB asked for specific information about each individual who attempted to vote by absentee ballot in the 2020 General Election. As requested by LAB, this data file excludes administrative cancellations. That information is provided in a .csv file named:

LABAudit2021_AbsenteeBallots

Except where indicated in the table below, the data field name in the csv file exactly matches the data requested by LAB.

Ref. #	Data Requested	File Data Field Name(s)	WEC Comments
1	"registration application date"	Application Date	See note a.
2	"whether an individual voted in-person or by absentee ballot"	Ballot Delivery Method	

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3	“if an individual voted by absentee ballot, the date the ballot was mailed to the individual and the date the ballot was received by the clerk”	Date Ballot Sent Date Ballot Returned	
4	“if an individual voted by absentee ballot, how the ballot was returned (i.e., in person, by mail, etc.)”	N/A	See note b.
5	“if an individual voted by absentee ballot, whether the individual was indefinitely confined and if so, whether the individual submitted a photo ID when requesting the absentee ballot or had previously submitted a photo ID”	Application Type IsPhotoIDRecorded Cast Ballot In Person Since 2016	See note c.
6	“whether the absentee ballot was accepted/counted or rejected and, if applicable, the reason for rejection”	Ballot Status Status Reason	See note d.
7	“whether an individual voted in the presence of a special voting deputy”	Ballot Delivery Method	See note e.

Note a. We understood this request to mean the date the voter submitted the absentee application.

Note b. This information is not reported to the WEC. Clerks report only that an absentee ballot was returned. Wis. Stat. § 6.89. They do not report how it was returned.

Note c. The *Application Type* column indicates if a voter certified they were indefinitely confined in their absentee application. The *IsPhotoIDRecorded* indicates if either a scanned photo ID is uploaded to WisVote or if the clerk reported that a photo ID is on file. (Clerks do not always report when a photo ID is on file.) The *Cast Ballot In Person Since 2016* column indicates whether the voter has had to present a photo identification to an election official any time since 2016. Voters who certify they are indefinitely confined are not required to provide a photo ID. Wis. Stat. § 6.86(2)(a).

Note d. Absentee ballot records do not explicitly document if a ballot was counted or not. The *Ballot Status* and *Status Reason* fields indicate the current status of the ballot record. Ballots in Active-Returned status are eligible to be counted. Ballots in other statuses are generally ineligible to be counted but may have been in Active-Returned status on election day. Likewise, a municipal board of canvass may choose not to reject a ballot that was listed as pending rejection on election day.

Note e. This information is not reported to the WEC. However, the *Ballot Delivery Method* column indicates if a voter is recorded as a voter normally serviced by a Special Voting Deputy. See Wis. Stat. § 6.875.

3. Summary Data. The tables that follow summarize the data contained in the csv file. Note that figures in these tables are unlikely to match earlier data sets, particularly when reviewing ballot status information. This is because clerks change database records frequently and because some data is classified differently for different reports.

For example, upon examination of the csv file, an observer might notice that 242 ballot records have some indication that the voter is deceased. This might appear to conflict with the WEC's 2020 General Election Data Report indicating that 240 absentee ballots were rejected due to the voter being deceased. Further examination, however, will show there is no discrepancy.

Ballot status records change in the months following an election as 1,850 Wisconsin municipalities log-in to the statewide voter registration system and update their election reports. Ballots that were marked "Returned, to be Rejected" are updated to other statuses after review by the municipal board of canvass (MBOC). Most commonly these ballots would be updated to "Rejected at Polls/MBOC" but in the case of deceased voters a clerk may elect to use the status "Ineligible" or even "Voter Spoiled."

In addition, some ballot status classifications may fall in multiple categories. In the 2020 General Election, two absentee ballots were assigned a Status Reason of "Undeliverable" but later also assigned a Reason Type of "Voter Deceased." In the 2020 General Election Data Report, the WEC elected to report these ballots as undeliverable since this was their initial status. Furthermore, reporting the ballots in more than one category would create misleading information about the number of ballots actually rejected.

Finally, the ballot status in the system may change due to technical requirements or limitations. The "Active/Returned" Status and Status Reason represents ballots returned and counted, but it is not designed or intended to be the official record of the number of ballots cast. This is in part why the field is not named "Counted Ballots" or anything similar. It simply means ballots that were returned and remain in active status as of the time of the report.

Official voting statistics come from the canvass certification process and the official chief inspector statements. The absentee ballot “Active/Returned” field represents the current status of the record and is tied to the voter registration record. Thus, if a voter dies after election day, their registration – and all associated records – may be deactivated. Recognizing that more and more people are using WisVote absentee data in place of official statistics, the WEC is altering the system this spring so that absentee ballot status data is preserved if a voter is deactivated after the date of the election.

a. Absentee Ballot Status (current)

Ballot Status	Ballot Status Reason	ReasonType	Ballot Count
Active	Not Returned		14,919
Active	Not Returned	Voter not qualified	1
Active	Not Returned, sent to voter for resolution		420
Active	Not Returned, sent to voter for resolution	Certification insufficient	5
Active	Returned		1,968,597
Active	Returned, to be Rejected		5
Active	Returned, to be Rejected	Certificate envelope compromised or resealed	2
Active	Returned, to be Rejected	Certification insufficient	187
Active	Returned, to be Rejected	Superseding Ballot Returned	3
Active	Returned, to be Rejected	Voter not qualified	759
Active	Voter Refused		650
Inactive	Ballot Not Received		609
Inactive	Ballot Not Returned By Deadline		64,376
Inactive	Ballot Not Returned By Deadline	Certification insufficient	5

Inactive	Ballot Returned After Deadline		980
Inactive	Ballot Returned After Deadline	Certification insufficient	1
Inactive	Ballot Returned After Deadline	Voter not qualified	3
Inactive	Ineligible		1,220
Inactive	Ineligible	Certification insufficient	3
Inactive	Ineligible	Superseding Ballot Returned	1
Inactive	Ineligible	Voter deceased	19
Inactive	Ineligible	Voter not qualified	3
Inactive	Rejected at Polls/MBOC		90
Inactive	Rejected at Polls/MBOC	Certificate envelope compromised or resealed	37
Inactive	Rejected at Polls/MBOC	Certification insufficient	1,275
Inactive	Rejected at Polls/MBOC	More than one of the same type of ballot enclosed	5
Inactive	Rejected at Polls/MBOC	No POI enclosed and no certification from care facility representative when voter resides in an SVD-eligible facility not visited by SVDs	3
Inactive	Rejected at Polls/MBOC	Superseding Ballot Accepted	105
Inactive	Rejected at Polls/MBOC	Superseding Ballot Returned	97
Inactive	Rejected at Polls/MBOC	Vote already recorded for this voter	4
Inactive	Rejected at Polls/MBOC	Voter deceased	167
Inactive	Rejected at Polls/MBOC	Voter not qualified	167

Inactive	Undeliverable		5,341
Inactive	Undeliverable	Superseding Ballot Returned	1
Inactive	Undeliverable	Voter deceased	2
Inactive	Undeliverable	Voter not qualified	8
Inactive	Voter Moved		8,696
Inactive	Voter Moved	Voter not qualified	4
Inactive	Voter Request		6,963
Inactive	Voter Request	Certification insufficient	4
Inactive	Voter Request	Voter not qualified	1
Inactive	Voter Spoiled		3,788
Inactive	Voter Spoiled	Certification insufficient	3
Inactive	Voter Spoiled	Superseding Ballot Returned	6
Inactive	Voter Spoiled	Voter deceased	54
Inactive	Voter Spoiled	Voter not qualified	9

b. Absentee Application Type

Application Type	Ballot Count
Overseas	6385
Temporarily Overseas	1304
Military	10081
Presidential Only	99
Indefinitely Confined	243485

Hospitalized	462
Regular	1817782

c. Absentee Ballot Delivery Method

Ballot Delivery Method	Count
Fax	6
Online	2184
Appointed Agent	2543
Email	10796
Special Voting Deputy	17990
Voted In Person	653828
Mail	1392251

d. Counts by Voter Type

Absentee Voter Type	Count
Permanently Overseas	6536
Military	10700
President Only	99
Regular	2062263

e. Voter Current Status

Voter Current Status	Voter Current Status Reason	Count
Active	Suspended	28
Inactive	Presidential Only - Expired	70
Inactive	Felon	157
Inactive	Deceased	11231
Active	Registered	2050011
Active	Presidential Only	21
Inactive	Incompetent	42
Inactive	Incomplete EDR	32
Inactive	Administrative Action	226
Inactive	Moved	2642
Inactive	Merged	13256
Inactive	Undeliverable Mailing	1126
Active	Movers	585
Inactive	Voter Request	171

4. **Point of Contact.** LAB staff may direct any questions about this data file or memorandum to Robert Kehoe, WEC Technology Director, at 608-261-2019 or robert.kehoe@wi.gov



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MEMORANDUM

DATE: March 26, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Robert Kehoe, Technology Director

SUBJECT: Data Request Dated March 11, 2021 (Death and Felon Notices)

1. **Purpose.** This memorandum provides an explanation of data files provided to the LAB via FTP site on or about March 26, 2021. The initial request, dated March 11, 2021, covered four data sets: (1) absentee ballots; (2) voter registrations; (3) death audits; and (4) felon audits. This memorandum addresses only death audits and felon notices.

2. **Death and Felon Notice Files.** The LAB asked for specific information about registered voters who may have died or were in “active felon” status during 2020. The requested information is provided in two .csv files named:

LABAudit2021_DeathMatch

LABAudit2021_FelonMatch

This information is imported into the statewide voter registration system from the Wisconsin Department of Health Services (DHS) and Wisconsin Department of Corrections (DOC), respectively. Clerks and WEC staff may refer to these checks as “Registration List Alerts” or as “HAVA Checks,” a reference to the Help America Vote Act of 2002. 42 U.S.C. § 15483(a). State laws applicable to these checks include Wis. Stat. §§ 6.03(1)(b), 6.21, 6.29(2)(am), 6.36(1)(a), 6.55(2)(cs), 6.56(3m), 6.79(2)(dm) and 301.03(20m).

Wisconsin clerks review their HAVA check alerts throughout the year and as part of the pre-election preparation process. The statewide voter registration system main menu contains an option for “Reg List Alerts” and clerks may also obtain a printed version of the ineligible voter list

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through a report option. Felon records are updated daily and death notices are received from DHS monthly.

Excerpt from the Clerk Pre-Election Checklist	
<p>Registration List Alerts</p> <p><input type="checkbox"/> Duplicate Voter Record Alerts</p> <p><input type="checkbox"/> Death Alerts</p> <p><input type="checkbox"/> Felon Alerts</p> <p>Voter Training Materials</p> <p>Deadline: Prior to Poll Book Printing</p>	 <p>Review all duplicate, death, and felon alerts. Accept or Decline each alert.</p> <p>Access Registration List Alerts through the Reg List Alerts tile.</p> <p>NOTE: Online voter registrations always create a new voter record and may result in additional duplicate matches. It is very important these be reviewed.</p>

3. **Death Match Information.** Except where indicated in the table below, the data field name in the csv file matches the data requested by LAB.

Ref. #	Data Requested	File Data Field Name(s)	WEC Comments
1	“The date the possible match was made”	Death Match CreatedOn	
2	“The date the clerk was informed of the possible match”	Information to ClerkOn	
3	“Whether a clerk confirmed the match or did not confirm the match, and the dates they did so, or whether they took no action”	RegListAlert Status Date of Last Action	See note a.
4	“Whether the individual voted in the November 2020 General Election and, if so, whether they voted in-person or by absentee ballot”	Nov2020 Election Participation	See note b.

Note a. The column “RegListAlert Status” indicates the clerk’s most recent action *on the alert*. Likewise, the “Date of Last Action” indicates the date of the last update *to the alert*

record performed by the clerk. It is possible other changes were made to the voter record after this date. The status indicator will have one of the following entries:

- Accepted Clerk confirmed that the records match and marked the voter as deceased.
- Declined Clerk determined that the records do not match and did not alter the voter record.
- Review Case remains under review by the clerk.

Note b. The entry “At Polls” in this column indicates that the voter showed up in person and presented photo identification. For these entries, the observer will note that the RegListAlert Status is “Declined.”

4. Death Match Summary Data. The tables that follow summarize the data contained in the csv file. Election participation was recorded for twenty voter records; however, some voters were determined to not be deceased and others were not identified as deceased until after the election. In addition, there are three instances of the clerk accepting a death record match before the election, yet the voter’s ballot was still counted. This occurs when a poll worker, counting thousands of ballots, either fails to notice that the ballot is inactivated or believes the inactivation is an error.

For example, voter #438516 was accepted as deceased on 10/24/2020 yet her ballot was still counted on 11/3/2020. A closer review of the voter’s file shows what happened.

Audit History					
Changed Date	Changed By	Event	Changed Field	Old Value	New Value
11/20/2020 11:03:30 AM	McClain, Maggie	Update	Rejection Explanation	Voter not qualified	NULL
11/20/2020 11:03:30 AM	McClain, Maggie	Update	Ballot Status Reason	Returned, to be Rejected	Returned
			Date Ballot Returned	09/21/20 12:00:00 AM	11/03/20 12:00:00 AM
10/24/2020 5:08:59 PM	Vote, Wis	Activate	Ballot Status Reason	Returned	Returned, to be Rejected
10/24/2020 5:08:59 PM	Vote, Wis	Update	Rejection Explanation		Voter not qualified
09/21/2020 4:58:02 PM	Mayeshiba, Karen	Update	Rejection Explanation		NULL
09/21/2020 4:58:02 PM	Mayeshiba, Karen	Update	Ballot Status Reason	Not Returned	Returned
			Date Ballot Returned	12/31/99 6:00:00 PM	09/21/20 12:00:00 AM
09/16/2020 3:47:52 AM	Vote, Wis	Update	Anticipated Delivery Date	09/17/20 12:00:00 AM	09/18/20 12:00:00 AM
			USPS Ballot Status	Ballot In Transit	Ballot Out for Delivery (Voter)
			USPS last Scan	09/17/20 4:11:19 PM	09/17/20 11:23:00 PM
09/17/2020 8:46:41 PM	Vote, Wis	Update	Anticipated Delivery Date	12/31/99 6:00:00 PM	09/17/20 12:00:00 AM
			Date Ballot Sent	09/17/20 12:00:00 AM	09/17/20 4:11:00 PM
			Last USPS Postal Zip code		53714
			Last USPS Scanned City		MADISON
			Last USPS Scanned State		WI
			USPS Ballot Status	No Postal Data Available	Ballot In Transit
			USPS last Scan	12/31/99 6:00:00 PM	09/17/20 4:11:19 PM
09/09/2020 5:13:39 PM	Perez, Nikki	Create	Absentee Address		626 PEBBLE BEACH DR, MADISON, WI 53717-1158
			Absentee Application		Young, Mary R
			Application Type		Regular
			Ballot Delivery Method		Mail
			Ballot Number		1
			Ballot Status		Active
			Ballot Status Reason		Not Returned
			Ballot Style		CITY OF MADISON: MM5D AD 78
			Ballot Type		Official
			Date Ballot Sent		09/17/20 12:00:00 AM

In this example, the audit history (printed above in reverse chronological order) shows the following:

- September 9, 2020 Absentee ballot record created
- September 17, 2020 Ballot mailed and tracked in USPS system
- September 18, 2020 Ballot reported out for delivery by USPS
- September 21, 2020 Ballot marked returned to the municipality
- October 24, 2020 Clerk’s office confirms that the voter is deceased. WisVote automatically marks the ballot as “Returned, to be Rejected” since a completed ballot was returned to the clerk but should be rejected on election day because the voter is no longer eligible. The clerk’s staff receive an on-screen alert that the returned ballot is being deactivated.
- November 20, 2020 After determining the ballot was erroneously counted on election day by poll workers, the municipality changed the record back to “Returned” status to accurately reflect that the ballot was counted (although it should not have been.)

Finally, in a few cases absentee ballots were recorded as returned but subsequently rejected by the municipal board of canvass and inactivated. These ballots are so labeled in the column named “WEC Comment.”

Registration List Alert (Death) Status	Count
Accepted	20,631
Review	12,593
Declined	294

Nov 2020 Election Participation	Count	Comment
None	33,498	
Absentee	18	6 accepted - recorded after the election 3 accepted - recorded before election 3 accepted – ballot inactivated 1 accepted - clerk error 2 review 3 declined
At Polls	2	Both matches declined by the clerk.

5. **Felon Match Information.** Except where indicated in the table below, the data field name in the csv file matches the data requested by LAB.

Ref. #	Data Requested	File Data Field Name(s)	WEC Comments
1	“The date the possible match was made”	Felon Match CreatedOn	
2	“The date the clerk was informed of the possible match”	Information to ClerkOn	
3	“Whether a clerk confirmed the match or did not confirm the match, and the dates they did so, or whether they took no action”	RegListAlert Status Date of Last Action	See note a.
4	“Whether the individual voted in the November 2020 General Election and, if so, whether they voted in-person or by absentee ballot”	Nov2020 Election Participation	
5	“Whether a clerk mailed a letter to the individual whose voter registration record was inactivated and, if so, the date this letter was mailed”	N/A	See note b.

Note a. The column “RegListAlert Status” indicates the clerk’s most recent action *on the alert*. Likewise, the “Date of Last Action” indicates the date of the last update *to the alert record* performed by the clerk. This distinction is particularly significant with felon alerts as compared with death alerts. This is because death alerts, once accepted, rarely change status, whereas felon alerts change status frequently and *status changes are not always recorded in the alert record*. Thus, an “Accepted” status may always be listed as accepted, even if the individual is not convicted of a felony or if their voting rights are restored.

The status indicator will have one of the following entries:

Accepted	Clerk confirmed that the records match and marked the voter as Inactive. For reasons described above, this is not a reliable indicator that the voter’s rights were limited on election day.
Declined	Clerk determined that the records do not match and did not alter the voter record.
Review	Case remains under review by the clerk.
Voting Rights Restored	The clerk updated the alert record to indicate that the individual is again eligible to vote.

Note b. This information is not reported to the WEC.

6. Felon Match Summary Data. The tables that follow summarize the data contained in the csv file. The data received from the Department of Corrections (DOC) changes frequently and often includes duplicate records. As a result, clerks are generally meticulous when reviewing felon matches knowing that the information can change. For example, voter number 706142010 has a felon RegListAlert Status of “Accepted” on 2/18/2020 but is listed as voting at the polls on 11/3/2020. At first glance it might appear that she was a convicted felon allowed to cast a ballot. Additional research reveals this was not the case.

In this case, the voter was charged with a felony offense and her case number contains the “CF” identifier indicating a felony charge. On 1/28/2020, the individual pled guilty to misdemeanor charges and all felony charges were dismissed. Despite this result, the initial report from DOC erroneously indicated that the voter was convicted of a felony. Not knowing of the error, the municipality inactivated the voter record and reported the felon alert as accepted on 2/18/2020. Subsequent research affirmed that the individual was only convicted of misdemeanor offenses. Upon discovering this information, the municipality restored the individuals voting rights on 8/27/2020.

Audit History

Changed Date	Changed By	Event	Changed Field	Old Value	New Value
08/27/2020 9:06:57 AM	Jackson, Linda J	Activate	Status	Inactive	Active
			Voter Status Reason	Felon	Registered
02/18/2020 7:55:02 AM	Vote, Wis	Deactivate	Status	Active	Inactive
			Voter Status Reason	Movers	Felon

Situations such as the example above are usually corrected in a follow-up report but sometimes require clerk intervention and manual research by WEC and DOC staff. When records are updated in this way, clerks do not always update the RegListAlert Status, particularly when the alert was many months (or years) in the past. Thus, the “Accepted” status does not preclude a clerk from changing their assessment and may not be a final statement of the voter’s eligibility.

Registration List Alert (Felon) Status	Count
Accepted	1,115
Review	821
Voting Rights Restored	192
Declined	128

Note that the list includes duplicate records.

Nov 2020 Election Participation	Count	Comment
None	2,175	
Absentee	46	10 Accepted 7 Declined 29 Rights Restored
At Polls	35	4 Accepted and Active 4 Accepted and Discharged (indicates charges dropped or sentence completed) 7 Declined 20 Rights Restored

Individuals who voted while ineligible due to a felony conviction will be identified and investigated through the Voter Felon Audit process. The Voter Felon Audit is a required post-election comparison of voters who cast a ballot at an election with the list of persons who were under Department of Corrections (DOC) supervision for a felony conviction at the time the vote was cast. Wis. Stat. §6.56(3m). The Voter Felon Audit has a review process of several stages. To summarize the review process, the matches are first reviewed by the Department of Corrections, then by the municipal clerk and finally by Wisconsin Elections Commission staff before a referral is made to county district attorneys for their own investigation. The process provides the Commission the ability to identify any potential voter/felon matches and it also allows the Commission to identify any discrepancies with the matches. It is the final check in identifying potential felon participation in an election, should such activity not be caught earlier through other statutory required processes, such as the ineligible list check by election officials at the polls.

7. Point of Contact. LAB staff may direct any questions about this data file or memorandum to Robert Kehoe, WEC Technology Director, at 608-261-2019 or robert.kehoe@wi.gov



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MEMORANDUM

DATE: April 2, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Robert Kehoe, Technology Director

SUBJECT: Data Request Dated March 11, 2021 (Voter Registrations)

1. **Purpose.** This memorandum provides an explanation of data files provided to the LAB via FTP site on or about April 2, 2021. The initial request, dated March 11, 2021, covered four data sets: (1) absentee ballots; (2) voter registrations; (3) death audits; and (4) felon audits. This memorandum addresses only voter registration data.

2. **Voter Registration Information.** The LAB asked for specific information about each individual who registered to vote between January 1, 2020 and November 3, 2020. That information is provided in a .csv file named:

LABAudit2021_VoterRegistrationHistory

Except where indicated in the table below, the data field name in the .csv file exactly matches the data requested by LAB.

Ref. #	Data Requested	File Data Field Name(s)	WEC Comments
1	"Application source (i.e., online, clerk's office, mail, etc.)"	Registration Source	See note a.
2	"Whether the individual's personally identifiable information was confirmed by DOT's data, was not confirmed, or no attempt was made to confirm it"	HAVA Check HAVA Check Reason	See note b.

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3	“Whether clerks mailed letters to those whose personally identifiable information was not confirmed”	N/A	See note c.
4	“Whether the individual voted in the November 2020 General Election and, if so, whether they voted in-person or by absentee ballot”	Nov2020 Election Participation	

Note a. The “Registration Source” field indicates the registration source data that is either recorded automatically or manually documented by the clerk. Online voter registration is automatically recorded by the system. All other registration sources are recorded by the clerk and the clerk has discretion to choose the appropriate option. For example, a clerk who registers a voter while conducting in person absentee voting at the public library might choose to record the location as Registration Drive, Polling Place, Alternative Absentee Location, or possibly even Clerk’s Office.

Registration source choices in the .csv file are:

- Clerk’s Office
- Polling Place
- Online Registration (a/k/a OVR)
- Mail
- Fax
- Email
- Care Facility
- Registration Drive
- Alternative Absentee Location

WEC staff frequently see people attempting to re-register when they are already registered which can create a duplicate application. Sometimes the new registration is necessary (such as when a voter moves) but sometimes voters simply submit requests to ‘make sure’ they are registered. This often occurs whenever voter registration is publicized, either by jurisdictions, or by the press, or by civic groups. For example, voter 701130563 submitted a registration request four different times in 2020. When a duplicate registration is identified, it is either inactivated or merged with the existing voter record by the municipal clerk.

Note b. The .csv file contains two fields addressing attempts to match voter information with either Department of Transportation (DMV) data or Social Security Administration data. This

process is called the “HAVA check” in reference to the Help America Vote Act that mandated its development. 52 U.S.C. §§ 210901-21145.

The first field, labeled “HAVA Check” indicates if there was a match, a non-match, or if the record is still pending review. Non-matches are not uncommon and require manual investigation to resolve. In most cases, non-matches are the result of minor variances in data entry. That is, the voter’s name may be spelled somewhat differently, a nickname may be used (Bob instead of Robert), a suffix may be missing (Jr., Sr.) or a typo exists in the data. For example, voter #701145350 registered at the polling place on 8/11/2020. The clerk inadvertently recorded the voter’s birthdate as 7/5/1990 instead of 7/15/1990, resulting in a non-match.

The second field, labeled “HAVA Check Reason” displays the response code received from the matching agency. Response codes differ between the Wisconsin Department of Transportation and the Social Security Administration. In some instances, an observer may note non-match entries with a code of “All Fields Match.” This seemingly incongruent result can occur when the initial check is a non-match, and the clerk updates the voter records (usually correcting spelling or changing a date) to obtain a match.

Codes are as follows:

WI Department of Transportation Codes	Social Security Administration Codes
1-All Fields Match	S-Invalid Data Submitted
2-Name and DOB Do Not Match	T-Multiple Matches - All Dead
3-Name Does Not Match	V-Multiple Matches - At Least One Alive and One Dead
4-DOB Does Not Match	W-Multiple Matches - All Alive
5-No Record of DL Number	X-Single Match – Alive
6-Invalid Format of DL Number	Y-Single Match – Dead
7-Invalid Name	Z-No Matches Found
8-Invalid DOB	

Note also that there is also an *entirely separate* DMV check process that occurs during online voter registration (OVR). Unlike the nightly HAVA check process, the OVR DMV check occurs nearly instantly and verifies that a voter’s name, date of birth, license number, and jurisdiction match DMV records. If the OVR DMV check does not match, the voter is not permitted to register online. Therefore, all records with a source of “Online Registration” passed the OVR DMV check with a 100% match.

The HAVA Check and HAVA Check Reason fields are associated with the *voter record* and not the registration transaction. This means that voters with multiple registration

attempts will only show the most recent HAVA Check Reason. In some circumstances, this can produce unusual results. For example, a voter who registered online will go through the OVR DMV check process and they must obtain a 100% match in order to register. If the same voter subsequently registers in person at a new location, any change in their record (particularly typos) could cause the HAVA DMV check to return a non-match. In this case, the attached .csv file will show a non-match for *all records associated with the voter* because a non-match was the most recent result.

Voter #701145350 (discussed above) is again a good example. The voter registered online on 3/15/2020 with a correct date of birth matching DMV records. The voter was therefore in a “Match” status. When the voter moved and registered in person with a new clerk, the clerk mistyped the date of birth, resulting in a non-match. This changed the voter’s HAVA Check status from “Match” (with the correct DOB) to “Non-Match” (with an incorrect DOB).

Note c. This information is not reported to the WEC. The statewide voter registration system includes a letter generation tool for clerks that allows them to easily create HAVA Check Non-Match letters. The tool simply creates a word or PDF file that the clerk must print, sign, and mail. Use of the tool is optional and clerks may instead use their own letter or postcard formats if desired.

3. **Summary Data.** As noted above, the HAVA check process originates with the Help America Vote Act of 2002. Section 303 of HAVA, titled “Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail,” establishes the requirement to conduct HAVA Checks. That section mandates the creation of a computerized list containing the name and registration information of every legally registered voter in the State, which shall serve as the official voter registration list for federal and state elections. HAVA § 303(a)(1)(A) codified at 52 U.S.C. § 21083(a)(1)(A). HAVA requires that individuals, upon registering to vote, provide a current driver license number, if they have one, or last four digits of their Social Security Number, for those who do not. Voters who have neither a driver license nor a Social Security Number are assigned a separate identification number for purposes of the official registration list. HAVA § 303(a)(5)(A) codified at 52 U.S.C. § 21083(a)(5)(A).

The statewide voter registration system is programmed to perform HAVA checks with both the Wisconsin Department of Transportation and the Social Security Administration. These checks return one of the codes listed in Note B above and non-matches are flagged by the system for clerk review. Clerks are asked to review non-matches to ensure a data entry error was not responsible for the non-match result. Full instructions for the DMV check process can be found in Chapter 2, Section 2.5 of the WisVote User Manual.

For the treatment of non-match records in the database, the WEC observes procedures established after litigation involving its predecessor agency, the Government Accountability Board (GAB). In J.B. Van Hollen et. al v. Government Accountability Board et. al, Dane County Court Case 08CV4085, the judge found that none of the provisions of HAVA affect the fundamental voter eligibility qualifications. HAVA mandates action by States with regard to voting systems, accessibility for individuals with disabilities, and establishment and maintenance of the official statewide voter registration list. HAVA establishes no additional voter qualifications, except in the limited case of a first-time voter who registered by mail and who must either provide a photo identification or current proof of residence, or else must vote by provisional ballot. A successful HAVA match eliminates this additional requirement.

The court further determined that HAVA does not mandate the imposition of a consequence or penalty for a voter whose voter registration data does not precisely match information contained in the DOT or SSA databases. The HAVA match process also does not alter the voter eligibility requirements established by state law. *Order in Dane County Court Case 08CV4085 at 10*. The judge emphasized that HAVA must be read in the context of the Voting Rights Act of 1965 and its prohibition on official government action denying the right to vote “because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under state law to vote in such election.” *Court Order at 12*.

The court ultimately concluded that HAVA Checks are intended to assist in improving the quality of voter data in the State’s official voter registration list on an ongoing basis, not to convert an otherwise qualified voter into an ineligible voter. By enacting and implementing HAVA, neither Congress nor the Legislature has altered the longstanding basic voter eligibility requirements, namely U.S. citizenship, age, and residency, along with an absence of disqualifying factors such as a felony conviction or a finding of incompetency. The GAB adopted the court’s findings. *Wisconsin Government Accountability Board meeting minutes, Item F, January 15, 2009*.

Not all records will show a HAVA check performed. There are a variety of reasons a voter record with registration history from 2020 would not have a HAVA check completed. For example:

- Military voters - no DL or SSN is required (exempt from voter registration) - Wis. Stat. § 6.22(3)
- Presidential Only voters (new residents) - Wis. Stat. § 6.15
- Pre-WisVote Voter record where the voter re-registered without using MyVote – if no updates were made to Name, DL, SSN, or DOB which triggers the HAVA check (converted records from systems prior to statewide voter registration)
- Incomplete EDR (election day registration) - DL and SSN not required, voter record never active

Finally, it should be noted that the HAVA check process is but one tool among many in place to improve the quality and accuracy of voter data. Online registrants – nearly half of all registrations – must obtain a perfect match with DMV data through the OVR DMV check process described in Note B above. All other registrants must provide a Proof of Residence Document and nearly all appear in person before the clerk or the clerk’s authorized representative. Voters who register in person during in-person absentee voting (IPAV) or on election day (EDR) – over 40% of all registrations – must also present a photo ID in order to obtain a ballot.

The tables below summarize the data contained in the .csv file. If LAB staff detect any differences from the figures listed below, please contact the WEC to review the discrepancy.

Registration Source	Count
Online Registration	500,876
Polling Place	282,547
Clerk’s Office	136,470
Mail	61,716
Alternative Absentee Location	14,411
Care Facility	5,634
Registration Drive	3,335
Email	21
Fax	4

Registration Month-Year	Count
Jan-20	26,762
Feb-20	45,379
Mar-20	110,177
Apr-20	50,316
May-20	11,972
Jun-20	19,518
Jul-20	44,255
Aug-20	90,490
Sep-20	193,049
Oct-20	215,461
Nov-20	197,635

DMV Check Status	Count
Match	943,624
Non-Match	47,335
Pending	95
N/A	13,960

Nov2020 Election Participation	Count
Absentee	502,027
At Polls	424,178
None	78,809

4. **Point of Contact.** LAB staff may direct any questions about this data file or memorandum to Robert Kehoe, WEC Technology Director, at 608-261-2019 or robert.kehoe@wi.gov.



Wisconsin Elections Commission

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DATE: April 23, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Richard Rydecki, Deputy Administrator

SUBJECT: Voting Equipment Document Request

1. **Purpose.** This memorandum provides an explanation of documents provided to the LAB via email or FTP site on or about April 23, 2021. The initial request, dated April 14, 2021, covered requested examples of five different documents related to voting equipment testing and certification.

2. **Request Details.**

- a. An example communication sent to clerks alerting them of an electronic voting system's approval for use.

WEC Response: We have provided a June 11, 2019 WEC memo to county and municipal clerks announcing that the Election Systems and Software systems EVS 5.2.4.0 and EVS 5.3.4.0 were approved by the Commission.

- b. An example communication sent to clerks alerting them of an electronic voting system's decertification

WEC Response: We have provided an October 2, 2017 memo to county and municipal clerks regarding the decertification timeline for the Optech Eagle optical scan tabulator. The memo outlines the Commission decision, provides a timeline for ultimate decertification and describes conditions for continued use of the Optech Eagle prior to decertification.

- c. An approved application from a voting system vendor with the required accompanying documents described in Wis. Admin. Code Ch. 7 (1)

Note: If any of these documents contain sensitive information, please provide them via FTP site

WEC Response: We have used the SFTP site to provide a set of documents for the application submitted by Clear Ballot Group for their system ClearVote 2.0. These documents include the

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technical data package and test lab report for the system which contains sensitive information in the form of trade secrets that should remain confidential.

- d. Communication to a vendor notifying them of a rejected component of an electronic voting system which was submitted for approval

WEC Response: Two documents have been provided as part of our response to this request. We have provided a memo to the Commission for their September 24, 2019 meeting where the certification of Elections Systems and Software systems EVS 6.0.4.0 and EVS 6.0.5.0 was considered. These systems were ultimately approved by the Commission with the one exception being the ExpressVote tabulator which was not approved.

We have also provided an October 9, 2019 letter to Elections Systems and Software which outlines the Commission's certification of EVS 6.0.4.0 and 6.0.5.0 and identifies that component that was not certified for use in Wisconsin. This letter also contains conditions for continued certification.

- e. An example report of WEC's voting system test presented to Commissioners for approval

WEC Response: We have provided a memo to the Commission for their December 2, 2019 meeting regarding the petition by Clear Ballot Group for certification of their ClearVote 2.0 system.

3. **Summary of the Documents.** WEC staff have provided representative examples of all requested documents. In addition, we have also provided a PowerPoint presentation which outlines the testing and certification process used by the WEC for recent test campaigns. This presentation provides a high-level overview of voting equipment and the various levels of the testing process and outlines the testing schedule WEC uses for campaigns.
4. **Point of Contact.** For any follow up questions you may have please contact Richard Rydecki at richard.rydecki@wi.gov or by phone at (608) 261-2015.



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MEMORANDUM

DATE: April 29, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Robert Kehoe, Technology Director

SUBJECT: Data Request Dated April 14, 2021

1. Purpose. This memorandum provides an explanation of data files provided to the LAB via FTP site on or about April 29, 2021. The initial request, dated April 14, 2021, asked for the following information:

- The total number of ballots cast by reporting unit (according to Canvass data)
- The total number of absentee ballots cast by reporting unit (according to election inspector statement data)
- Data that shows each voter who requested an absentee ballot and certified as indefinitely confined, whether they certified as indefinitely confined for the first time in the Nov. 2020 election, the voter registration number, and whether they cast a ballot or not based on voter participation data

The requested information is consolidated in two .csv files named:

LABAudit2021_BallotsCast.csv

LABAudit2021_IndefinitelyConfined.csv

This memorandum will address each file in turn.

2. Total Ballot Counts.

Information regarding total ballots cast and total absentee ballots cast is provided in LABAudit2021_BallotsCast.csv. The file contains seven data fields described in the table below.

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Ref. #	File Data Field Name	WEC Comments
1	Order	A unique numeric identifier for each reporting unit.
2	Election	Only 2020 General Election data is included.
3	County	The county that the reporting unit is in. Note that some municipalities span multiple counties.
4	Jurisdiction	The municipality that owns the reporting unit. Note that some municipalities span multiple counties.
5	Name	The name of the reporting unit. Note that reporting units may be contiguous with a single ward or may encompass multiple wards.
6	Number of Absentee Voter	The number of people who cast an absentee ballot in the reporting unit as stated on EL-104 Inspector Reports.
7	Total Number of Ballots Cast	The total number of ballots cast in the reporting unit as stated on EL-104 Inspector Reports. ¹ Note that some jurisdictions have zero population reporting units that may show no votes cast.

The .csv files reflect data entered by 1,850 separate jurisdictions recording activity in 3,698 reporting units. Note that figures in these tables are unlikely to match earlier data sets, particularly when reviewing ballot status information. This is because clerks change database records frequently and because some data is classified differently for different reports.

¹ Although the LAB request asked for “Canvass data,” this information is not included in Canvass since the process counts votes for individual races, not ballots. The number of votes for any particular race (even President) is almost never equal to the number of ballots cast because many people tend skip sections of the ballot.

As noted above, canvass data and inspector statement (Form EL-104) data are similar but not identical. The WEC uses the Canvass reporting system to receive the total number of votes cast at any election for specific state and federal offices. Wis. Stat. § 7.70(3)(d).

The data transmitted to the WEC by the counties through the Canvass Reporting System contains the vote counts for individual candidates and write-in candidates, but the data does not collect the *total number of ballots* cast in a reporting unit. While this is often a minor distinction, in some cases the total number of ballots cast in a reporting unit may be more than the total votes cast for all candidates in any contest. For example, people sometimes skip contests on a ballot if they are unfamiliar with the candidates or if the race is uncontested. This results in the total votes cast for that contest being less than the total number of ballots. This situation is commonly referred to as an undervote.

The WEC, as part of the WisVote reconciliation process, collects the total number of ballots cast by reporting unit. This number is taken from the Inspector Statement EL-104 completed by chief inspectors on election night and is entered into WisVote by the municipality. What we are providing is the total number of ballots cast as entered into the WisVote system by the municipal clerk or their WisVote provider.

The WisVote reconciliation process is a comprehensive and deliberate post-election process to validate that the data regarding voters and ballots is consistent in the statewide system. The mechanics of the reconciliation process are described further in section 5.4 of the WisVote manual and in the Post-Election Activities module on The Learning Center. Together with the Canvass process, reconciliation compares the total of all of the votes for candidates and write-ins from the Canvass system (in WisVote reconciliation this number is the field “Total Votes (Canvass)”) with the Total Ballots (EL-104) with the total number of voters (Poll Book). A discrepancy between the total number of people offering to vote and the number of votes cast for a contest could signal a problem with data entered by counties into the Canvass Reporting System or WisVote. Election officials compare the EL-104 data entered in WisVote as part of reconciliation with the votes cast for a contest entered in the Canvass System as part of canvass procedures for state and federal contests.

Total Counties	72
Total Municipalities	1,850
Total Reporting Units	3,698
Total Wards (as of 4/22/21)	7,117

2020 General Election Data Reported on EL-104 Inspector Reports as of 4/22/21	
Absentee Voters	Ballots Cast
1,962,977	3,293,021

3. Indefinitely Confined Voters

The designation and treatment of indefinitely confined voters is exclusively outlined in Wis. Stat. § 6.86(2)(a). This section provides a very limited role for the WEC (prescribing the application form and instructions); however, the agency tracks indefinitely confined applications and assists clerks in the completion of their responsibilities to keep the mailing list current under Wis. Stat. § 6.86(2)(b).

The second file contains a list of all voters who cast a ballot in the November 2020 General Election and who must also have requested a ballot in indefinitely confined status *at any time* before the election. LABAudit2021_IndefinitelyConfined.csv also contains seven data fields described in the table that follows.

Ref. #	File Data Field Name	WEC Comments
1	VoterRegNum	Voter registration number.
2	AbsenteeApplicationType	This data file contains only Indefinitely Confined application types.
3	ParentCreatedOn	Date the voter first requested an absentee ballot in indefinitely confined status at any time since records are first recorded in 2005. Referred to as a “parent” record that generates future “child” request records for each election until cancelled.
4	FirstChildElection	The first election since 2016 in which the voter was issued an absentee ballot through the indefinitely confined workflow. Note: Spring Primary = February 2020 Spring Election and Presidential Preference Vote = April 2020 Partisan Primary = August 2020 General Election = November 2020

5	IsNov2020First_IC_Absentee	Binary YES/NO field indicating whether the November 2020 General Election was the voter's first absentee ballot request claiming indefinitely confined status.
6	Nov2020_VotingMethod	Indicates of the voter cast an absentee ballot or voted at the polling place on election day.
7	Nov2020_ApplicationType	Describes the absentee application type. Note that if a voter has an absentee application type but voted "At Polls" this indicates that they requested an absentee ballot but chose to instead cast a ballot in person on election day.

This data file LABAudit2021_IndefinitelyConfined.csv includes transactions performed by the voter under a previous record. For example, voter number 700197100 previously submitted an indefinitely confined application in 2016 under an older registration record. When he moved to a new jurisdiction, a new voter record was created, his indefinitely confined request was cancelled, and his old records were merged under the new registration number. The older (inactive) registration numbers are not shown in this report.

Nov2020_Voting Method	Count
Absentee	239134
Indefinitely Confined	220404
Regular	18427
Military	138
Overseas	126
Temporarily Overseas	23
Hospitalized	7
(blank)	6
Presidential Only	3
At Polls	17923

Voters who certified they were indefinitely confined but subsequently chose not to cast a ballot in that status for the 2020 General Election.

November 2020 Status	Count
Total Indefinitely Confined Voters	220404
First time voting indefinitely confined? NO	183996
First time voting indefinitely confined? YES	36408

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LAB Data Request dated April 14, 2021
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4. Point of Contact. LAB staff may direct any questions about this data file or memorandum to Robert Kehoe, WEC Technology Director, at 608-261-2019 or robert.kehoe@wi.gov



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DATE: May 7, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Richard Rydecki, Deputy Administrator

SUBJECT: Absentee Processing Document Request

1. **Purpose.** This memorandum provides an explanation of documents provided to the LAB via email or FTP site on or about May 7, 2021. The initial request, dated April 22, 2021, covered requested documents related to absentee ballot collection and processing for the 2020 General Election and additional documents regarding National Guard service as poll workers during four 2020 elections.

2. **Request Details.**

- a. Could you please send us any unofficial/unapproved/draft meeting minutes for commission meetings in 2020 and 2021, including special teleconference meetings? We will keep their non-final status in mind as we conduct our fieldwork, but ask you alert us if any non-final meeting minutes are finalized over the course of our fieldwork so we can make any needed updates.

WEC Response: We have provided draft minutes from 23 Commission meetings held in 2020 and 3 meetings from 2021 that have yet to be approved by the Commission. These minutes will be approved as part of the Commission's upcoming public meeting on June 2, 2021. Several other sets of meeting minutes from 2020 were previously approved during public meetings of the Commission. Those minutes would be posted as part of the materials for those public meetings and available on the agency website here: <https://elections.wi.gov/about/meetings-past>.

- b. We've found absentee ballot information in April 2020 and May 2020 WEC reports, as well as a September 2020 report on how Wisconsin is prepared for the November 2020 election. Did WEC staff create a similar report or reports with information regarding absentee balloting related to the November 2020 election? If so, could you either send us a copy of the report and/or direct us to where to find the report online?

WEC Response: WEC staff presented a data report regarding the November 2020 General Election to the Commission as part of the February 3, 2021 public meeting and that report is

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posted on the agency website here: <https://elections.wi.gov/node/7329>. This report contains data regarding absentee ballots, absentee ballot rejection rates, indefinitely confined voters and other election-related data regarding voter registration totals and general voter participation.

- c. We noted WEC posted an [online FAQ](#) advising clerks on the composition of people assigned to bring ballot boxes to a central count facilities during yesterday's discussion. We asked whether any other "traveling" ballot box security guidance exists, statutory or otherwise. You said you would check to see if there is anything beyond WEC's online posting – we appreciate you doing so.

WEC Response: The FAQ that you cited, and the statutes cited in that FAQ, refer to centrally counting all ballots in a municipality and not just absentee ballots. As we discussed during our call, this process is allowed under state law but is not widely used and we are currently unaware of any municipality that processes ballots in this manner. The statutes for canvassing of absentee ballots using a central count facility are found in Wis. Stat. § 7.51.

- d. We asked based on s. 5.87 (2), Wis. Stats., whether WEC had established by rule uniform standards for a situation when a vote is cast at an electronic voting system and the ballot is not accepted by automatic tabulating equipment. You said you would determine whether WEC had established the rule. If WEC has established the rule, could you please direct us to the section of administrative code where we can find this rule?

WEC Response: Wis. Stat. § 5.87(2) refers to "situations that may arise in which the validity of a vote or attempted vote cast by an elector utilizing a particular system cannot be determined under s. 7.50." WEC is unaware of any situations regarding vote counting by currently certified voting equipment systems that are not currently covered by the voter intent statute and would require an administrative rule. The requirements in s. 7.50 are accounted for during testing and certification to ensure that ballots marked in accordance with statute can be processed on the equipment.

As to the specific question, the Commission did draft a Statement of Scope (SS-084-17) that was approved by the Governor on August 31, 2017 that referenced Wis. Stat. § 5.87(2). That Statement of Scope was part of a larger project to update and modernize rules related to the approval and security of electronic voting equipment. The Statement of Scope expired on March 5, 2020 so no rule was promulgated. As discussed above, it is unclear what scenarios could be addressed by the rule, as the WEC is unaware of specific situations regarding vote counting by the equipment that are not current covered under Wis. Stat. § 7.50.

There are situations where the Commission has approved administrative guidance on how to handle certain situations that involve processing ballots on the voting equipment, but those situations are also covered in s. 7.50 and do not require any interpretation by the election inspectors. For example, the Commission approved procedures for processing overvoted ballots and ballots with crossover votes on them and those are provided in the Election Day Manual on page 103. Statute is clear on how those votes should be counted and voting equipment can accommodate the statute in these situations leaving the election inspector with the ability to follow the instructions and let the system count votes in accordance with state law.

- e. We discussed municipal use of Wisconsin National Guard members to help staff polling places during 2020 elections. We are interested in potentially quantifying the number of Guard members who did so in 2020 elections.
 - i. Does WEC have quantitative data regarding the number of Guard members who were assigned as poll workers during 2020 elections?
 - ii. If so, does that data indicate which members were assigned to specific polling places and which members were assigned to county “central HQ” locations?
 - iii. If WEC does not have possess this data, would the Wisconsin National Guard?

WEC Response: We have data on how many Wisconsin National Guard (WING) members served as election inspectors for each election where they were activated for this purpose by the Governor. We have provided a table below that aggregates the number of WING members used for the April, May, August and November elections and also provided county totals for those elections. The totals for each county include WING members assigned to specific municipalities as well as those held in reserve at the county level.

The general support from Department of Military Affairs (DMA) leadership helped election officials at all levels respond to the rapidly changing environment in the early days of the COVID-19 pandemic. Although least visible to the public, this support at the highest levels ensured agency staff were quickly integrated with the State Emergency Operations Center (SEOC) and that information flowed rapidly between federal, state, and local agencies. Early and frequent communication between leaders was vital to all subsequent support. We also worked with DMA to ensure that each county had a reserve pool of WING members in the event they were needed. Not every county felt this was necessary, but many counties did request a reserve pool that we were able to accommodate with the assistance of DMA.

One of the earliest tasks focused on helping local officials to locate and obtain cleaning supplies and personal protective equipment (PPE). The Wisconsin National Guard provided invaluable assistance sourcing, storing, and distributing critical supplies for elections during the COVID-19 pandemic. Working closely with Elections Commission staff, the WING helped to fill urgent local requests for everything from mailing materials to hard-to-find sanitation supplies and PPE. This support continued throughout the year, with innumerable pallets of materials being routed through state facilities and distributed to counties and municipalities with WEC coordination.

The most visible component of WING support in 2020 was the assignment of volunteers to fill local poll worker vacancies across the state. The timing of the pandemic (in mid-March), and its tendency to affect older people, produced a sudden and severe impact as regular poll-workers statewide elected not to serve. In just a few weeks the WING obtained several thousand volunteers while Elections Commission staff developed an intensive training curriculum to prepare the volunteers over a single weekend at their home unit armories.

After completing training, WING personnel reported to county and municipal clerks the day before the election, serving in their home counties and attired in civilian clothing. County clerks, as the chief election official in each county, managed the distribution of support personnel to meet local needs. Many of the WING personnel continued to support local officials in the days following the election. WING soldiers and airmen received almost universal praise from Wisconsin clerks impressed by their enthusiasm and work ethic.

Following the April Spring Election, demand for poll worker support began to slowly wane as communities adapted to the pandemic and learned to better manage the risks. As a result, WING support declined from nearly 2,500 personnel in April to fewer than 300 in the November General Election.

2020 Wisconsin National Guard Support to Elections	
Election	WING Volunteers
April Spring Election & Pres. Pref.	2409
May CD7 Special Election (26 counties)	116 ¹
August Partisan Primary	661
November General Election	296

¹ The final figure in May was somewhat higher as WING fulfilled some last-minute requests on the morning of the election. The DMA would have final figures.

Name of County	April WING Volunteers	August WING Volunteers	November WING Volunteers	May WING Members (CD 7 Special)
ADAMS	24	5	4	N/A
ASHLAND	4	2	0	1
BARRON	14	1	6	5
BAYFIELD	9	3	6	4
BROWN	132	85	21	N/A
BUFFALO	10	0	0	N/A
BURNETT	4	4	0	3
CALUMET	49	26	0	N/A
CHIPPEWA	32	0	3	0
CLARK	36	2	1	0
COLUMBIA	15	0	8	N/A
CRAWFORD	7	0	1	N/A
DANE	249	51	0	N/A
DODGE	17	0	5	N/A
DOOR	8	7	0	N/A
DOUGLAS	12	0	0	4
DUNN	23	17	19	N/A
EAU CLAIRE	78	44	41	N/A
FLORENCE	0	0	0	0
FOND DU LAC	46	0	0	N/A
FOREST	6	0	0	0
GRANT	13	0	0	N/A
GREEN	45	0	0	N/A
GREEN LAKE	7	0	0	N/A

IOWA	27	0	0	N/A
IRON	1	2	0	0
JACKSON	13	0	2	0
JEFFERSON	45	0	0	N/A
JUNEAU	36	2	2	0
KENOSHA	49	21	0	N/A
KEWAUNEE	9	2	2	N/A
LA CROSSE	54	0	0	N/A
LAFAYETTE	9	0	0	N/A
LANGLADE	9	6	0	1
LINCOLN	14	12	6	8
MANITOWOC	23	0	2	N/A
MARATHON	53	11	0	25
MARINETTE	15	9	6	N/A
MARQUETTE	31	8	4	N/A
MENOMINEE	1	0	0	N/A
MILWAUKEE	264	95	0	N/A
MONROE	40	0	0	4
OCONTO	12	8	0	N/A
ONEIDA	18	1	0	6
OUTAGAMIE	74	20	48	N/A
OZAUKEE	21	0	0	N/A
PEPIN	3	2	1	N/A
PIERCE	13	4	10	N/A
POLK	13	0	12	15
PORTAGE	25	0	3	N/A
PRICE	11	0	0	6
RACINE	50	43	3	N/A
RICHLAND	8	8	0	N/A
ROCK	31	32	0	N/A
RUSK	6	0	0	0
ST. CROIX	34	24	9	24
SAUK	6	18	0	N/A
SAWYER	31	0	0	0
SHAWANO	16	0	0	N/A
SHEBOYGAN	29	0	0	N/A
TAYLOR	9	0	0	0
TREMPEALEAU	52	2	12	N/A
VERNON	18	4	0	N/A
VILAS	2	2	0	N/A
WALWORTH	31	5	7	N/A

WASHBURN	9	0	2	0
WASHINGTON	53	0	0	N/A
WAUKESHA	102	20	35	N/A
WAUPACA	19	0	0	N/A
WAUSHARA	25	0	0	N/A
WINNEBAGO	82	51	15	N/A
WOOD	73	2	0	10
39	2409	661	296	116

- 3. Summary of the Documents.** WEC staff have provided documents specifically requested by LAB and other examples to support questions provided to WEC.
- 4. Point of Contact.** For any follow up questions please contact Richard Rydecki at richard.rydecki@wi.gov or by phone at (608) 261-2015.



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DATE: May 13, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Richard Rydecki, Deputy Administrator

SUBJECT: Voting Equipment Document Request #2

1. **Purpose.** This memorandum provides an explanation of documents provided to the LAB FTP site on or about May 13, 2021. The initial request, dated May 4, 2021, covered requested examples of four different documents or questions related to voting equipment testing and certification.
2. **Request Details.**
 - a. Example modem road test documentation showing testing parameters and testing results.

WEC Response: We have provided the testing template and supporting documentation used to certify the Election Systems and Software system EVS 6.0.5.0. The results of the test are also aggregated and included in the test report that was previously provided to you for EVS 6.0.5.0. Please note that some of the documents used for testing that have been provided to you are missing the location information on them as each tester had an individual folder that contained those materials. Please let us know if you need any additional information about these documents. We have provided the following documents for your review:

1. Modem Test Procedures
 - a. WEC Modem Test Procedures – Analog
 - b. WEC Modem Test Procedures - Wireless
2. Modem Test Results for ES&S EVS 6.0.5.0
 - a. Outagamie County Modem Results
 - b. St. Croix County Modem Test Results
 - c. Waukesha County Modem Test Results
- b. Documentation of conditions placed on an EVS's approval that relate to modems and wireless connectivity. As mentioned before, LAB has received a testing report of ES&S EVS 6040 –

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6050 (attached to this email). If such conditions exist in this report, feel free to point to the specific page and language in this report rather than supplying a fully new report.

WEC Response: The most significant reference to hardened systems can be found on page 12 of the 6.0.4.0/6.0.5.0 certification report that was provided to the Commission. The hardened system requirement is included in the base system configuration found in the application materials from the vendor and in the VSTL test report for each system. This configuration was tested and approved as part of the physical configuration audit completed by the VSTL—system load and hardening review.

In response to this request, we have provided the VSTL report for the EVS 6.0.5.0 system. Please note this document contains trade secrets and is considered confidential and should not be disclosed to the public without redactions. The configuration is tested during the EAC certification process, so our certification is predicated on the system being appropriately hardened/secure prior to receiving EAC approval. Once approved by WEC, the system can only be deployed in the same configuration as was used during testing and ultimately certified by WEC. As a condition of certification, the vendor is required to escrow the source code for the system configuration used as part of the approval (commonly referred to as the trusted build) with our escrow vendor. WEC retains the right to access and review that code for any reason as a condition of ongoing certification.

Another example of a condition placed on system during approval regarding modem functionality relates to the secure storage of the external modems used in conjunction with the Dominion Voting Systems Democracy Suite 4.14DS. When that system was approved for use by the former Government Accountability Board a condition was added to the certification that external modem storage that stated: “Clerks and election inspectors shall ensure that external modems are secured prior to, during, and after every election.” This condition of certification was outlined in the memorandum presented to the Board during certification and references to external modem security can be found on page 25 of that document. The Board memo and certification letter to the vendor, which outlines conditions for approval, can be found posted on the agency website here: <https://elections.wi.gov/node/4916>.

- c. An example written question about an EVS WEC received from a county or municipal clerk in 2020, and WEC’s attached answer. This question and answer can be about a newly approved or previously approved EVS.

WEC Response: We have provided two email threads between WEC staff and Wisconsin election officials in response to this request. Please note they are both from 2021 as 2020 was not a year where we received a lot of certification and purchase related questions about voting equipment. Most purchases took place in 2019 ahead of the 2020 election cycle or are currently being pursued. One email thread titled “Electronic Voting Equipment” discusses the voluntary use of optical scan voting equipment and potential hand count and audit scenarios. The other, “hart intercivic” discusses a system that is not currently certified for use in Wisconsin.

- d. An WEC-produced document that demonstrates WEC’s assessment of security and inclusion of VVSG security standards in the testing and approval process. This could take the form of an

example report, a written policy, or another form that acknowledges WEC's attention to VVSG's security standards.

WEC Response: One component of the certification process is a review of the technical data package and VSTL report for each system version. These documents outline how each system is developed and configured to meet the VVSG security standards. The VSTL report will specifically identify any system components that do not meet VVSG security standards and explicitly identify areas of the technical data package that were reviewed for compliance. The VSTL report for EVS 6.0.5.0 that has been provided is a representative example of a document WEC uses to verify compliance with VVSG standards.

In addition, the EAC certification report that is provided as part of the application materials documents the VSTL test results and compliance with VVSG, including security standards. Compliance is documented in several charts in the EAC certification report, and several different examples of this report have been provided to you with this and the prior document request. This report is part of the memo the Commission receives when making their certification decision. It is also posted on the agency website after certification along with the certification letter to the vendor which outlines conditions for continued certification.

We have also provided a document that serves as an example of how we have incorporated VVSG standards into our testing protocol. We have provided the "Voting System Standards, Testing Protocols and Procedures Pertaining to the Use of Communication Devices" document that is used for testing any results transmission functionality of a system that relies on telecommunications. This document is titled "Modem Test Protocol" in the files provided and also included as Appendix D in the certification report for EVS 6.0.4.0/6.0.5.0 that was previously provided to you. The applicable appendix begins on page 48 of that report.

3. **Summary of the Documents.** WEC staff have provided representative examples of all requested documents. In addition, we have also provided additional explanation where necessary to how the testing process at various levels of government interacts with the VVSG and state certification standards.
4. **Point of Contact.** For any follow up questions you may have please contact Richard Rydecki at richard.rydecki@wi.gov or by phone at (608) 261-2015.



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DATE: May 17, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Richard Rydecki, Deputy Administrator

SUBJECT: Post-Election Voting Equipment Audit Document Request

1. **Purpose.** This memorandum provides an explanation of documents provided to the LAB via email or FTP site on or about May 17, 2021. The initial request, dated May 4, 2021, requested several categories of documents related to the post-election voting equipment audit.

2. **Request Details.**

- a. Post-election audit reports from each municipality with its audit results, including the date submitted to WEC

WEC Response: We have provided all audit reports from the 2020 post-election audit as part of fulfilling this request. We have also provided the master tracking spreadsheet that contains the dates each of these reports was submitted to our agency.

- b. The public notice of meeting for each post-election audit conducted

WEC Response: All public notices for post-election voting equipment audits have been provided in response to this request and are in a folder labeled “Public Notices”. In addition, the master tracking spreadsheet also lists the date and time reported to us for each voting equipment audit.

- c. Details of any discrepancies, either on the reporting form or in audit minutes

WEC Response: Any discrepancies are documented in the reporting forms that have been provided in response to this request. These reports can be found in the folder labeled “Audit Reports”. The master tracking sheet also contains notes and explanations for any initial discrepancies that were reported as part of the audit and how those issues were reconciled.

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- d. Meeting minutes from November 4 (audit sample selection), public meeting on November 30 (referenced in the 2020 post-election audit final report), and public meeting on December 1. We found that WEC previously provided us with materials for meetings, but we do not have minutes of these meetings. Draft meeting minutes would be acceptable

WEC Response: The draft meeting minutes for the December 1, 2020 meeting of the Commission have been provided in response to this request. Please note these minutes are scheduled to be approved as part of the June 2, 2021 Commission meeting. We have also provided the minutes for the 11/4/2020 selection meeting and the 11/30/2020 audit review that was conducted in the WEC offices.

- e. A list of reporting units from which WEC requested additional audit materials, such as ballots, poll lists, etc.

WEC Response: We requested the Town of Lac du Flambeau (Wards 1-7) send all of their ballots and supporting materials to WEC so that we could conduct a review of their audit on 11/30/2020. In addition, we received ballot images and other system manifests from relevant municipalities in seven counties during our research regarding an overvote issue with one system that was identified as part of the audit. All of these documents and the Commission memo regarding this issue have been provided in a folder labeled "Additional Info Requested".

- f. Any other documents provided to clerks to assist with the November 2020 post-election audit;

WEC Response: We have provided you with reference materials and communications sent to local election officials regarding the 2020 post-election voting equipment audit and those can be found in the folder labeled "Documents Provided to Participants".

3. **Summary of the Documents.** WEC staff have provided requested documents or representative examples in response to the requests from LAB staff. Please let us know if anything you were expecting is missing and we will be sure to provide that information, if available. We would also welcome any questions about these documents and the 2020 audit program that may arise out of your review of these materials.
4. **Point of Contact.** For any follow up questions you may have please contact Richard Rydecki at richard.rydecki@wi.gov or by phone at (608) 261-2015.



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DATE: May 21, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Richard Rydecki, Deputy Administrator

SUBJECT: Training Document Request

1. **Purpose.** This memorandum provides an explanation of documents provided to the LAB via email on or about May 21, 2021. The initial request, dated May 6, 2021, covered requested examples of four different documents or questions related to local election official training.

2. **Request Details.**

a. A calendar of in-person trainings provided by WEC in 2020

WEC Response: We have provided two documents in response to this request. First, we have provided you with the WEC training schedule for late 2019 and early 2020 for election security and electronic pollbook (Badger Book) training. All of these trainings were held in person and conducted by WEC staff at various locations throughout the state. We have also provided you with the calendar and staffing plan for the election security training events organized by the Wisconsin Towns Association that WEC staff participated in by presenting election security related information and conducting interactive election security exercise.

In-person training events were reconfigured with virtual options after state employee travel restrictions were enacted by the Department of Administration. Staff continued to offer training opportunities in a variety of formats including live and prerecorded webinars, informational conference calls, live question and answer sessions and through the issuance of topical memorandums.

b. A link to the “Voting Equipment Security” training video (I think we may have found this, can you confirm if this is the correct video:
<https://elections.wi.gov/publications/video/tutorial/voting-equipment-testing-security?>)

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WEC Response: The video at the link you referenced is the video that was discussed during our call.

- c. Confirmation of whether it is possible to provide municipal clerk training completed as of a certain date within a two-year training term

WEC Response: WEC staff are still working on this request. It may be possible to create a custom report that contains the requested data. We will provide you with an update on our ability to fulfill this request once we have more information to share.

- d. If possible, we would like to listen in on the upcoming meeting of the clerk advisory committee on training that you mentioned would occur on May 18, 2021. Could you let us know if a link will be publicly provided on WEC's website, and if not, could you please provide one?

WEC Response: The agenda and meeting access information were sent to you by email on 5/17/2021.

3. **Summary of the Documents.** WEC staff have provided representative examples of requested documents and are trying to determine if we can produce the training report in the requested format. Once we have more information on that request we will provide you with an update.
4. **Point of Contact.** For any follow up questions you may have please contact Richard Rydecki at richard.rydecki@wi.gov or by phone at (608) 261-2015.



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DATE: May 26, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Robert Kehoe, Technology Director

SUBJECT: Data Request Dated May 12, 2021

1. Purpose. This memorandum provides an explanation of data files provided to the LAB via FTP site on or about May 26, 2021. The initial request, dated May 12, 2021, covered two data sets: (1) supplemental data for the Absentee Ballot report; and (2) data provided to the WEC through the Form EL-104 (inspector statements used in reconciliation). This memorandum addresses each topic in turn.

2. Absentee Ballot Report. The May 12th request asked for an updated version of the LAB absentee ballot dataset containing dates of birth, driver's license numbers, and social security last four numbers. This information is provided to LAB in a file named:

LABAudit2021_AbsenteeBallots_V2

Not all voter records contain date of birth information. Voters who registered prior to the statewide registration requirement in 2005 have only placeholder data in the files. These are generally long-time Wisconsin residents who have not moved in many years (decades in some cases). Their birthdate will read as January 1, 1900.

In addition, some voter records contain incomplete or inaccurate driver's license or social security data. Many of these missing data fields were carried over from legacy voter registration systems in place before WisVote. Although these records represent a tiny percentage of the total (about 0.005%) some new inaccuracies are created each year through human error. These records are flagged for clerk follow-up and corrected as they are identified.

3. Election Reconciliation. Election reconciliation is a process designed to ensure election information is accurately recorded and that any variances are studied and accounted for. During the process, clerks and other election officials compare data from poll books, inspector statements, and

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vote counts from the local board of canvassers. Later, these sources are compared more granularly in the voter registration system by comparing voter participation, voter registrations, provisional voters, absentee voters, and the number of ballots cast within an election to make sure the data balances within each reporting unit. When the data cannot be reconciled, a valid reason must be found and documented for why the data does not match.

Background

Reconciliation is rooted in Wis. Stat. § 6.275 and has evolved over time to assist localities with accurate reporting. The statute does not require a reconciliation process but instead lists reporting requirements for local jurisdictions. It provides:

6.275 Registration and voting statistics.

(1) Except as provided in par. (f), no later than 30 days after each primary and election at which a state or national office is filled or a statewide referendum is held, including any special election, the municipal clerk or board of election commissioners shall submit electronically a report to the commission and the county clerk or board of election commissioners of each county in which the municipality is located specifying:

(a) The total number of electors residing in that county who voted in the municipality in that primary or election.

(b) The total number of electors of the municipality residing in that county who were preregistered on the deadline specified in s. 6.28 (1) (a), including valid mail registrations which are postmarked by that day and valid electronic registrations entered under s. 6.30 (5).

(c) The total number of electors of the municipality residing in that county who registered after the close of registration and prior to the day of the primary or election under ss. 6.29 and 6.86 (3) (a) 2.

(d) The total number of electors of the municipality residing in that county who registered on the day of the primary or election under ss. 6.55 and 6.86 (3) (a) 2.

(e) The total number of electors of the municipality voting absentee ballots at the primary or election.

(f) The total number of postcards sent by the municipal clerk or board of election commissioners under s. 6.56 (3), the total number of such postcards returned to the municipal clerk or board of election commissioners because the elector did not reside at the address given on the postcard, the total number of electors whose status was changed from eligible to ineligible on the registration list as a result of the audit under s. 6.56 (3), and the number of individuals referred to the district attorney under s. 6.56 (3). The municipal clerk or board of election commissioners shall provide the information described under this paragraph to the elections commission and the county

clerk or county board of election commissioners at the earliest practicable time after, but no later than 90 days after, each primary and election at which a state or national office is filled or a statewide referendum is held, including any special election. The municipal clerk or board of election commissioners shall update the information described under this paragraph on a monthly basis and shall submit, on a monthly basis, any such updated information to the elections commission and the county clerk or county board of election commissioners.¹

(2) Upon receipt of each report filed under this section, the commission shall, within 7 days of receiving the report, publish the information on its Internet site. The commission shall update the information published under this subsection on a monthly basis.

Although not required by statute, reconciliation has evolved over time to help ensure clerks can accurately fulfill the reporting requirements of Wis. Stat. § 6.275. The process requires clerks and election inspectors to verify the numbers recorded on the inspectors' statement on election night balance from each source including the poll book, voting equipment or hand tally, and the inspector's statement. The manual reconciliation process collects the data required by statute while simultaneously checking the figures to identify discrepancies. In late 2018, Commission staff formalized the process in the statewide voter registration database (WisVote) that compared data entered in WisVote by the clerks to assist them in a second reconciliation process. For example, the system will automatically detect and flag a report if the number of voters from the poll book does not equal the number of ballots from the inspector's statement. This flag alerts both the clerk and WEC staff that the data needs to be checked.

Election Night Election Reconciliation

The entire process starts with ensuring that each reporting unit has an accurate count of the number of voters who cast a ballot. Voter numbers are assigned on election day when a voter checks into vote and signs the poll book or when an absentee ballot is processed by an election inspector. Voter numbers are recorded on the poll book along with the voter's signature. This enables each reporting unit to accurately track the number of voters processed on the poll book. To reconcile, the reporting unit would have a voter number assigned to each voter and at least as many voters as they have ballots. If a voter voted absentee, the absentee ballot needs to be either counted or rejected at the polls by election inspectors. All absentee ballots that arrive by 8:00 p.m. on election night are either counted or rejected, and if rejected, the reason for rejection is documented.

Election day registrations are also considered in the process. If a voter registers on election day, reconciliation of the reporting unit requires election inspectors to account for all registrations. These voters are also assigned a voter number on the supplemental section of the poll book, sequential with pre-registered voters. In some cases, a voter may register to vote at the polling place and may not

¹ Voter verification postcards referenced in sub (1)(f) are tracked separately in a report published at the same time as reconciliation reporting.

cast a ballot (ex. the voter possessed proper proof of residence but not photo identification). These voters are not provided a voter number on the poll book.

Voters who cast a provisional ballot have until 4:30 p.m. the Friday after the election to return with the information they were missing at the polls in order to have their ballot counted. Thus, reconciliation also requires the reporting unit to have all provisional ballots accounted for and document whether the voter returned with appropriate documentation or not. If the voter did return, the record will show whether the ballot was appropriately rejected.

At the close of election day, the poll workers complete a form for each reporting unit called the Inspectors' Statement. The data from some of these fields is then manually entered into a report in WisVote, also called the Inspectors' Statement, by the clerk or their staff. The fields in this WisVote report are listed below.

- Total number of voters (last voter number on poll list)
- Total number of Election Day Registrations (EDRs)
- Number of absentee voters (does not include those whose ballot was not returned on or before 8 p.m. on election day, nor those absentee ballots which needed to be rejected for various reasons)
- Number of provisional ballots
- Total number of ballots cast (includes those cast by voters at the polls and those cast through the absentee process)
- Number of ballots that were hand counted, counted using an optical scan machine or counted using a touch screen machine.

The inspector's statement, poll book, and appropriate ballot records are provided to a municipal board of canvassers who review and sign-off on the materials. This completes the first round of election reconciliation.

WisVote Election Reconciliation

The WisVote Election Reconciliation process was implemented in order improve overall data quality while improving the accuracy of statutorily required reports. Commission staff use this data to create the Election Voting and Registration Statistics Report for posting to the website and to meet statutory requirements. Clerks perform a multi-step process to record data in WisVote and compare it with the reconciliation report.

In the days after an election, clerks enter their election data into WisVote.

- A participation record for each voter who voted indicating whether they checked in on the poll book and their voting method (At polls or Absentee)
- All registrations for those voters who registered on election day, commonly referred to as Election Day Registrations (EDRs)
- Mark any absentee ballots that were returned before election day or to the polling place on election day and were counted as Returned

- Mark any absentee ballots rejected by the poll workers on election day
- Enter any provisional ballots issued on election day and then later update those records if the ballot was counted, rejected, or never rectified by the voter.
- Enter inspectors' statement records as recorded and verified by election inspectors on election night.

Once all data is entered, the system automatically prepares an Election Reconciliation report per reporting unit that aggregates and sums the data clerks have entered. Clerks review the reconciliation report to compare data sets and identify any discrepancies. The report compares data from multiple sources in several sections. The goal is to match all numbers in each section or explain discrepancies:

- Voter statistics
- Absentee Statistics
- Election Day Registrations
- Provisional Ballots

If any of these areas do not match, the clerk knows they have further work to do within the system to reconcile their data. In some situations, they may need to provide an explanation why the data cannot match allowing for an override of the non-matching area. For example, the voter section may not fully match if a voter checked in, was issued a ballot but then decided to not actually cast the ballot and left without voting. In this not-uncommon scenario, there would be fewer total ballots than the total voters, so clerks will record a written comment to explain why the numbers do not match.

Finally, once all the areas agree, or an explanation of any difference is provided, the report moves into a status of Complete. Until the data matches or a comment is made, the report is in a status of Pending.

Reporting

Wis. Stat. § 6.275 requires commission staff to post statistical data to the commission's website regarding who registered or participated in an election, as well as statistics regarding address verification postcards sent to Election Day Registrants (EDR). These reports are gathered from data entered in the WisVote database by municipal and county clerks and posted to the Election Voting and Registration Statistics Report (formerly the EL-190) section of the commission website. Statutes require initial reporting of the Election Administration and Voting Statistics Report data to the state no later than 30 days after an election. Managing and reconciling the additional data proves challenging for some municipalities and requires more staff involvement. In cases where a jurisdiction cannot reconcile voting statistics, Commission staff work with individual clerks to ensure they are making all reasonable efforts to ensure the accuracy of their data.

4. **Reconciliation Data.** The LAB asked for specific information collected from EL-104 inspector statements filed by each reporting unit. That information is provided in a .csv file named:

LABAudit2021_Election Reconciliation Data

The information provided in the EL-104 inspector statements is compared against information previously recorded in WisVote. To illustrate this comparison, the .csv file contains each data source and multiple fields may be responsive to the original LAB request. Responsive data fields are listed in the chart below and described in the notes that follow.

Ref. #	Data Requested	File Data Field Name(s)	WEC Comments
1	"The total number of voters, by reporting unit"	Total Voters EL104 Total Ballots (EL-104) Total Voters WisVote	See note a.
2	"The total number of provisional ballots, by reporting unit"	Provisionals Issued (EL104) Provisionals Issued (WisVote)	See note b.
3	"A "matched" indication of whether election numbers have been reconciled, by reporting unit"	Status Reason Voter Statistics Match Provisionals Match	See note c.
4	"If the election numbers have not been reconciled, a comment from the clerk indicating why, if applicable"	Clerk Comments (Voters) Clerk Comments (Other) State Comments	See note d.

Note a. In evaluating data submitted by reporting units, the reconciliation process compares three data sets. Total Voters EL-104 data is based on the voter numbers issued at the polling place. Total Ballots EL-104 is the number of ballots counted, by machine and by hand. Total Voters WisVote is the number of voters marked with participation in the WisVote system. In general, these three datapoints should match, although exceptions exist if a voter does not receive a ballot or if the voter numbers are not accurately tracked. There are a wide variety of reasons that voter numbers may be inaccurate.

Some reporting units, for example, have different voter number counts for different wards, making it easy to mix up the count. Likewise, some reporting units pre-number ballots, which can lead to count problems if ballots are taken out of order or are rejected. For this reason, the WEC discourages pre-numbering. Equipment feeding issues may sometimes cause the ballot count to be off. Finally, sometimes voters check in but decide not to vote, leaving a mismatch between voters and ballots. Municipal clerks who identify specific issues can document them in a comments field.

A fourth data point, “Total Votes Canvass,” is instructive but need not match the other three. This number is pulled from the race on the ballot with the highest number of votes cast. There are many reasons a ballot might not be counted (or cast) for a specific race so this figure is typically different from the other three. The figure must, however, be equal to or less than the number of voters.

Note b. Provisional ballot data is similar to voter data but contains only two datapoints. A third field named “Provisionals Counted” indicates if the ballot was accepted.

Note c. Data matching is indicated in three fields described below.

The field named “Status Reason” shows the overall status of the reporting unit. A reporting unit’s status may be complete or pending. The status “Complete” indicates that all appropriate fields match and/or differences have been accounted for. The status of “Pending” indicates that at least one data set does not match, and the clerk has not yet recorded a comment. A “Pending” status does not mean that a jurisdiction failed to fulfill the statutory requirements outlined in Wis. Stat. § 6.275. It is simply a note to the jurisdiction that they may wish to verify their reported numbers are accurate.

The field named “Voter Statistics Match” is an automatic mathematical Yes/No determination that ballot and voter data matches. This status does not change based on clerk input.

The field named “Provisionals Match” is an automatic mathematical Yes/No determination that ballot and voter data matches. This status does not change based on clerk input.

Note d. Comments are recorded in three fields. Two fields document clerk comments while a third field is reserved for the WEC if any action is taken by the agency staff.

5. Summary Data. The number of jurisdictions in pending status changes frequently in the months after the election as clerks record their data. Although clerks are asked to record the data promptly, investigating non-matching data often requires more time than permitted by state and federal requirements. For example, the deadline to enter 2020 General Election data was December 18, 2020. While nearly all jurisdictions completed data entry by this date, many continued to work on reconciliation for weeks afterwards. This is especially true when there is a recount.

For the 2020 General Election 99.6% of jurisdictions (covering 99.9% of Wisconsin residents) completed their reporting requirements under Wis. Stat. § 6.275. Nearly 96% of Wisconsin municipalities exceeded the statutory requirements and also completed a full reconciliation of all reporting units. While full reconciliation is encouraged, the process is a WEC created workflow and

not a statutory requirement. Reconciliation exists to help jurisdictions ensure the accuracy of their reports.

As of this report, seven municipalities have not submitted complete section 6.275 data for the 2020 General Election, despite repeated attempts to obtain the data. The non-compliant jurisdictions are listed in the table below.

Jurisdiction	Provider Jurisdiction (If Applicable)
TOWN OF AURORA - FLORENCE COUNTY	
TOWN OF BELOIT - ROCK COUNTY	
TOWN OF BUENA VISTA - RICHLAND COUNTY	RICHLAND COUNTY
TOWN OF JACKSON - BURNETT COUNTY	BURNETT COUNTY
TOWN OF OMRO - WINNEBAGO COUNTY	
TOWN OF PLOVER - PORTAGE COUNTY	
TOWN OF SAUKVILLE - OZAUKEE COUNTY	

5. Point of Contact. LAB staff may direct any questions about this data file or memorandum to Robert Kehoe, WEC Technology Director, at 608-261-2019 or robert.kehoe@wi.gov.



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DATE: June 9, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Robert Kehoe, Technology Director

SUBJECT: Data Request Dated May 25, 2021

1. **Purpose.** This memorandum provides an explanation of a single data files provided to the LAB via FTP site on or about June 9, 2021. The initial request, dated May 25, 2021, asked for updated status information on the original members of the 2019 ERIC movers list.

2. **ERIC Movers.** This information, dated June 2, 2021, is provided to LAB in an Excel file named:

LABAudit2021_2019 ERIC Movers Status

Responsive data fields are listed in the chart below and described in the notes that follow.

Ref. #	Data Requested	File Data Field Name(s)	WEC Comments
1	"Current status"	Status Status Reason Merged	See note a.
2	"Date the record changed to its current status"	Modified On	
3	"Who made the change to the status"	Modified By	See note b.
4	"November 2020 election participation"	VotingMethod 2020 General Election	See note c.

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Note a. Current registration record status information is included in three separate fields. First, the “Status” field indicates whether a record is active or inactive. Records may be inactive because the voter is no longer registered to vote in Wisconsin, is deceased, or they may be inactive because the voter moved in-state and created a new registration record. The “Status Reason” field contains more specific information about the active or inactive status. Finally, the “Merged” column provides an easy way to identify voters that were merged to a new record.

Note b. The “Modified By” field contains either the name of the WisVote User or the WisVote Process that implemented the status change. Processes that may be identified in the data are described in the table below.

Process Name	Description
MyVote (Vote, My)	Voter initiated transactions through the MyVote Wisconsin portal.
WisVote (Vote, Wis)	Pre-programmed logic in the code. The original action to establish these records as Active/Movers was a batch process implemented by WisVote. Most mergers will also show as WisVote.
CRM Integration PROD (PROD, CRM Integration)	Ad-hoc jobs manually implemented by IT staff. These are typically registration activations done post-election at the request of the municipal clerk.

Note c. General Election participation data is for either the original record or, in some cases, the new merged record. There are a wide variety of possible scenarios. The “Merged on Date” is a strong indicator of the registration record used to vote but it is not definitive. The new registration date and merger date are sometimes different depending upon the registration process used. For example, a voter could re-register at a new address on election day and their old Active/Mover record would not become Inactive/Merged until after election day.

3. Summary Data. The table below summarizes the data contained in the Excel document and represents the status of the 2019 Active-Movers group as of June 2, 2020. Note that Status Reasons are manual entries performed by clerks in a drop-down menu. As a result, clerks sometimes click the wrong selection and produce errors like those shown below. This requires agency staff to call the clerks and help them determine the appropriate fix. For example, the record marked Inactive/4-Year Maintenance below was a mis-click that occurred because the menu option “Felon” is just above “4-Year Maintenance.” Likewise, the record shown as Active/Suspended below was corrected to Inactive/Incomplete EDR on June 7, 2021.

Status / Status Reason	Count	Comment
Active	142085	
Movers	69196	
Registered	72888	
Suspended	1	Clerk entry error
Inactive	90494	
4-Year Maintenance	1	Clerk entry error
Administrative Action	157	
Deceased	3579	
Felon	483	
Incompetent	18	
Incomplete EDR	202	
Merged	80268	Merged to a new WI registration
Moved	4246	
Presidential Only - Expired	1	Clerk entry error
Undeliverable Mailing	1467	
Voter Request	72	
Grand Total	232579	

4. **Point of Contact.** LAB staff may direct any questions about this data file or memorandum to Robert Kehoe, WEC Technology Director, at 608-261-2019 or robert.kehoe@wi.gov.



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DATE: June 11, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Richard Rydecki, Deputy Administrator

SUBJECT: Training Document Request

1. **Purpose.** This memorandum provides an explanation of documents provided to the LAB via email on or about June 11, 2021. The initial request, dated May 6, 2021, covered requested examples of four different documents or questions related to local election official training. WEC provided an initial response to this request on May 21, 2021 and is supplementing that response with additional information.

2. **Request Details.**

- a. The final training report from the 2018-2019 training term where clerks were certified to conduct elections during the 2020-2021 election cycle.

WEC Response: WEC staff have provided the latest version of the internal report we used for tracking clerk training for the 2018-2018 term. There are several notations and highlights in the report that require the following explanations:

- **Orange highlighted rows:** These are clerks who submitted zero or less than six hours of training for the 2018-2019 training term. This does not mean that these clerks did not attend training during this period, but we have no recorded hours for these clerks.
- **Yellow highlighted rows:** These are clerks who were new in 2020, so the previous clerk's training status was not relevant to who conducted elections for that municipality in 2020. The new clerks are currently working toward certification for the next training term.
- **Blue highlighted rows:** These are clerks who reported less than six hours of training in the 2018-2019 term but have taken training in the current term that counts toward their recertification.

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- **Green highlighted rows:** These are clerks who did not take the required six hours of training in the 2018-2019 term but have completed their recertification for the current term.
 - **Red highlighted rows:** These rows indicate municipalities where the clerk position was vacant at the time this report was created.
- b. A report that lists all training hours reported to WEC by clerks for training that was taken between January 1, 2020 and November 3, 2020.

WEC Response: WEC staff has provided a report that lists all of the training reported to us by clerks during the requested time period. This report does not reflect all training that clerks attended in 2020 as many clerks do not report hours over the minimum needed for certification or recertification. It also does not represent training that was taken by clerks and not reported to WEC.

3. **Summary of the Documents.** WEC staff has provided copies of the requested documents and provided explanation of those documents, where appropriate.
4. **Point of Contact.** For any follow up questions you may have please contact Richard Rydecki at richard.rydecki@wi.gov or by phone at (608) 261-2015.



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DATE: June 16, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:

Robert Kehoe, Technology Director

SUBJECT: Data Request Dated June 15, 2021

1. **Purpose.** This memorandum provides a partial response to LAB requests for information submitted on June 15, 2021. As part of the request, LAB staff asked the WEC staff to investigate six voter records.

2. **Follow-Up on Specific Death Match Cases.**

CASE #1 – Voter 0002378932 (Laurence Cramer)

LAB Query: *Based on our review, it seems like this voter was recorded as voting in-person absentee in October 2020 though they died in September 2020. What might have happened here? Is their registration list alert still in review or has it been acted on?*

WEC Finding: This record resulted from human error in the City of Burlington clerk's office while recording an in-person absentee ballot. The deceased individual did not cast a ballot.

Staff investigation determined that the City of Burlington had in its records a Laurence Cramer, a Lawrence Cramer, a Lois Cramer, and a Laura Cramer. Two of the four records shared a birth date and three of the records shared a home address. This led staff to consider whether participation was inadvertently assigned to the wrong person. Follow up with the City of Burlington clerk's office affirmed that they accidentally assigned participation to *Laurence* Cramer instead of *Lawrence* Cramer.

Following the election, the city identified the error and corrected Lawrence's record but neglected to remove participation from Laurence. Records are now corrected to reflect the appropriate voter has the absentee application/ballot and absentee participation.

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CASE #2 – Voter 0056510653 (Norman Schmidt)

LAB Query: *Based on our review, it appears this voter died in May 2020 but was recorded as returning a ballot in October 2020. What might have happened here? What does it mean when you noted in the data that a ballot was inactivated?*

WEC Finding: A ballot was sent to this voter and someone returned it to the clerk. The returned ballot was not counted and there is no record that the ballot was even completed.

The registration list alert was created on 7/28/2020 but not accepted by the clerk's office until 10/12/2020. In the intervening time period, a ballot was mailed to the voter's address. The ballot was recorded as returned to the clerk's office on 10/28/2020. This could mean that someone illegally filled out the ballot in place of the deceased voter. It could also mean that someone simply returned the blank ballot to the clerk. In any event, ballot envelopes are not opened until Election Day.

Furthermore, since the voter was correctly identified as deceased on 10/28/2020, the clerk's office listed the ballot as "Returned to be Rejected/Voter Deceased." The ballot was not counted, and no participation was recorded. Since the ballot was rejected, it is entirely possible the envelope was never opened.

CASES #3, #4, #5 – Voters 338056 (Ruud), 438516 (Young), and 703208910 (Nicolaisen)

LAB Query: *Is this a case in which the individual died before Election Day but the voter record was updated after Election Day?*

WEC Finding: Yes. In all three cases, the registration list alert reporting death was accepted on 10/24/2020 and each voter's ballot was marked "Returned to be Rejected/Voter Deceased" in the statewide voter registration system. While the electronic record was correct, it appears that the ballot envelopes were not labeled as rejected and poll workers therefore counted the ballots on Election Day. Upon discovery of the errors, the City Clerk's office corrected the electronic records to accurately reflect that the ballots were counted.

CASE #6 – Voter 18079996 (Clarke-Epstein)

LAB Query: *Is this registration list alert still in review or has it been acted on?*

WEC Finding: This registration list alert was created on 10/24/2020 and accepted by the City of Wausau on 12/10/2020. Because the clerk's office did not accept the registration list alert until after the election, this ballot was counted, and participation recorded.

3. Point of Contact. LAB staff may direct any questions about this data file or memorandum to Robert Kehoe, WEC Technology Director, at 608-261-2019 or robert.kehoe@wi.gov.



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DATE: June 17, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Robert Kehoe, Technology Director

SUBJECT: Data Request Dated June 15, 2021

1. **Purpose.** This memorandum provides a partial response to LAB requests for information submitted on June 15, 2021. As part of the request, LAB staff asked the WEC staff to provide the data sent to the Department of Corrections (DOC) at the start of the Voter Felon Audit process.

2. Background.

The Voter Felon Audit is a required post-election comparison of voters who cast a ballot at an election with the list of persons who were under Department of Corrections (DOC) supervision for a felony conviction at the time the vote was cast. Wis. Stat. §6.56(3m). The audit is conducted for any election that has a state or federal office position on the ballot.

The Voter Felon Audit occurs in several stages.

Stage 1: The initial matches are first reviewed by the Department of Corrections. Starting in 2021, the DOC is forwarding all possible matches to individual probation and parole agents for investigation. The agent reports are then reviewed by DOC management before returning to the WEC.

Stage 2: After findings are returned from DOC, the data is then sent to municipal clerks for review. Municipal clerks conduct their own research and report their findings back to the WEC.

Stage 3: Wisconsin Elections Commission staff perform a final check of the data before a referral is made to county district attorneys for criminal investigation.

The process provides the Commission the ability to identify any potential voter/felon matches and it also allows the Commission to identify any discrepancies with the matches. It is the final check in identifying potential felon participation in an election, should such activity not be caught earlier through other statutory required processes, such as the felon list check by election officials at the

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polls. The process also ensures that election officials at all levels have performed their due diligence before cases are referred to a District Attorney.

2. **Data File.** The LAB has asked for the raw data contained in the initial report provided to DOC at the start of Stage 1. The data is attached as an Excel file named:

NOV 2020 DOC VFA (unfilled).xlsx

This data is the product of an automated process and has not been reviewed for accuracy. The review process is designed to validate the data and identify any inaccurate matches. Inaccurate matches are caused by many factors, including but not limited to:

- Voters with a name that matches the name of a felon
- Parent/child mismatches, particularly with Jr/Sr names
- Aliases, particularly when individuals use a family member's name
- Individuals who have fully completed their sentence, but their records incorrectly show them still on probation
- Individuals convicted of lesser-included charges (charged with a felony but convicted of a misdemeanor)
- Voter participation attributed to the wrong person

Indeed, almost every instance of the VFA process has identified inaccurate matches in the initial report. Therefore, the likelihood that this data contains inaccurate matches is nearly 100%. As a result, we caution against drawing any conclusions from this initial data.

3. **Point of Contact.** LAB staff may direct any questions about this data file or memorandum to Robert Kehoe, WEC Technology Director, at 608-261-2019 or robert.kehoe@wi.gov.



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DATE: June 24, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Robert Kehoe, Technology Director

SUBJECT: Data Request Dated June 15, 2021 (Reg List Alerts)

1. **Purpose.** This memorandum provides a partial response to LAB requests for information submitted on June 15, 2021. As part of the request, LAB staff asked the WEC staff to provide, “additional information about the 12,593 alerts that had a status of “review” in the initial death match dataset” As previously discussed by telephone, death alerts in review status are often left in review because the clerk deactivated the voter record before receiving the alert.

2. **Data File.** WEC staff updated the original LAB “DeathMatches” file with additional information regarding the current voter status and the date of the last status change. Thus, the provided file includes all death match alert records originally provided to LAB on 3/26/2021 and not merely the 12,593 records still in review status. The requested data is attached as a .csv file named:

LABAudit2021_DeathMatchesV4

The additional information in this data set indicates that of the 12,593 death alerts still in review status, 99.94% of the records are already set to inactive/deceased status. Only eight records (from seven municipalities) remain associated with active voters. None have participation recorded after the date of death. The date of last election participation is provided for each of the eight records.

WEC staff continue to encourage municipal clerks to stay current with outstanding alerts and we routinely conduct outreach to individual clerks to address specific concerns. Clerk turnover, particularly in very small jurisdictions, remains a significant challenge for staff. The sheer number of jurisdictions, continuous inflow of new data, and cyclical nature of elections likewise make it difficult to secure the cooperation of 100% of municipal clerks. While the WEC possesses the

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LAB Data Request Dated June 15, 2021 (Reg List Alerts)

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technical ability to inactivate deceased voter records, Wis. Stat. § 6.50(4) expressly assigns this authority to the municipalities.¹

3. Point of Contact. LAB staff may direct any questions about this data file or memorandum to Robert Kehoe, WEC Technology Director, at 608-261-2019 or robert.kehoe@wi.gov.

¹ **6.50 (4)** The municipal clerk or board of election commissioners shall change the registration of deceased electors from eligible to ineligible status by means of checking vital statistics reports. No notice need be sent of registration changes made under this subsection.



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DATE: June 25, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Richard Rydecki, Deputy Administrator

SUBJECT: Voting Equipment Document and Information Request #3

1. **Purpose.** This memorandum provides an explanation of documents provided to the LAB on or about June 25, 2021. The initial request, dated June 4, 2021, covered several different topics related to voting equipment and voting equipment security.

2. **Request Details.**

I. Physical Security of Electronic Voting Systems

- a. A reference in WEC's Election Administration Manual on physical security standards (other than what is covered on p. 149-150)

WEC Response: The security procedures for electronic voting systems begin on page 147 of the Election Administration Manual and end on page 150.

- b. A reference for any training materials we should access through the training site covering required actions or best practices in securing and storing electronic voting systems

WEC Response: While there is not a single webinar/training dedicated solely to this topic, it is covered in Municipal Clerk Core Training (located in the agency online Learning Center) and often comes up in pre-election webinars that staff conduct prior to each election. Additionally, topics related to voting equipment security were covered in the webinar on polling place/central count security considerations that was disseminated in October of last year, which can be found [here](#).

Voting equipment security is also a component of our core election security training and information regarding physical security of voting equipment has been a part of our security training for a number of years now. A memo that was sent to municipal clerks and elected officials contains a reference to the following best practices for voting equipment storage:

- Have voting equipment and associated memory devices stored in a secure and locked area between elections.
- Allowing only members of the clerk's staff to have access to these secure areas.
- Instituting a Chain of Custody document to show when and who accessed the secure areas.

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This memo can be found on the WEC Learning Center here:
<https://electiontraining.wi.gov/course/view.php?id=87>.

In addition, WEC has created interactive training in the form of tabletop exercises (TTX) that include voting equipment-related scenarios that may occur at a polling place on election day. An elections security TTX (<https://electiontraining.wi.gov/mod/book/view.php?id=883>) and an election administration TTX (<https://electiontraining.wi.gov/course/view.php?id=101>) were created and both versions contain various scenarios designed to create awareness of identifying potential issues with voting equipment and provide practice for participants in reporting potential security issues. The specific voting equipment references can be found in the various packets of “injects” that training moderators use to conduct the training.

- c. Confirmation of whether or not it is a requirement, statutory or otherwise, that WEC be informed in the case of an electronic voting system security violation

WEC Response: Per staff counsel, the statutory reference in question would be Wis. Stat. § 7.15(1)(g), which states that municipal clerks shall report suspected election frauds, irregularities, or violations for which they have knowledge to the district attorney for the county where the suspected activity occurs and to the commission. Historically, that statutory provision has been used to report voter fraud-related activities such as double voting, but it could be interpreted to include voting system security violations depending on the details and circumstances of a potential violation.

- d. Example complaint(s) from 2020 elections of electronic voting systems security violations, if any exist

WEC Response: The WEC has not received any formal complaints regarding voting equipment security for the 2020 elections. However, the WEC did receive a tremendous number of unsubstantiated voting equipment related concerns throughout the year, none of which were filed as formal complaints and none of which had an actionable basis. WEC staff did research the validity of such claims and reviewed voting system technical documentation to confirm the implausibility of these rumors. WEC staff monitored these questions and concerns and created responses to common concerns that we posted to our website here: (<https://elections.wi.gov/faq/2020>). The webpage contains information regarding various voting equipment related issues raised by the public after the 2020 General Election.

In addition, the 2020 post-election voting equipment audit included a random sample of 5% of all reporting units across Wisconsin and audited at least 5 machines from each type of voting equipment. The final report on the 2020 voting equipment audit can be found here:
<https://elections.wi.gov/publications/reports/2020-voting-equipment-audit>.

II. Pre-Election Testing

- a. Communications guide sent to clerks on publicizing their public pre-election testing

WEC Response: The communications guide, which is part of a larger section on contingency planning on TLC, offers some templates and sample scenarios regarding publicizing pre-election testing (as well as other voting equipment related scenarios). This guide can be found on the Learning Center here: <https://electiontraining.wi.gov/mod/folder/view.php?id=922>. This information is organized in the “Communications Toolkit” section and a communications guide (pdf document) and editable news release templates (Word documents) are available for use by local election officials. Public test and other public observation opportunities are referenced in the Proactive Communications section of the guide with the public test references contained in the “Public Observations” subsection.

An additional elections security communications guide that can be used to address voting equipment related scenarios can also be found posted as an attachment here:

<https://electiontraining.wi.gov/course/view.php?id=87>.

WEC has also provided a communications toolkit for clerks to use for public outreach purposes. The toolkit includes elections security-related topics designed to inform the public about topics such as ballot and voting equipment security. The toolkit can be found here: <https://elections.wi.gov/node/7113>.

- e. Example complaint(s) from 2020 elections where WEC investigated a situation resulting in a clerk needing to redo the public notice and demonstration (if no example, then an instance where WEC got involved to determine the appropriate outcome)

WEC Response: WEC has not “investigated” a clerk, but there have been instances where we have advised a clerk to reconduct a test if it was done too early to coincide with the statutory timeline (within 10 days of the election). For the sake of example, there was an instance in March of 2021 in the Town of Ellington where the clerk inadvertently conducted the public test a day earlier than is allowable by statute. This error was due to the fact that the clerk had forgotten that March had 31 days and miscalculated the start of the public test window. A new notice was posted and the test was reconducted during the appropriate timeframe. This issue was addressed with the municipal clerk by phone so no email exchange exists between the clerk and WEC staff documenting this issue.

- f. Any instances in 2020 of statutory noncompliance occurring in pre-election testing

WEC Response: After a review of our communications with clerks in 2020, we were unable to find a clear instance of statutory noncompliance. However, in late March of 2020 we did receive a number of requests from municipal and county clerks regarding the public tests, whether they still needed to be conducted, and how to conduct them given the rapidly developing state of the pandemic at that time. To ensure consistency, WEC staff counsel put together a uniform response that we used to reply to these questions:

“While the public test is technically not a meeting of a governmental unit, it requires a notice and opportunity for the public to observe. As a governmental function, the public test is also exempt from the emergency order limiting the number of people who may gather in one place. However, given concerns related to COVID-19 and the existing emergency orders, we are passing along guidance from the Department of Justice regarding options for conducting public meetings which can be found at this link:

<https://www.doj.state.wi.us/news-releases/office-open-government-advisory-coronavirus-disease-2019-covid-19-and-open-meetings>

Since public tests are usually not observed by many, if any, members of the public, the easiest option may be to simply follow the usual procedure where the public can observe in person. If a clerk is concerned about the public attending in person, WEC staff believes it is an option to provide a live video feed of the public test so that the public can observe the test while it is happening. In that case the clerk should explain what is happening at the public test and clearly show the results in the video for the public to observe.”

- g. A reference in WEC’s Elections Administration Manual to identify references to public testing procedures (other than what is covered on p. 144-147)

WEC Response: There do not appear to be separate references to procedures outside of the section of the manual dedicated to this topic. Logic and accuracy testing and municipal public tests are briefly discussed

on [this page of the WEC website](#) and the public test is further explained in this voting equipment video here <https://elections.wi.gov/publications/video/tutorial/voting-equipment-testing-security> (discussion of the public test begins at the 2:35 mark).

- h. A reference to WEC's online chief inspector and clerk training materials describing their statutory responsibilities for conducting/witnessing public tests of electronic voting equipment

WEC Response: This topic is covered in [MCT Core](#) and in the pre-election prep webinars we conduct in advance of each election, an example of which can be found [here](#). This webinar is indexed and the discussion of the public test takes place during the "Voting Equipment" segment that begins at the 5:38 mark.

- i. Follow-up: Is generation of a zero-count tape following a pre-election test a system configuration function

WEC Response: The voting equipment is required to automatically print a zero tape when the polls are opened (in non-test mode) and the only configurable option would be the number of additional tapes you may want the equipment to print. No voting equipment used in Wisconsin can be programmed to open the polls without first generating and printing a zero tape.

- j. Guidance sent to clerks concerning electronic voting systems. One example referenced: accessibility function education on how certain ADA equipment worked

WEC Response: A memo was sent to municipalities and counties that utilize the ImageCast Evolution regarding awareness of and offering training for the accessible features of that particular type of equipment. This was a targeted memo that was only emailed to the jurisdictions that use this type of equipment. A copy of this communication has been provided in response to this request.

III. Specially Trained Technician

- a. In the event where a municipality hires a consultant to work at central counting location, and they are knowledgeable on operations of EVS and are able to make machine repairs to the system, would this constitute a "specially trained technician" from WEC perspective? For reference: Wis. S. 5.86 (1) – "Unless election officials are selected under s. 7.30 (4) (c) without regard to party affiliation, the employees at each central counting location, other than any specially trained technicians who are required for the operation of the automatic tabulating equipment, shall be equally divided between members of the 2 major political parties under s. 7.30 (2) (a) and all duties performed by the employees shall be by teams consisting of an equal number of members of each political party whenever sufficient persons from each party are available."

WEC Response: State statute does not define what constitutes a specially trained technician, nor has the Commission discussed or issued guidance on this topic.

- 3. **Summary of the Documents.** WEC staff have provided copies or links to representative examples of all requested documents. In addition, we have also provided explanations where necessary to answer questions where no document exists that could answer the exact question being asked.

- 4. **Point of Contact.** For any follow up questions you may have please contact Richard Rydecki at richard.rydecki@wi.gov or by phone at (608) 261-2015.



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DATE: June 25, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Nathan W. Judnic, Staff Attorney

SUBJECT: Complaints Follow up - ZenDesk

1. **Purpose.** This memorandum provides an explanation of documents provided to the LAB via email on or about June 24, 2021.
2. **Request Details.**
 - *Regarding the new ZenDesk software, could you please provide a copy of the contract with ZenDesk and any other relevant documents that dictate the details of the agreement, including the cost? Could you also provide any available documentation of the procurement process, procurement decisions, and implementation plan?*

WEC Response: Included with this memorandum, please find several documents: (1) internal ZenDesk summary document prepared by WEC staff in May 2021, (2) internal purchasing approval form submitted and approved on May 30, 2021, (3) copy of the purchase order (No. 187), dated June 21, 2021 through the State's contracted reseller, SHI, for Zendesk software and services per state contract ID: 505ENT-M21-NASPOVAR-03, and (4) the staff update provided to the Commission at its June 2, 2021 meeting. Section 15 of the staff update provides the relevant background and reasoning for procurement of ZenDesk. Commission staff are still in the early stages of planning for implementation of ZenDesk on an agency-wide basis.

Initial conversations about procuring a service such as ZenDesk started in August of 2020 with several follow-up meetings and demonstrations occurring on September 10, 2020, March 16, 2021, March 23, 2021 and May 7, 2021. On May 13, 2021, WEC received a price quote through SHI (included with internal purchasing approval form) for ZenDesk. ZenDesk was purchased through the mandatory state contract (IT-NASPO Software VAR Contract).

3. **Summary of the Documents.** WEC staff have provided documents and information specifically requested by LAB via email on June 22, 2021.
4. **Point of Contact.** For any follow up questions please contact Nathan W. Judnic at Nathan.judnic@wi.gov or by phone at (608) 267-0953.

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DATE: June 25, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Richard Rydecki, Deputy Administrator

SUBJECT: Recount Costs Document Request

1. **Purpose.** This memorandum provides an explanation of documents provided to the LAB via email or FTP site on or about June 25, 2021. The initial request, dated April 22, 2021, requested documents and information related to recount cost determinations for the 2016 and 2020 recounts for Office of the President. On May 7, 2021, we provided you with recount costs associated with the 2016 and 2020 recounts for Office of the President and also said we would provide additional documentation under separate cover outlining our role pursuant to Wis. Stat.s.9.01 in the reimbursement process.
2. **Request Details.**
 - a. The process for reimbursing municipalities for recount costs.

WEC Response: We have provided several documents for the reimbursement process in response to this request. The timeline for processes related to recount costs is as follows:

1. The counties provided recount cost estimates based on materials and criteria provided during meetings and communications with WEC (documentation provided with previous response).
2. On November 17, 2020, the WEC received the required pre-pay bank wire transfer in the amount of \$3M (wire transfer receipt provided as part of this response).
3. On November 19, 2020, the recount order was issued which triggered the submission of a 16.515 request for an increase in expenditure authority to reimburse Dane and Milwaukee counties for their recount expenses (letter to state budget office provided as part of this response).
4. On November 20, 2020, the Department of Administration submitted the 16.515 request on behalf of the WEC (letter to JCF provided as part of this response).
5. On December 11, 2020, the JCF raised an objection to the WEC's 16.515 request (JCF objection letter provided as part of this response).
6. On December 22, 2020, WEC received the final recount reimbursement request from Dane County and on December 29, 2020, WEC received the final recount reimbursement request from Milwaukee County (provide as part of previous response).

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7. On January 8, 2021 the JCF approved WEC's 16.515 request to reimburse for recount expenses. (letter from JCF and JCF press release provided as part of this response).
 8. Once WEC received expenditure authority, agency financial staff processed the payments to Dane and Milwaukee counties.
- b. WEC role in verifying recount cost estimates.

WEC Response: The WEC provided a 2020 Presidential Recount form and instructions counties used to submit their estimate of costs and their actual costs for reimbursement following the recount. The instructions also provided examples of allowable and non-reimbursable expenses (instruction sheet provided as part of this response).

3. **Summary of the Documents.** WEC staff have provided documents and information specifically requested by LAB and other examples to support questions provided to WEC.
4. **Point of Contact.** For any follow up questions, please contact Richard Rydecki at richard.rydecki@wi.gov or by phone at (608) 261-2015.



Wisconsin Elections Commission

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DATE: July 2, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Nathan W. Judnic, Staff Attorney

SUBJECT: Complaints Follow up

1. **Purpose.** This memorandum provides a response to question 2 from the June 3, 2021 LAB request regarding 5.05 complaints [Redacted] and [Redacted]. This is an updated response as the first response addressed 5.06 complaints 20-18 and 20-19.

2. **Request Details.**

[Original – June 3, 2021]

2. Can you provide context for why it took longer than average for 5.05 complaints [Redacted] and [Redacted] to be heard by the commissioners?

WEC response: [Redacted]

3. **Point of Contact.** For any follow up questions please contact Nathan W. Judnic at Nathan.judnic@wi.gov or by phone at (608) 267-0953.

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DATE: August 2, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Robert Kehoe, Technology Director

SUBJECT: Questions Dated July 26, 2021

1. **Purpose.** This memorandum provides a partial response to LAB requests for information submitted on July 26, 2021. As part of the request, LAB staff asked the WEC staff to investigate six voter records.

2. Questions

QUESTION #1: *We found some jurisdictions had substantial differences between EL-104 voter counts and WisVote voter counts. We were wondering if you could tell us how and why these counts are so radically different from each other. The jurisdictions in question are [listed below]:*

RESPONSE #1: The data in question comes directly from municipalities and WEC staff have no firsthand knowledge about any of the information reported by local officials. That said, understanding the process can help to illustrate how differences occur.

The EL-104 voter count comes from a hand tabulated count of voters typically recorded on individual numbered slips of paper (a/k/a voter number). There are several methods used by municipalities across the state for tracking the voter number. Some municipalities give the voters a “voter slip” with the assigned voter number, some municipalities use a check-off sheet with a list of numbers, and other municipalities may use a different but equally suitable method. Each procedure incorporates various internal controls, but the opportunity for human error still exists. Errors may occur if poll workers lose track of the count. Once the count is off it can be difficult for poll workers to correct.

The WisVote voter count comes from voter participation data. Municipalities review poll books after the election and record voters who participated. This information may be recorded

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manually or with a bar code scanner. Municipalities who use Badger Book electronic poll books perform a data upload. Municipalities who do not use WisVote must provide the information to their provider (typically the county clerk) for entry.

Participation errors are rare but can occur in a few circumstances. For example, sometimes parents, children, or siblings are mixed up, particularly in situations with a junior and senior sharing the same name. Participation data can also mismatch with EL-104 data if the voter was given a ballot for the wrong ward at the polling place. Finally, jurisdictions generally reported more first time poll workers in 2020, as many of the more experienced and older officials chose to sit due to COVID-19.

Specific responses to the jurisdictions LAB identified follow.

City of Kaukauna Wards 1-5. The City of Kaukauna deputy clerk reports that this ward inadvertently skipped over the slips for numbers 4000-4350 on election day. Thus, their last voter number assigned was 4670, however they only actually had 4319 voters in poll book. Their reconciliation data already contained comments about this ballot discrepancy, but they have since added information about the voter number discrepancy to WisVote.

City of Milwaukee Ward 29. Per city elections staff, the EL-104 numbers were entered incorrectly. The correct numbers for voters and ballots should have both been 338 instead of 471.

City of Milwaukee Ward 315. City elections staff report this difference results from the partial recount requested by the Trump campaign. Reconciliation data already contains a comment stating that on election night they had only 922 ballots, however during the recount they located a box of an additional 386 absentee ballots that had missed being counted on election night. After counting these in the recount this brought their total number of voters to 1,308. Recounts are re-certified upon completion, and any changes are reported to the WEC, but the original reconciliation data is not overwritten.

City of Wauwatosa Ward 15. Per the City Clerk, they use central count and when entering the EL-104 data into WisVote they forgot to add in the voters who had participation counted through absentee ballots at central count. They had 1,242 absentee ballots counted. When added to the EL-104 polling place total, this brought their total voters to 1,490.

QUESTION #2: *On page 7 of your memo [dated May 26, 2021], you wrote the Total Voters Canvass need not match the other counts but must be equal or less than the number of voters. We found 250 jurisdictions with Total Voters Canvass numbers greater than at least one*

*of the other three counts (Total Voters EL-104, Total Ballots EL-104, Total Voters WisVote).
Could you help us understand how this occurs and what it means?*

RESPONSE #2: If the Total Voters Canvass is greater than the voter counts it indicates that one of the data fields is incorrect. The reason for the difference is usually documented in the clerk comments field associated with the polling place. In general, this situation is identical to the events described in Question #1 above.

The most common reason for the number of ballots exceeding the number of voters is a situation where multiple wards (reporting units) use the same polling place and a poll worker mistakenly gives the voter a ballot for the wrong ward. For example, during the 2020 General Election this situation occurred in the City of Madison.

- Both Ward 11 and Ward 17 used American Family Insurance as a polling place.
- Due to poll worker error, twenty-three ward 11 voters were given the ballot for ward 17.
- Polling place records (EL-104) will show the ballots as Ward 17 votes, because the polling place records are based on actual ballots.
- Participation records (WisVote) will show the ballots as Ward 11 votes, because participation records are based on the voter record.
- In the 2020 General Election the contests and candidates on these 2 different ballots were exactly the same. The only difference was ward number printed on the ballot. Thus, there was no material effect on the results of the election.

Central counting of absentee ballots can also produce this situation. Although a central count jurisdiction counts all absentee ballots in one place, they still must separate and count ballots by ward. Thus, central count jurisdictions sort their absentee ballots by ward before running them through the tabulators. The manual sorting of thousands of ballots occasionally produces these types of errors.

As noted in Question #1 above, an incorrect voter count can create a mismatch. The EL-104 voter count comes from a hand tabulated count of voters typically recorded on individual numbered slips of paper (a/k/a voter number). There are several methods used by different municipalities across the state for tracking the voter number. Some municipalities give the voters a “voter slip” with the assigned voter number, some municipalities use a check-off sheet with a list of numbers, and other municipalities may use a different method. Jurisdictions that use a pre-numbered check-off sheet are

more likely to produce these types of errors, since missing a single page can put the count off by a substantial number of voters.

The scenarios described above are the most common errors observed. Poll workers at the end of a 20-hour day occasionally find new ways to create a mismatch. WEC staff mitigate the risk of errors through both software and training. The WEC Election Day Manual¹ and the Municipal Boards of Canvassers - Suggested Procedures² are two publications that outline the guidance on reviewing the number of votes or ballots and the number of voters and in what cases a drawdown of ballots is necessary.

Finally, it's also worth noting that reconciliation and canvass are two entirely separate systems. Reconciliation is not part of the election results reporting system. Put simply, it has nothing to do with the collection, certification, or reporting of official or unofficial election results. While the reconciliation process produces many benefits to enhance the election process as a whole, results reporting is a wholly separate system with its own set of very specific requirements.

QUESTION #3: *You said in the memo that reconciliation is not a statutorily-required process, but the process does at least in part help municipalities meet statutory reporting requirements. Could you speak more about what other benefits are gained through the reconciliation process for municipalities and WEC, for example such as providing feedback to municipal clerks or helping WEC staff identify potential areas of focus for clerk training?*

RESPONSE #3: The purpose and process of election reconciliation is outlined in the WEC's memorandum to LAB dated May 26, 2020, with a subject of "Data Request Dated May 12, 2022." As noted in that document, reconciliation is a data validation process created by the WEC to help ensure clerks can accurately fulfill the reporting requirements of Wis. Stat. § 6.275. Thus, helping municipalities create accurate reports is a fundamental purpose of the process.

The WEC's reconciliation process also produces a number of other benefits for municipalities, counties, and the state.

Uniform Formats. The reconciliation process ensures that all municipalities record their data in the same format. The Wisconsin Statutes only list required data and do not prescribe a format for the information. Thus, each of Wisconsin's 1,849 municipalities could choose to use a different format.

Ward-by-ward Records. The Wisconsin Statutes only require data at the municipal level. The reconciliation process requests data be broken down by reporting unit. This allows

¹ <https://elections.wi.gov/clerks/education-training/election-day-manual>

² <https://elections.wi.gov/node/3684>

municipalities more easily identify discrepancies and helps ensure Chief Inspectors are accountable for their reporting.

Improved Data Quality for Badger Voters. Reconciliation reports provide a historical record ensuring that data differences are identified and explained. This is particularly useful for Badger Voters, the public portal to fulfill data requests from government officials, political parties, academics, and the general public.

Improved Federal Reporting. In addition to state requirements under Wis. Stat. § 6.275, Wisconsin must also report to the United States Election Assistance Commission for the biennial Election Administration and Voting Survey (a/k/a EAVS). Before creation of the reconciliation process EAVS data came from multiple sources and in multiple formats.

Instant Feedback. The reconciliation functions in WisVote instantly tally participation data and flag mismatched data. Local election officials can immediately spot typos and make corrections before data is finalized. The process also requires affirmative clerk action to resolve or explain discrepancies.

Training Improvements. The breakdown of data by ward helps clerks to identify Chief Inspectors and other poll workers who need additional training or clarification on proper procedures. WEC training staff can likewise identify processes or personnel that need review.

Clerk Contacts. The deliberate reconciliation process forces election officials at all levels to engage with each other after an election - comparing data sets and reviewing processes. Rather than a passive reporting system, the reconciliation process necessitates a back-and-forth exchange between municipalities, counties, and the state.

3. Point of Contact. LAB staff may direct any questions about this data file or memorandum to Robert Kehoe, WEC Technology Director, at 608-261-2019 or robert.kehoe@wi.gov.



Wisconsin Elections Commission

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DATE: September 20, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)
Prepared by:
Robert Kehoe, Technology Director
SUBJECT: Data Request Dated September 13, 2021

1. **Purpose.** This memorandum provides an explanation of data files provided to the LAB via FTP site on or about September 20, 2021. The initial request, dated September 13, 2021, covered two data sets: (1) Voter Felon Audit responses from the Department of Corrections (DOC); and (2) updates to felon match data first provided to LAB on or about March 26, 2021. This memorandum addresses each topic in turn.

2. **Voter Felon Audit DOC Responses.** The September 13 request asked for, “the updated Voter Felon Audit spreadsheet (filled-in by DOC) through the SFTP.” This information is provided to LAB in an Excel file named:

LABAudit2021_DOC FVA Chart for Nov 2020 CONFIDENTIAL

The VFA process is described in a memorandum provided to LAB on or about June 17, 2021.

The Department of Corrections responses are found in columns W through AD on the Excel spreadsheet. Note that columns AC and AD (labeled “DOC Added Info”) were not part of the original WEC request and DOC elected to add this information on their own.

As of September 13, 2021, VFA records are in the following state:

- 147 initial potential matches
- 41 closed non-match or off paper prior to election date
- 53 remain in clerk review
- 53 have been referred to district attorney offices

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3. **Felon Match Updates.** The LAB asked that the original felon match data set be supplemented with the following additional status information regarding each voter's current registration status, registration list alert status, and most recent election participation. Although the LAB request only asked for updates on the 821 records in "Review" status, we have provided updates for all records. This information is provided in a Excel file named:

LABAudit2021_FelonMatches_V3

Requested supplemental information is contained in columns N through R of the spreadsheet.

The original dataset from March 26, 2021, identified 821 records with a RegListAlert status of "Review." As of September 17, 2021, all but one of those records is inactive. In fact, most of the records in all status types are now inactive.

3/26/21 RegListAlert	9/17/21 Active Status	9/17/21 Inactive Status
Accepted	15	1100
Declined	57	71
Review	1	820
Voting Rights Restored	56	136

Voter Status/Status Reason	Count
Active	129
Inactive	
4-Year Maintenance	676
Administrative Action	38
Deceased	5
Felon	1203
Incomplete EDR	7
Merged	36
Moved	102
Movers List	10
Undeliverable Mailing	50
Grand Total	2256

4. **Point of Contact.** LAB staff may direct any questions about this data file or memorandum to Robert Kehoe, WEC Technology Director, at 608-261-2019 or robert.kehoe@wi.gov.



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DATE: September 21, 2021
TO: Legislative Audit Bureau (LAB)
FROM: Wisconsin Elections Commission (WEC)

Prepared by:
Richard Rydecki, Deputy Administrator

SUBJECT: Voting Equipment Document and Information Request #4

1. **Purpose.** This memorandum provides an explanation of documents provided to the LAB on or about September 21, 2021. The initial request, dated September 3, 2021, covered several different topics related to voting equipment and voting equipment security.

2. **Request Details.**

a. Any instances from the November 2020 election where WEC advised municipalities to re-conduct public tests which were conducted outside of the 10-day public test window.

WEC Response: We have reviewed our emails again and were not able to find any examples of this issue for the 2020 General Election. Further detail on this can be found in the materials for the third documentation request that we compiled and sent over in late June, as that request asked basically the same question (i.e., noncompliance with pre-election testing rules). In these situations, we work with these municipalities to make sure they understand the requirements under the law and how they should publicly notice the public test and reconduct it in accordance with state statute.

b. Any tabulators in use in Wisconsin that tabulate votes by first taking an image of the ballot and then determining the vote cast from that digital image (as opposed to optically sensing the voter's selection from the paper ballot itself).

WEC Response: We were able to review the technical documentation for the Dominion Voting System ImageCast Evolution, Elections System and Software DS200 and the Clear Ballot Group ClearCast tabulators and confirm that all of these machines tabulate votes from the images recorded of each ballot when it is inserted into the machine. We have also confirmed this information with these vendors. In each case, a front and back image is taken of each ballot when it is inserted into the machine and those images are then passed to the tabulation software. Once, the votes are confirmed, or accepted, tabulation occurs and the data and files are saved on the memory device.

c. In the meeting, we discussed "hybrid" machines that are both ADA complaint and have tabulator functionality (such as the Sequoia AVC Edge). In WEC's opinion, are municipalities that use these machines required to publicize and conduct a public test on these machines?

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WEC Response: Statutorily, a municipality would have to conduct a properly noticed public test for any automatic tabulating equipment, including the Sequoia AVC Edge, that would be used in any election.

5.84 Testing of equipment; requirements for programs and ballots.

5.84(1)(1) Where any municipality employs an electronic voting system which utilizes automatic tabulating equipment, either at the polling place or at a central counting location, the municipal clerk shall, on any day not more than 10 days prior to the election day on which the equipment is to be utilized, have the equipment tested to ascertain that it will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given by the clerk at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in one or more newspapers published within the municipality if a newspaper is published therein, otherwise in a newspaper of general circulation therein. The test shall be open to the public. The test shall be conducted by processing a preaudited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each referendum. The test shall include for each office one or more ballots which have votes in excess of the number allowed by law and, for a partisan primary election, one or more ballots which have votes cast for candidates of more than one recognized political party, in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the municipal clerk shall ascertain the cause and correct the error. The clerk shall make an errorless count before the automatic tabulating equipment is approved by the clerk for use in the election.

- d. WEC's spreadsheet "WI Voting Equipment List by Municipality as of November 2020" lists the Town of Hackett in Price County as using the Sequoia Voting - AVC Edge equipment but not the VeriVote Printer DRE system. Please verify if this is the case in the Town of Hackett or if this is a mistake in the spreadsheet.

WEC Response: This was a typographical error made when compiling the information from the vendors. The list has been corrected and reposted here: <https://elections.wi.gov/elections-voting/voting-equipment/voting-equipment-use>. We can confirm that Town of Hackett uses the version of the Sequoia Edge with the printer.

- e. Please provide technical explanation of the VPN over which modemed results are transmitted.

WEC Response: An explanation of the SFTP and other security concerns addressed by the "zero tunnel" begin on page 12 of the ES&S EVS 6.0.4.0/6.0.5.0 application materials that have been previously provided to you. Additional info regarding this subject can also be found on page 17.

Additional information and a graphic showing the structure of the Zero Tunnel network can be found on page 73 of the ES&S system overview document for EVS 6.0.5.0.

- f. Please provide a list of any other machines approved for use (though may not be in use like iVotronic) that serve multiple purposes and include a tabulator function. We discussed the Sequoia AVC Edge; any others?

WEC Response: These units are as follows: Sequoia AVC Edge, iVotronic, and Accuvote TSX. Please note only the SVC Edge was used to conduct the 2020 General Election in Wisconsin. In addition, the Dominion ImageCast Evolution has ballot-marking device functionality and is also an optical scan tabulator, but it is technically not a Direct Recording Electronic machine.

- g. One of the requirements for the approval of a new EVS is that the vendor provide a list of municipalities and states where the system is already approved and for how long the system has been approved there. Please provide us with this documentation from the ES&S EVS 6.0.4.0 and EVS 6.0.5.0 approval process.

WEC Response: This information was provided as part of the application materials submitted by the vendor as part of the certification process. The states where this system version was approved at the time of the application were Delaware, Mississippi, North Dakota, Ohio and Utah.

- h. Please provide a list of all approved individual EVSs in Wisconsin (regardless of whether they're in use currently or not).

WEC Response: That list is as follows:

ES&S

- EVS 5.2.0.0, 5.3.0.0
- EVS 5.2.2.0, 5.3.2.0
- EVS 5.2.4.0, 5.3.4.0
- EVS 5.3.4.1
- EVS 6.0.4.0, 6.0.5.0
- EVS 6.0.4.3
- Unity 3.4.1.0

Dominion Voting Systems

- Democracy Suite - 4.14 D and DS
- Democracy Suite 5.5 C and CS
- Optech Insight (APXK2.10/HPX K1.42)
- AVC Edge (5.024)

Clear Ballot Group

- ClearVote 1.4
- ClearVote 2.0

- i. What criteria exist, if any, that triggers a full commission approval in the ECO approval process?

WEC Response: The Engineering Change Order (ECO) protocol has been provided along with this memorandum and it outlines the process for review and approval of ECOs. The workflows for when the full Commission would be involved in the ECO approval process are covered in sections III and IV of that document. In those instances, the Administrator or Commission Chair would have to disagree with the recommendation of the staff, and staff would then be directed on the type of testing campaign required for approval. The results of any test campaign conducted as part of this process would be presented to the Commission for its consideration of the application.

We have also provided you with materials that reference an instance where staff recommended a limited test campaign as part for the ECO approval process. These materials reference ES&S ECO 1052 which attempted to introduce 3g modems to EVS 6.0.5.0 even though that system version was only tested and approved with 4g modems. This recommendation was accepted and we have included the ECO approval letter to the vendor with these materials.

In addition, we have included a memorandum regarding an amended certification of ES&S EVS 5.3.4.1 which added 3g modems to that system version after WEC certification. The memo outlines the test campaign conducted by staff in support of this change as an example of a certification that was amended outside of the ECO process and was reviewed and approved by the full Commission. The vendor

attempted to then use ECO 1052 to add 3g modems to EVS 6.0.5.0, but never pursued the limited test campaign recommended by staff as part of the ECO process.

- j. At the time the ClearAccess 2.0 was approved in Wisconsin, were any other states or municipalities using this equipment? If so, please provide the list required by Administrative Rules, Chapter 7 of all states and municipalities where the ClearAccess 2.0 was previously approved for use and the length of time that the ClearAccess 2.0 had been used in those jurisdictions.

WEC Response: At the time of the 2019 ClearVote 2.0 certification in Wisconsin, there was no jurisdiction in the U.S., including Sheboygan or Chippewa Counties, with ClearVote 2.0 deployed. Wisconsin was the first state to approve ClearVote 2.0 after we received EAC certification, so there is no document responsive to this request.

3. **Summary of the Documents.** WEC staff have provided copies or links to representative examples of all requested documents. In addition, we have also provided explanations where necessary to answer questions where no document exists that could answer the exact question being asked.
4. **Point of Contact.** For any follow up questions you may have please contact Richard Rydecki at richard.rydecki@wi.gov or by phone at (608) 261-2015.



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Dec. 3, 2021

By email

Senator Robert Cowles
Representative Samantha Kerkman
Re: Response to Legislative Audit Bureau Report 21-19 on Elections Administration

Dear Senator Cowles and Representative Kerkman,

We are very pleased to let you know that the Wisconsin Elections Commission on Wednesday, Dec. 1 completed a deep and thorough review of the Legislative Audit Bureau's report on elections administration in the 2020 election cycle.

The bipartisan Commission – with three appointed Democrats and three appointed Republicans – made great headway and substantial progress in addressing recommendations cited in the LAB report. The Commissioners set aside political differences to reach agreement on a path forward to address the LAB's recommendations, many of which are reasonable and can be implemented in short order.

The Commission and staff leadership met for more than 10 hours Wednesday to diligently and seriously examine each one of the LAB's 30 recommendations. Over the course of the meeting, Commissioners considered a motion on each recommendation included in the LAB report, including important topics such as beginning the administrative rule drafting process on the use of drop boxes for absentee ballots, and the process for allowing municipal clerks to correct or add missing witness address information on absentee ballot certificates.

On most of the recommendations, the Commission acted unanimously to begin the administrative rulemaking process or take other appropriate first steps. For those recommendations, staff have been directed to prepare scope statements, which the Commission will review in the coming months. For a few recommendations, Commissioners decided to take no action because the WEC is already in compliance or the recommendation is not allowable under the law.

Included with this letter is a recommendation-by-recommendation summary account of the actions the Commission took on Wednesday. Additionally, draft meeting minutes will be available this afternoon [at this link](#). We look forward to working with you and members of your committee on any further questions or concerns you may have.

Thank you,
Chair Ann S. Jacobs
Commissioner Marge Bostelmann
Commissioner Julie Glancey
Commissioner Dean Knudson
Commissioner Robert Spindell, Jr.
Commissioner Mark Thomsen

Wisconsin Elections Commissioners

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Administrator
Meagan Wolfe

Recommendation No. 1 relates to updating existing Administrative Rule EL 12 to reflect a recent legislative change to the training terms for municipal clerks and to reflect the brand name “WisVote” instead of the generic term “statewide voter registration system (SVRS).”

Commission response: Direct staff to draft scope statement for an Administrative Rule that would 1) correct or strike training term reference to comport rule with current statute; 2) add a sentence that defines WisVote as the Statewide Voter Registration System and defines that the system name may change in the future.

Recommendation No. 2 suggests that the WEC should amend Admin. EL 12 to include very specific information on the method used to contact the governing bodies when municipal clerks do not report sufficient training.

Commission response: Staff is directed to create a scope statement that all municipalities must provide the WEC with their official mailing address for purposes of receiving notice that the clerk has not completed training.

Recommendation No. 3 suggests that once WEC amends Admin. EL 12 to include the specific method for contacting governing bodies, it should then follow said rule.

Commission response: Send notice of noncompliance by First Class mail to governing body within 30 days of deadline for noncompliant clerks.

Recommendation No. 4 suggests that the WEC should promulgate an administrative rule that specifies the content of training provided to special voting deputies (SVD) and election inspectors (poll workers).

Commission response: Direct staff to draft scope statement updating 2017 scope statement (EL 13) and bring back to Commission for review.

Recommendation No. 5 asks WEC to renew a data sharing agreement with the Wisconsin Department of Transportation (DOT).

Commission response: Direct staff to continue to work with DOT on updated agreement; keep provisions of current agreement in place while agreement is being updated. The final agreement should include a mechanism for keeping the agreement renewed by July every four years following the presidential election.

Recommendation No. 6 asks WEC to include a mechanism in the updated agreement to ensure that the agreement is kept up to date in the future.

Commission response: Same as Recommendation No. 5 above.

Recommendation No. 7 asks the WEC to work with the Department of Transportation to “obtain the electronic signatures of individuals who register online to vote, or to request that the Legislature modify the statutory requirement that the Wisconsin Elections Commission obtain [signatures].”

Commission response: WEC finds it has fully complied with all requirements of Wis. Stat. § 6.30(5) through its data sharing agreement with DOT, which allows WEC immediate access to those signatures.

Recommendation No. 8 asks the WEC to compare driver’s license and identification card numbers nightly to identify duplicate numbers.

Commission response: WEC has already begun complying with this recommendation regarding this practice. WEC has added the LAB recommendation to include a crosscheck of DL and ID numbers in addition to the data fields already included in the overnight matching process to identify duplicate voter registration records.

Recommendation No. 9 asks WEC to renew a data sharing agreement with the Wisconsin Department of Health Services (DHS).

Commission response: Although not statutorily required, WEC is already working to execute a data sharing agreement with DHS and to update the current data sharing agreement with DOC and will ensure that they are reviewed and renewed, as needed.

Recommendation No. 10 asks WEC to include a mechanism in the updated agreement to ensure that the agreement is kept up to date in the future.

Commission response: Included in response to Recommendation No. 9 above.

Recommendation No. 11 asks WEC to renew a data sharing agreement with the Wisconsin Department of Corrections (DOC).

Commission response: Included in response to Recommendation No. 9 above.

Recommendation No. 12 asks WEC to include a mechanism in the updated agreement to ensure that the agreement is kept up to date in the future.

Commission response: Included in response to Recommendation No. 9 above.

Recommendation No. 13 asks the WEC to establish a schedule for regularly obtaining each type of ERIC data and a plan for action on these data. ERIC is the Electronic Registration Information Center.

Commission response: WEC directs staff to produce a calendar available to the public that shows the annual schedule and cycle of when WEC obtains and acts on each type of data. WEC has been regularly obtaining all types of ERIC data. WEC is in compliance with the ERIC membership agreement.

Recommendation No. 14 relates to the absentee ballot certificate envelope and a field on the certificate for the witness' printed name.

Commission response: WEC directs staff to add ballot envelope redesign as an item to a future meeting's agenda.

Recommendation No. 15 relates to augmenting existing training or providing new training related to the requirement that clerks initial absentee certificate envelopes when issuing ballots during in-person absentee voting.

Commission response: The WEC will provide additional training on the requirement to initial absentee ballot certificate envelopes, ballot processing, pre-election tests of electronic voting equipment, and reviewing of election day forms.

Recommendation No. 16 relates to the promulgation of an Administrative Rule regarding guidance issued by the Commission in 2016 relating to municipal clerks' ability to correct or add missing witness information on returned absentee ballot certificate envelopes.

Commission response: WEC directs staff to prepare a draft scope statement and provide Commissioners with two versions, one that mirrors current guidance and also includes the staff's best alternative proposal; and the second with staff's best alternative as the scope statement with the current guidance as an alternative. Both scope statements should be prepared for the 3/9/2022 Commission meeting.

Recommendation No. 17 relates to the suggestion that the WEC promulgate an Administrative Rule that clarifies the use of drop boxes by municipalities.

Commission response: WEC directs staff to draft a scope statement regulating drop box usage based on current WEC guidance.

Recommendation No. 18 suggests that the Commission promulgate an Administrative Rule specifying the situations when municipal clerks should not send Special Voting Deputies to residential care facilities and qualified retirement homes.

Commission response: No action taken by WEC.

Recommendation No. 19 asks the Commission to rescind or amend a 12-page memorandum issued by the WEC to all Wisconsin election officials on October 22, 2020 that informed clerks and board of canvass members about end-of-night procedures for election day and the ability of the canvass to adjourn prior to completion.

Commission response: A motion to remove one sentence from the October 2020 memo regarding protocols for handling emergency situations during a canvass failed on a 3-3 vote.

Recommendation No. 20 suggests the Commission consider promulgation of an Administrative Rule to allow municipal clerks to adjourn in certain circumstances before ballot counting is complete.

Commission response: WEC finds that state law does not permit the agency to promulgate a rule that allows for adjournment of the canvass.

Recommendation No. 21 suggests that the Commission rescind or amend a memorandum issued regarding relocating polling places. The memorandum in question was specific to the April 2020 election and Executive Order #72.

Commission response: WEC finds that this recommendation is moot as the guidance was applicable only to the April 2020 election. WEC further directs staff to add a disclaimer that this guidance was only applicable to the April 2020 election and that this was affirmed by the Commission during their 12/1/2021 meeting.

Recommendation No. 22 relates to the potential need for a long-term Administrative Rule or addition to the Commission's legislative agenda to account for future pandemics, natural disasters, and similar catastrophic events that impact polling place locations or necessitate last-minute changes.

Commission response: WEC directs staff to draft a scope statement for an Administrative Rule relating to the need to relocate polling places due to natural disasters, pandemics, etc.

Recommendation No. 23 suggests clerks and election inspectors would benefit from additional training from WEC regarding ballot processing and post-election data entry of election statistics into the statewide voter registration system.

Commission response: WEC directs staff to provide additional training on the requirement to initial ABS ballot certificates, on ballot processing, on pre-election public test of voting equipment and on reviewing election day forms.

Recommendation No. 24 suggests the Commission should provide more, or updated, training on the pre-election test of voting equipment required before each election.

Commission response: Included in response to Recommendation No. 23 above.

Recommendation No. 25 relates to a suggestion from LAB that WEC provide training to municipal clerks on reviewing Election Day forms after each election and investigating relevant issues, including those related to tamper-evident seals.

Commission response: Included in response to Recommendation No. 23 above.

Recommendation No. 26 details the need for required Administrative Rule promulgation pertaining to electronic voting equipment and software security.

Commission response: WEC directs staff to redraft and update the 2017 scope statement for EL 7 and bring scope statement back to Commission for consideration.

Recommendation No. 27 states WEC should ensure equipment vendors provide additional training to municipal clerks on ensuring that ballots are counted accurately when paper jams occur in electronic voting equipment.

Commission response: WEC directs staff to bring this issue to the vendors' attention so that they can emphasize clearing paper jams during training.

Recommendation No. 28 states that WEC should comply with state statutes by calculating an error rate for each type of electronic voting equipment used in each General Election.

Commission response: WEC directs staff to draft scope statement that defines different error rates, including a memo that includes background information for scope.

Recommendation No. 29 relates to LAB's suggestion that WEC promulgate Administrative Rules for considering complaints alleging violations of election laws.

Commission response: Given Wis. Stat. § 5.05, the WEC declines to undertake the rulemaking process since the law is clear, WEC is following statute, and the process has worked well.

Recommendation No. 30 suggests using newly purchased customer service software to track and report customer contacts.

Commission response: WEC will use new customer service software to track and report customer contacts. The new software is currently being implemented.